



FINAL ENVIRONMENTAL IMPACT STATEMENT AMENDING AND ADOPTING THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR COYOTE WIND PROJECT COYOTE WIND, LLC

Sweet Grass County, Montana



Montana Department of Natural Resources and Conservation
Southern Land Office
Airport Industrial Park
1371 Rimtop Drive
Billings, MT 59105

November 2009

**FINAL ENVIRONMENTAL
IMPACT STATEMENT
For the
COYOTE WIND PROJECT**

**COYOTE WIND, LLC
SWEET GRASS COUNTY, MONTANA**

November 2009



**State of Montana
Montana Department of Natural Resources and Conservation
Southern Land Office
1371 Rimtop Drive
Billings, MT 59105-1978**

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION



BRIAN SCHWEITZER, GOVERNOR

SOUTHERN LAND OFFICE

STATE OF MONTANA

PHONE: (406) 247-4400
FAX: (406) 247-4410

AIRPORT BUSINESS PARK
1371 RIMTOP DRIVE
BILLINGS, MT 59105-1978

November 12, 2009

Dear Interested Party:

The Department of Natural Resources and Conservation (DNRC) has determined that the substance of the 177 written and verbal comments received from the 21 people who commented in response to the Coyote Wind Project Draft Environmental Impact Statement (DEIS) does not require new scientific analysis warranting the publication of a Final Environmental Impact Statement (FEIS) document. Therefore, the DNRC has adopted the DEIS, with the following additions listed below, as the FEIS for the project, pursuant to the process specified in the Administrative Rules of Montana, 36.2.530.

The FEIS is composed of the DEIS and the following:

- Responses to all substantive comments on the DEIS,
- Corrections to errors in the text of the DEIS,
- Warranted changes amending the DEIS in response to the comments,
- A table with a summary of the comments on the DEIS, summary of responses, and guide to where in the FEIS the comment is addressed,
- A copy of all comments received on the DEIS.

The Record of Decision for this project will be completed and distributed on or after November 30, 2009. Questions regarding this project may be directed to Richard Moore, Area Manager, DNRC Southern Land Office, (406) 247-4401.

Table of Contents

Chapter 1: Introduction and Background.....	1
1.1 Purpose and Benefits of the Proposed Action.....	1
1.2 Alternatives Description	2
1.2.1 Proposed Action Alternative.....	2
1.2.2 No Action Alternative.....	3
Chapter 2: Analysis of Comments	5
2.1 General Issues	6
2.1.1 Compliance with MEPA	6
2.1.2 Clarification of Project Elements.....	8
2.1.3 Other Issues.....	10
2.2 Geology and Soils.....	12
2.2.1 Comment Summary	12
2.2.2 Issues Raised and Responses	12
2.3 Hydrology and Water Quality.....	13
2.3.1 Comment Summary	13
2.3.2 Issues Raised and Responses	13
2.4 Land Use and Recreation	14
2.4.1 Comment Summary	14
2.4.2 Issues Raised and Responses	14
2.5 Transportation.....	16
2.5.1 Comment Summary	16
2.5.2 Issues Raised and Responses	17
2.6 Socioeconomics	19
2.6.1 Comment Summary	19
2.6.2 Issues Raised and Responses	19
2.7 Terrestrial Vegetation and Habitats	22
2.7.1 Comment Summary	22
2.7.2 Issues Raised and Responses	22
2.8 Wildlife	24
2.8.1 Comment Summary	24
2.8.2 Issues Raised and Responses	24
2.9 Cultural Resources.....	28
2.9.1 Comment Summary	28
2.9.2 Issues Raised and Responses	29
2.10 Noise	29
2.10.1 Comment Summary	29
2.10.2 Issues Raised and Responses	30
2.11 Visual Resources.....	31
2.11.1 Comment Summary	31
2.11.2 Issues Raised and Responses	31
Chapter 3: Changes to Draft Environmental Impact Statement.....	35
Chapter 4: Distribution List	47
Chapter 5: References Cited in FEIS	51
Chapter 6: Revised and New Figures.....	55

Chapter 7: Comment Summary 85

Tables:

Table 1-1.....85
Table 2.3-1 rev. Comparison of wind development activity under No Action and Proposed Action alternatives, Coyote Wind Project, Sweet Grass County, MT..... 37
Table 3.7-1-rev. Grasses and forbs found on the state parcel, Sweet Grass County, MT, August 2008..... 38
Table 3.8-1-rev. Wildlife species of concern documented during field surveys or with potential to occur in the Coyote Wind Project Region, Sweet Grass County, MT..... 39
Table 4.8-2. Distances between turbines (under both alternatives) and sensitive wildlife features in the Coyote Wind Project region, Sweet Grass County, MT..... 43
Table 4.10-2-rev. Predicted noise levels – No Action Alternative, Coyote Wind Project, Sweet Grass County, MT..... 43
Table 4.10-4-rev. Predicted noise levels – Proposed Action Alternative, Coyote Wind Project, Sweet Grass County, MT..... 44

Appendices:

- Appendix A: Written comments received by DNRC during the public comment period
- Appendix B: Transcript of oral comments made at public hearing

Chapter 1: Introduction and Background

This Final Environmental Impact Statement (FEIS) adopts the Draft Environmental Impact Statement (DEIS) for the Coyote Wind Project, published 10 August 2009, as final with amendments made in response to public comments. This EIS has been prepared by the Montana Department of Natural Resources and Conservation (DNRC) to assess the impacts of leasing 640 acres of school trust land in Sweet Grass County (Section 36, Township 1 North, Range 12 East) to Coyote Wind, LLC (Coyote Wind) for the placement of up to eight wind turbines to generate electricity. This section of land was previously identified in a statewide study of Trust lands (Wilde 2004) as having characteristics that would be conducive to wind energy development. Coyote Wind is owned by Enerfin Energy Company (Enerfin; 95% ownership) and Alternity Wind Power (AWP; 5% ownership). It is Enerfin's intention to be the owner/operator for the life of the project. The Proposed Action would be implemented in 2010 or 2011, and Enerfin and the DNRC would enter into a 20-year lease, with the potential of extending the lease term by mutual agreement of the State and Coyote Wind.

Under the Montana Environmental Policy Act (MEPA), the intent of the FEIS is to summarize comments and participation from the public and interested agencies regarding the adequacy, direction, breadth, and extent of the analysis contained in a DEIS. Comments are evaluated based on their content, relevance, and jurisdiction of DNRC and associated agencies. Public comments may redirect the analysis or require new analyses. MEPA requires agencies to include in the FEIS all comments, or a representative sample of comments and the agency's response to all substantive comments. Copies of all comments received on the DEIS for the Coyote Wind Project are found in Appendix A of this document, and the transcript from the public hearing in Appendix B. Table 1-1, provided in Chapter 7, is a summary of all comments and the responses which are further detailed in sections 2 and 3 of this document.

Once the FEIS is completed, DNRC will complete and distribute a Record of Decision (ROD) a minimum of 15 days after distribution of the FEIS. The ROD is a concise public notice of DNRC's decision, explaining the reasons for the decision and any special conditions surrounding the decision or its implementation (Mundinger and Everts 2006).

1.1 Purpose and Benefits of the Proposed Action

Article X, Section 4 of the Montana Constitution provides that the Board of Land Commissioners "...has the authority to direct, control, lease, exchange, and sell school lands and lands which have been or may be granted for the support and benefit of the various state educational institutions, under such regulations and restrictions as may be provided by law." The Land Board is composed of the Governor, Secretary of State, Attorney General, Auditor and Superintendent of Public Instruction. Section 77-1-202 of the Montana Code Annotated (MCA) further states explains the Land Board's powers and duties: *"In the exercise of these powers [of the board], the guiding principle is that these lands and funds are held in trust for the support of education and for the attainment of other worthy projects helpful to the well-being of the people of this state as provided in The Enabling Act. The board shall administer this trust to secure the largest measure of legitimate and reasonable advantage to the state and provide for the long-term financial support of education."*

Also, as specified in MCA 77-1-303 “Under direction of the board, the department [DNRC] has charge of the selecting, exchange, classification, appraisal, leasing, management, sale, or other disposition of the state lands. It shall perform such other duties the board directs, the purpose of the department demands, or the statutes require.” Montana state law mandates the “highest development of state-owned lands in order that they might be placed to their highest and best use and thereby derive greater revenue for the support of the common schools” (77-1-601; MCA 2007). DNRC’s stated objectives in issuing RFPs for wind development on school trust lands are:

- To lease state trust lands for wind exploration and new commercial-scale wind facilities
- To generate income for state trust beneficiaries that reflects fair market value of the use of trust lands for wind energy development
- To achieve commercial operation of the wind projects as soon as possible, with minimal impacts to the environment (DNRC 2008)

In 2003, the Montana Wind Energy Working Group was formed, and included representatives of state government agencies (including Montana Department of Environmental Quality [DEQ] and DNRC), utilities, and other wind resource groups. Its stated goal was “to promote wind power purchases to utilities and other power purchasers and to proactively support projects and initiatives that will stimulate development of Montana’s wind resources” (Montana Wind Working Group 2003). The purpose of the Coyote Wind Project is to fulfill the school trust land management mandate and the Montana Wind Working Group goal.

1.2 Alternatives Description

Two alternatives were evaluated in detail in this EIS:

- The Proposed Action Alternative describes the wind development on the state parcel including associated facilities and roads, construction activities, operation and maintenance activities, mitigation inherent in project design, and decommissioning. Under this alternative there would be up to 8 turbines on state land (capacity of 14.4 MW) and 36 turbines on private land (capacity of 64.8 MW).
- The No Action Alternative assumes the DNRC would not lease the state parcel to Coyote Wind, and land use and revenue for that parcel would continue in its current state. Coyote Wind is constructing 36 wind turbines on private land to the south and west of the state parcel (for a capacity of 64.8 MW). Development on private land is not part of the action being evaluated in this EIS. It is, however, considered in the effects analysis as part of the existing condition under the No Action Alternative.

1.2.1 Proposed Action Alternative

As proposed, a commercial lease would be entered into between DNRC and Coyote Wind, and the state parcel would have up to 8 wind turbines installed on the western and central portions of the parcel (Figure 2.2-1-rev). These locations were chosen to maximize the robust wind resource in unobstructed locations, including maximizing the energy capture and minimizing the wake and losses caused by the array of turbines on the parcel. Locations were also chosen to minimize environmental impacts.

The significant proposed infrastructure improvements on the state parcel would include:

- roads
- wind turbine foundations
- underground electrical collection system

The state parcel would be accessed via Interstate 90 and county roads. Access to turbines located on the parcel would be achieved via a primary graveled access road with branches to the individual turbine locations. The wind turbines planned for the site are manufactured by Vestas and are the V90-1.8 MW model. The capacity of the Project is 14.4 MW on the state parcel. The power produced would connect to the transmission system through the Lower Duck Creek Sub-Station and NorthWestern Energy's Big Timber-Clyde Park transmission line.

The Project would begin construction in 2010 or 2011. The basic infrastructure, including roads and turbine foundations would be constructed first, then the wind turbines would be erected with the expectation the Project would come on line by 2012. The Project would be in operation 24 hours per day, 365 days per year unless off-line for maintenance due to malfunction. The expected life of the Project is approximately 20 years. At the end of this period DNRC and Coyote Wind may choose to renew or extend the lease agreement in which case the equipment would likely be upgraded. If the lease is not renewed, Coyote Wind would decommission the Project, remove the turbines and the associated infrastructure, and reclaim and restore the site as closely as possible to its natural state.

1.2.2 No Action Alternative

Under the No Action alternative, DNRC would not issue a lease to Coyote Wind for the development of wind energy on the state parcel. Land use on the state parcel would continue as is. There would be no wind turbines on the state parcel, however the wind project on the adjacent private land would continue. The state land trust beneficiary, the Common Schools Trust, would generate no revenue from wind development.

This page intentionally blank.

Chapter 2: Analysis of Comments

The comment period on the DEIS encompassed 32 days from August 10 to September 11, 2009 (MEPA requires a minimum of a 30 day comment period). Each comment was classified by the resource area addressed, and then forwarded to the appropriate specialist for assessment. Resource specialists read each comment, and responded with a brief analysis of how the DEIS addressed the comment, or when necessary, with additional analyses to answer the comment. Some comments requested analysis beyond the scope of the EIS or of MEPA, outside of the jurisdiction of DNRC, or inconsistent with the legal framework associated with the process of leasing School Trust land. These comments are catalogued in this report in Table 1-1 and Appendices A and B, but no further analysis was completed.

Thirteen individuals or entities submitted written comments to DNRC during the public comment period on the DEIS, and 8 people commented at the September 2, 2009 public hearing. Five sets of written comments were received from agencies, law firms, and non-governmental organizations, the balance from individual citizens. Most commenters addressed more than one topic or resource area in their submittals. Four of the written comment letters received expressed support for the designation, but did not request specific direction or analysis in the FEIS. These comments were duly noted, but no other response was required. All comments received are summarized in Table 1-1, and full comment letters and the transcript from the public hearing are included as Appendices A and B respectively. If a comment addressed an issue outside the scope of MEPA, or expressed an opinion not requiring a response, that is noted in Table 1-1, but not addressed further. The remaining comment letters contained at least one substantive issue that is addressed in this FEIS, organized by resource areas below.

Where appropriate, section numbers, page numbers, or figure and table numbers from the DEIS as published by DNRC have been included to assist the reader. These page numbers refer to the locations of any changed text, figures or tables in the DEIS, or direct the reader to places in the DEIS used to address a comment. New tables and text are accompanied by a reference to an approximate insertion point in the DEIS and are contained in section 3 of this FEIS. Introductory material sufficient to allow this document to stand alone as a summary of the changes to the DEIS has been included. However, the FEIS does not replace the DEIS which contains the bulk of the analyses used to evaluate the alternatives.

In April 2009 the Montana Legislature passed House Bill (HB) 529 which amended the environmental review requirements for energy development projects on state land. The change relevant to this document is in Montana Code Annotated (MCA) 77-1-122 that limits the scope of environmental review for any proposed action on state land to the impacts of the proposed action within the boundaries of the state land parcel when the state land makes up less than 33% of the total land area of the project. This statutory change is relevant to a number of the comments received on the Coyote Wind Project and is cited where appropriate below.

2.1 General Issues

2.1.1 Compliance with MEPA

2.1.1.1 Comment Summary

A number of comments expressed concern that the DEIS was deficient in some ways and thus was not in compliance with MEPA. Specific concerns focused around the following topics:

- Deficient alternatives analysis
- Failure to provide proper notice of availability of the DEIS
- Comment period on the DEIS should be extended
- Inadequate evaluation of cumulative effects
- Violation of open disclosure

2.1.1.2 Issues Raised and Responses

Deficient alternatives analysis

Several comments stated that the No Action Alternative should have considered the alternative that no development would occur on either private or state land (comment nos. 8,27,87,122). One comment said less intensive development or different turbine configurations on state land should have been considered, and another stated the alternative of sale of the state parcel should also have been considered (comment nos. 9,93,99,126,144).

DNRC has established a precedent of considering the development on private land as part of the No Action Alternative when evaluating projects such as the proposed Coyote Wind Project. According to DNRC legal counsel, the precedent complies with MEPA. If the analysis identified issues or concerns with the proposed turbine configuration on the state parcel, alternate configurations were considered in development of the FEIS and lease agreement (e.g. changing the location of turbine CT-4 as described in sections 2.7 and 2.8 below). The existing configuration was designed to avoid sensitive resources (e.g., prairie dog town, wetland features, tops of ridges). The sale of the state parcel was not considered a reasonable alternative. While this option may have provided more income to the state amortized over a 20-year period, the state would no longer own the land and thus would sacrifice all income generating potential into the future. If the state were to sell the parcel, they would have to comply with existing laws regarding sale of state land, e.g., sell the land at a public oral auction. There would be no guarantee as to who the successful purchaser would be and therefore it would not be known if such an action would be more or less beneficial to the environment.

DNRC failed to provide proper notice of availability of the DEIS

One person said they specifically requested to receive notice of the DEIS and that they were not notified (comment no. 23). However, according the DNRC records, that individual was mailed notice on 10 August 2009 along with the other interested parties that had previously requested to be notified of the release of the DEIS. The release of the DEIS was also placed on the DNRC website on 10 August 2009. This web site notice included an invitation for public comment and noticed the public meeting in Big Timber.

Another comment stated no legal notice was published in the Big Timber Pioneer and thus the process for public participation is in question (comment no. 88). Notice of the availability of the DEIS was mailed directly to all parties who had requested to receive this information. A page 2 article about the availability of the DEIS, and details about the public hearing and how the public could comment was published in the Big Timber Pioneer on 13 August 2009. While not in the "legal notice" section of the newspaper, the location and size of this information was clearly more visible to most readers than a legal notice. DNRC MEPA Administrative Rule 36.2.532 for distribution of the DEIS and 36.2.543 regarding Public Hearings were followed. ARM 36.2.543 states that "The news release or legal notice must advise the public..." so clearly the intent is that some type of public notice should be provided. In addition, the DNRC did publish a legal notice in the Livingston Enterprise on 31 August 2009 and thus meets the notice requirement in MEPA. DNRC published the DEIS, all requisite information about how the public could submit comments, and information about the public hearing on their website. DNRC also issued a press release regarding the availability of the DEIS and public meeting to regional media outlets including newspapers, radio and television stations. DNRC followed all MEPA requirements pertaining to public notice and input.

Comment period should be extended

Several of the comments requested additional time for the public to comment on the DEIS (comment nos. 23,34). MEPA requires that a minimum of 30 days be provided for the public to comment. DNRC complied with that comment period. DNRC has the discretion to extend the comment period if petitioned. However, DNRC is more likely to extend the period if the request is received during the 30-day comment period, not after. In this case, DNRC is not of the view that there is an adequate basis to extend the comment period.

No public forum for input to Sweet Grass County commissioners

One comment expressed concern that there was no public forum for input to Sweet Grass County Commissioners (comment no. 97). Sweet Grass and Park Board of County Commissioners were both provided copies of the DEIS and were notified in the same manner as the general public. There is no requirement under MEPA to have a separate public forum for county commissioners. In addition, Enerfin met with representatives of both counties in September 2009 and there were no objections. The language in section 1.5 of the DEIS has been modified to indicate this.

Inadequate evaluation of cumulative effects

Several comments stated the DEIS fails to adequately analyze cumulative effects because the Proposed Action would double the width of the footprint of the project under the No Action, when measured from north to south, thus exposing twice as much of the local environment to the east to negative impacts such as dust, noxious weeds, light, noise, and visual (comment nos. 85,127). The commenter references section 4.2.2.3 of the DEIS incorrectly by stating this section says cumulative effects of Proposed Action are similar to No Action. Section 4.2.2.3 (geology and soils) states cumulative impacts of the Proposed Action are similar to the direct and secondary effects of the Proposed Action. All of the negative effects referenced by the commenter are discussed in the relevant sections of the DEIS (noxious weeds in section 4.7-Terrestrial Vegetation and Habitats; noise in section 4.10, Noise; and light and visual in section 4.11, Visual Resources) and dust is discussed under air quality below. Cumulative effects are discussed at a level to meet MEPA requirements.

Violation of open disclosure

One comment stated that the open disclosure requirement had been violated because information on actual size and immensity of the project was withheld from the public during scoping (comment no. 98). The Proposed Action Alternative, leasing the state parcel for the purpose of construction and operation of up to 8 wind turbines, would be the only component of the total Coyote Wind Project that DNRC would have jurisdiction over. Whether or not to lease the land for that purpose is the decision being considered. No information known during the scoping process relative to leasing the state parcel was withheld from the public.

2.1.2 Clarification of Project Elements

2.1.2.1 Comment Summary

A number of comments addressed aspects of the DEIS that required clarification. These comments are addressed below.

2.1.2.2 Issues Raised and Responses

One comment requested a citation to a statute or rule in addition to the personal communication with Bollman to support the information in DEIS section 4.6.2.1 that states “*additional annual fees would be calculated as 3% of gross annual revenues, or \$1,500/year for each MW of installed capacity, whichever is greater*” (comment no. 18). The 3% gross annual revenues or \$1,500/year are not statutory minimums. These were the minimum values placed in the initial DNRC Request for Proposals (RFP) for wind development on the state parcel in 2005. Those rates were mostly derived by contact with other states with Trust land, as well as anecdotal information on rates that were paid to private landowners.

Another comment (no. 19) mentioned litigation pending before the Montana Supreme Court case (PPL Montana, LLC v. State of Montana, Case No. DA 08-0506) and said this case has caused the DNRC and the State Land Board to completely change the way it imposes costs on electric power generation projects. The commenter assumed costs to Coyote Wind would be recalculated once the Supreme Court issues a ruling on this case. This case addresses whether or not Federally-licensed hydroelectric power facilities that are located on riverbeds of navigable streams and rivers are required to pay rent for the use of the navigable waterway. The outcome of this case would not affect the Proposed Action evaluated in this DEIS.

One comment requested clarification on whether more than one turbine type was being contemplated for use by Coyote Wind (comment no. 24). As stated on page 16, section 2.2.4.3 of the DEIS only one turbine type, Vestas V90-1.8 MW is being considered for use. Another comment asked for clarification of DEIS Introduction, page 1, “approximately 8 turbines” (comment no. 91). The intent of Coyote Wind is to install up to 8 turbines.

Another comment asked why the speed at which the turbines shut down is less than the average wind speed (comment no. 71). The average wind speed is about 18 mph and the speed at which the turbines shut off is about 56 mph, so the commenter was mistaken (see Appendix B).

One comment asked what the average production levels would be assuming 79.2 MW is maximum capacity (comment no. 110). According to Martin (pers. comm. 2009), the gross expected annual energy production for the wind farm, including farm efficiency, is 269.7 GW. After applying 6.5% system losses (such as electrical or maintenance) the net energy output estimated for the wind farm is 252.1 GW (net capacity factor of 36.3%). This net energy output estimate has been calculated at the Lower Duck Creek Substation, the interconnection point of the wind farm within the Park Electric Cooperative System.

Another commenter mentioned that Enerfin advised county officials that the name of Coyote Wind, LLC was changed to Sweet Grass Wind (comment no. 25). The commenter searched the Montana Secretary of State's records and found no entity name "Sweet Grass Wind" thus calling into question whether the lessee is financially stable and a viable entity. As long as the new entity is licensed to do business in Montana with the Secretary of State, DNRC is not as concerned with a name change, especially where it does not change the actual project ownership. DNRC does have an interest in the financial viability of its lessees, especially for commercial uses. DNRC has investigated Enerfin and its owner, Grupo Elecnor.

One commenter (comment nos. 29,30) requested clarification regarding when construction would begin because the DEIS says 2010 and Enerfin representatives said 2011 at the September 2 public hearing. Construction would begin in 2010 or 2011 and the FEIS reflects this change. One comment requested information about scheduling (comment no. 112). The specifics of when construction would begin (e.g. month) are not known at this time. The lease agreement with DNRC would have a window when construction under the lease would be allowed. Another individual requested information on the height of the towers (turbines) or type of towers being proposed to be installed on the state or private lands (comment no. 44). This information is provided on page 16 of the DEIS; section 2.2.43 (base to hub is 262 ft; turbine type would be Vestas V90-1.8 MW turbines).

One person asked for clarification on who "They" referred to on DEIS page 15, 3rd paragraph, is (comment no. 66). "They" refers to Coyote Wind. Clarifying language has been added per this FEIS.

Several comments requested clarification about Coyote Wind's source of gravel or aggregate, and if quarrying would occur on the state parcel (comment nos. 95,108,124). A related comment asked if the cut and fill would be balanced or if there would be removal of areas to provide fill (comment no. 104). No quarrying would be allowed on the state parcel under the proposed lease agreement. DNRC does not have jurisdiction over quarrying on private land. Coyote Wind may use gravel on private land, but expects to buy gravel from existing quarries (Martin pers. comm. 2009). Another comment asked where fill material to close trenches would be acquired (comment no. 108). Trenches would be backfilled with the material excavated from the trench. No new material would be needed (Martin pers. comm. 2009).

2.1.3 Other Issues

2.1.3.1 Comment Summary

A number of other miscellaneous issues were raised in comments and are addressed below. These generally addressed:

- Cumulative effects of wind development and possible future oil and gas development
- Fire fighting plan
- Certified undaunted steward
- Bonding requirement
- Air quality
- Ice throw

2.1.3.2 Issues Raised and Responses

Cumulative effects of future oil and gas development

Several comments stated the DEIS did not consider the cumulative effects under a scenario where oil and gas development would occur along with the wind project on the state parcel (comment nos. 15,40,86,127). Oil and gas development on the state parcel is not considered “reasonably foreseeable.” Devon Energy Production Company LP has a lease agreement with the State that gives them 10 years to develop oil and/or gas on the state parcel. If they do want to develop, a separate environmental review would be required. The fact that there is a lease does not mean it is likely there would be development. Prior to Devon Energy having their lease, there was a previous oil and gas lease that was not developed. The state parcel is not in an active, known oil field.

Fire fighting plan

One comment (no. 72) asked if a fire fighting plan would be required. DNRC’s lease agreement would require Coyote Wind to be responsible for all fire prevention and suppression work necessary or required to protect the forage, trees, buildings and structures on the state parcel.

Certified undaunted steward

Comment no. 69 states the State is a "Certified Undaunted Steward" for the state parcel and should be maintaining a written grazing plan for his entire operation. DNRC has no record of this state parcel participating in this program (Bollman pers. comm. 2009).

Bonding requirement

Several comments (comment nos. 84,107) request clarification on bonding requirements the DNRC would require of Coyote Wind. DNRC’s lease agreement does require Coyote Wind post a bond to ensure compliance with the lease.

Air quality

One comment stated existing or pending federal EPA regulations re: airborne particulates should be evaluated (comment no. 94). Air quality issues for the Coyote Wind Project would be under the jurisdiction of the Montana Department of Environmental Quality, not EPA (Burns pers.

comm. 2009). DEQ was provided with a copy of the DEIS and did submit comments; none related to air pollution. No wind farms currently in Montana are required to have air quality permits (Coate pers. comm. 2009). Airborne particulates are not produced by an active wind farm. Particulates would only potentially be an issue during construction. Dust control would be the responsibility of any construction contractor and not Coyote Wind. The contractor would be required to apply water or other dust control as necessary, thereby mitigating impacts from airborne particulates.

Ice throw

One comment expressed concern over a phenomenon known as “ice throw,” whereby turbine blades can, under certain atmospheric conditions, shed ice fragments up to several hundred meters away potentially causing damage to persons, vehicles or buildings (comment no. 22). The shedding is caused by both gravity and the mechanical forces of rotating blades. Analysis was done for both the private and state parcels by using the largest radius of 684 feet or 208.5m (determined using the formula described below) surrounding each proposed turbine location and using GIS to overlay potential ice throw areas with map layers for all infrastructure features in the project area. The analysis results showed that no structures or areas with concentrated human activity were within potential range of ice throw under either the No Action or Proposed Action alternative (Figure 4.13-1). Features such as fences, dirt ranch roads, and some powerlines were within range. Occurrence of this phenomenon is likely to be extremely rare, and is not anticipated to create any negative impacts. In addition, Coyote Wind is considering installing a Low Temperature (LT) option to avoid icing events, a package provided by the turbine manufacturer.

The following information is provided to inform mitigation in the unlikely event it should be necessary (Wahl and Giguere 2006).

- Turbine Siting: Locating turbines a safe distance from any occupied structure, road, or public use area [formula for calculating a safe distance: $1.5 * (\text{hub height} + \text{rotor diameter})$]. As stated above, turbines for this project already comply with this recommendation.
- Physical and Visual Warnings: Placing fences and warning signs as appropriate for the protection of site personnel and the public.
- Operator Safety: Restricting access to turbines by site personnel while ice remains on the turbine structure. If site personnel absolutely must access the turbine while iced, safety precautions may include remotely shutting down the turbine, yawing to place the rotor on the opposite side of the tower door, parking vehicles at a distance of at least 100 m from the tower, and restarting the turbine remotely when work is complete. As always, standard protective gear should be worn.
- Turbine Deactivation: Remotely switching off the turbine when site personnel detect ice accumulation. Additionally there are several scenarios which could lead to an automatic shutdown of the turbine:
 - Detection of ice by a nacelle-mounted ice sensor which is available for some models (with current sensor technology, ice detection is not highly reliable)

- Detection of rotor imbalance caused by blade ice formation by a shaft vibration sensor; note, however, that it is possible for ice to build in a symmetric manner on all blades and not trigger the sensor.
- Anemometer icing that leads to a measured wind speed below cut-in.

2.2 Geology and Soils

2.2.1 Comment Summary

There were several comments on issues regarding impacts to geology and soils from the proposed Project. The comments generally fell into three areas, soil conservation during construction; reclamation in the future when the project would be decommissioned; and inclusion of private lands in the soils and geology discussion.

2.2.2 Issues Raised and Responses

Reclamation of soil resources on the state parcel

One comment noted that adequate reclamation of soil resources on the state parcel would be difficult, and that it would not be possible to fully eliminate the damage to soil resources when the towers would be disassembled at the end of the project (comment no. 47). The DNRC would require a reclamation plan as part of the lease agreement with Coyote Wind. This plan would outline specific requirements regarding site grading, re-contouring to facilitate proper drainage, removal of the top one meter concrete base structures, topsoil use, seeding all disturbed areas with native grass seed, road reclamation, removal of all culverts, etc. and would include a provision allowing DNRC to conduct a final visual inspection of the site prior to deeming the reclamation complete. However, there would unquestionably be soil removed, displaced or altered in the process of road construction and tower assembly/disassembly and associated activities; primarily confined to a relatively small area within the state parcel. These are unavoidable impacts associated with this type of project. With proper reclamation as required by the DNRC there should be minimal residual impacts to soils or geology after removal of the towers.

Sweet Grass Conservation District

Another comment expressed concern that the Sweet Grass Conservation District was not included in the DEIS analysis (comment no. 125). The Natural Resources Conservation Service (NRCS), formerly known as the Soil Conservation Service, is solely responsible for the delineation and description of soils on public and private lands and thus was used as the primary source of information (DEIS section 3.2.2). Local conservation districts contribute greatly to local projects resulting in soil and water conservation (among many other natural resources) through technical consultation, education and cost-share programs. The conservation districts also are often the primary liaison between the public and the NRCS. However, the NRCS Web Soil Survey and Soil Data Mart are considered to be the official sources of soils information nationwide and thus were used for analysis of the proposed Project.

Area of analysis for geology and soils

One comment stated that the private land components are different (geologically) than state land, and additional analysis and assessment of impact should be studied separately (comment no. 123). As defined in section 3.2.1 of the DEIS, and per Section 77-1-122 MCA, the study area for geology and soils was limited to the state parcel.

2.3 Hydrology and Water Quality

2.3.1 Comment Summary

Comments on water quality and hydrology were generally concerned with what effect project construction might have on wetlands, and how those wetlands would be treated under the Montana Water Quality Act; what the source of the water for the project would be; and how Duck Creek and its associated water quality would be affected by any reconstruction of the crossing.

2.3.2 Issues Raised and Responses

Impacts on wetlands

One comment questioned how water flow and seepage and drainage in the area would be affected by construction and the pouring of 8 foundations, road building, and upgrading. The comment also stated that the DEIS fails to address how the wetlands would be treated under the Montana Water Quality Act (comment no. 41).

The construction would have no impact on the seasonal wetlands. In general, almost all construction (roads, turbine pads, etc.) would take place downhill and at some significant distance away from the wetlands (at least 500 feet from the perennial wetlands and at least 1,600 feet from the seasonal wetlands).

There are three planned tower sites (CT-1, CT-2, and CT-3) that would be at a higher elevation than most of the wetlands. However, these three sites would be on the other side of a ridge from the seasonal wetlands (Figure 3.3-1 of the DEIS). Thus, any small amounts of sediments or erosion would flow down the other side of the ridge, and not into the wetlands. Neither groundwater nor surface water would drain into the perennial or seasonal wetland (see DEIS section 4.7).

The State of Montana, per the Montana Water Quality Act, has declared all water within the state, excluding those on Indian lands, to be Waters of the State of Montana. EPA recognizes this distinction. In Montana 'Waters of the US' will also be 'Waters of the State' (except within tribal lands). As stated in FEIS section 2.7, Terrestrial Vegetation and Habitats, no formal wetland delineation was conducted for this project. The wetlands on the state parcel are not expected to be affected. The Montana Water Quality Act does not apply to these wetlands.

Source of water for the Project and effects on Duck Creek

One comment questioned the source of water to be used for any component of the project, specifically as related to any modification of the roadway over Duck Creek (comment nos. 128, 129).

Coyote Wind has agreements to use water per private landowners' water rights. As described in section 2.5 (Transportation), Coyote Wind has not finalized plans for access to the state parcel. However, it is likely that the bridge over Duck Creek at the North River Road crossing would be reconstructed. Coyote Wind would comply with its MPDES permit, including any BMPs. While not under DNRC's jurisdiction, additional permits required (per section 4.3.1.2 of the DEIS) could include: 1) the Montana Natural Streambed and Land Preservation Act (310 permit); 2) the Short-Term Water Quality Standard for Turbidity (318 Authorization); 3) the Montana Flood Plain and Floodway Management Act (Floodplain Development Permit) or 4) the Montana Stream Protection Act (SPA 124). These permits and associated plans would require measures to reduce any impacts to Duck Creek from the construction.

2.4 Land Use and Recreation

2.4.1 Comment Summary

Comments received by DNRC related to DEIS analysis of land use and recreation centered on the concerns listed below:

- Consistency of the proposed project with State plans for the subject state parcel
- Compatibility with and impact on surrounding land uses
- Representation of and consistency with relevant goals and objectives contained in the Sweet Grass County Growth Policy
- Loss of public access to, and recreational opportunity on, the State parcel

2.4.2 Issues Raised and Responses

Consistency of the proposed Project with State plans for the subject state parcel

One commenter expressed the view that the proposed project, as defined and assessed in the DEIS is different than the project presented during the scoping process, and is not fully consistent with State plans for the site (comment no. 130). The Proposed Action, as defined and assessed in the DEIS, has not substantially changed since the scoping process. It remains consistent with DNRC plans related to the subject state parcel.

Compatibility with and impact on surrounding land uses

One commenter expressed the viewpoint that the proposed project is a heavy industrial use, incompatible with adjacent agricultural and recreational land use (comment no. 100). Another commenter indicated that construction of the Project (the construction schedule) would have definite impact on surrounding farming, ranching and recreational uses (comment no. 30).

As noted on page 91 of the DEIS, the subject state parcel would remain largely open land under the Proposed Action. Current ranching uses of the parcel would be continued if the wind farm

were developed under a lease with the State. The Proposed Action would not fundamentally constrain existing ranching and agricultural uses of surrounding private lands. From the standpoint of visual/aesthetic compatibility, potential impacts are addressed in section 4.11, Visual Resource, of the DEIS.

During the short-term construction period, the Proposed Action would not result in direct adverse impact on existing or planned uses of surrounding lands. Such uses may be indirectly (from the standpoint of land use) affected due to transportation/traffic or noise concerns; these concerns are addressed in sections 4.5 and 4.10 in the DEIS, with further information on transportation impacts and mitigation included in section 2.5 of this FEIS.

Representation of and consistency with relevant goals and objectives contained in the Sweet Grass County Growth Policy

One comment letter expressed several concerns related to DEIS treatment of the Sweet Grass County Growth Policy (comment nos. 114,115,130). These included:

- Inaccurate reporting of the County's Economic Development goal;
- Incomplete reporting of relevant portions of the Growth Policy; and
- No substantive basis for the DEIS conclusion that the proposed project is consistent with Growth Policy goals and objectives

Sweet Grass County Growth Policy Economic Development goal: The DEIS summarizes relevant portions of the Economic Development goal and objectives for the purposes of brevity. The complete text of this goal and associated objectives is included below. However, considering this complete text does not change the analysis or conclusions in the DEIS.

Goal

To stabilize existing employment areas and pursue diverse employment opportunities in order to achieve full employment within the available county labor force.

Objectives

a) Encourage value adding by manufacturing of finished products from local raw material.

b) To encourage and support economic development that would create more jobs, enhance community commerce, and improve the quality of life that residents now enjoy.

c) Strengthen and broaden the economy of Sweet Grass County in order to reduce the adverse effects of a downturn in a specific economic sector.

Relevant portions of the Growth Policy: The comment in this regard notes that the DEIS does not report the County's definition of open space, that the subject state parcel qualifies as open space under this definition, and consequently that the Proposed Action is contrary to the Growth Policy land use objective which states:

Maintain the pleasant environment of the area by assuring future open space and development to enhance the beauty of the area.

The definition of open space cited in the comment is item “d” in the Growth Policy Implementation Strategy for land use. This item states:

Open space land means any land that is essentially free of significant man-made structures, and that possesses an intrinsic aesthetic, agricultural, historic, natural resource, recreational or scenic value. The effect of a proposed subdivision on open space land shall be considered in the subdivision review process. Open space land can be encouraged through the use of zoning, subdivision design, protective covenants.

The DEIS recognizes (page 37) that the private lands surrounding the subject state parcel are designated by Sweet Grass County as “Open and Resource Lands,” defined as generally open space areas and land of agricultural production. Beyond this, relative consistency of the Proposed Action with the County Growth Policy overall is discussed below.

The full set of Growth Policy goals and objectives that are or may be relevant to the Proposed Action are contained in the DEIS on pages 37 and 38. These goals and policies portray the various perspectives and considerations involved with land use decisions, including “best use of the land and natural resources,” “assuring open space,” and “supporting economic development.” Decisions or conclusions regarding consistency of a proposed action are a matter of judgment in balancing these sometimes conflicting considerations. Sweet Grass County officials have not submitted an opinion during the MEPA process to date regarding relative consistency or inconsistency of the Proposed Action with Growth Policy goals and objectives; and no County land use approvals (triggered by land subdivision proposal because there is no zoning) are required for the wind project development on private land adjacent to the state parcel. The rationale for the DEIS conclusion that the Proposed Action would be consistent with relevant Growth Policy goals and objectives (if County approvals were required) is provided on page 91 of the document.

Loss of public access to and recreational opportunity on the State land

Several commenters (comment nos. 50,51,70) expressed concern that the proposed project would result in a loss of public access and recreational use. As noted on pages 33 and 34 of the DEIS, there is no existing legal public access to the state parcel on which the Proposed Action would be implemented. Access to the site is through private lands, and any public access/use is at the discretion of the adjoining private landowners. Under the Proposed Action, these conditions would not fundamentally change. As reported on page 90 of the DEIS, DNRC Administrative Rule 36.25.150 provides that Trust lands with commercial leases, including wind energy leases, are closed to recreational use. The rules do provide for the DNRC Area Manager to consider opening the property to recreational use if petitioned. The Area Manager makes the determination with the potential that the decision could be appealed to the Director of DNRC.

2.5 Transportation

2.5.1 Comment Summary

Several comments were received on the transportation analysis in the DEIS. Most stemmed from the fact that detailed planning has not yet been conducted for external access to the project site, including specifying requirements for temporary or long-term road improvements. Thus, impact

analysis is generalized in nature and mitigation for potential impact as described in the DEIS relies on commitments to perform necessary improvements and on related, subsequent permitting processes with responsible local and state authorities. However, DNRC would require Coyote Wind to submit a transportation plan to the Park County and Sweet Grass County Board of Commissioners. This plan would be approved by both County Commissions prior to commencement of construction activities on the State land and would detail any improvements necessary on existing County roads.

Comments received can be categorized as follows:

- Lack of information on impacts to roads and bridges, and requirements for related improvements
- Lack of clarity on construction phase traffic volumes, and questionable conclusions related to construction traffic impacts
- Inadequate recognition of impact on local ranchers and farmers

2.5.2 Issues Raised and Responses

Specification of impacts to roads and bridges, and requirements for related improvements

A number of comments assert that the DEIS does not include meaningful analysis of transportation impacts associated with project construction (comment nos. 26,33,82,113). The point is made that many questions remain unanswered, including:

- specific needs, locations and schedule for road and bridge resurfacing, construction, repair or maintenance
- requirements for road widening or increases in intersection turning radii (particularly related to any attendant impact on private land)
- potential for traffic delays
- provisions to assure traffic safety

Related to these concerns, one commenter indicated the DEIS did not include adequate treatment of Montana Department of Transportation (MDT) facilities and requirements (comment no. 135). The DEIS recognizes (on pages 92 through 94) that no decision has been made by Coyote Wind regarding the specific route(s) from I-90 to the project site that would be used during construction, and no detailed studies have been performed to define requirements for road and/or bridge improvements, repair or maintenance. The DEIS also describes the approach proposed by Coyote Wind to address these concerns and questions. This approach focuses on more detailed planning and analysis to be approved by the responsible county and state agencies. Coyote Wind has also committed to restoring all roadways to their original condition or better after construction and to continue to maintain roads during construction. The DNRC recognizes that many valid questions and concerns regarding the details of potential impact and mitigation cannot be resolved at this time, and therefore would include potential mitigation requirements discussed above as part of the ROD, if necessary.

Related to the concern that MDT facilities and requirements are not adequately addressed, page 94 of the DEIS recognizes these requirements, and the MDT comment letter received on the DEIS expresses no similar concern.

One related comment, no. 133, stated that impacts on carriers of utilities located within the roadway ROW should be analyzed. Coordination with utilities would be standard practice and would be included in the transportation plan required by the DNRC.

Lack of clarity on construction phase traffic volumes, and questionable conclusions related to construction traffic impacts

Two commenters requested confirmation/clarification of the number of construction-related vehicles anticipated on the project site each day; one asserted that the estimate in the DEIS (75 construction vehicles) is low and that the number would be closer to 200-300 (comment nos. 28,76). There was also some confusion regarding number of vehicles and types of vehicles discussed at the September 2, 2009 public hearing. In Table 2.3-1 and on page 93, section 4.5.1.1 of the DEIS, traffic volumes associated with project construction are noted (i.e., 75 construction vehicles and traffic associated with an average daily workforce of 400). The FEIS has been modified to add the following clarification (see FEIS section 3). The maximum number of construction-related vehicles on-site would be 75; however, most often during construction there would be 12 trucks and 4 cranes (Martin pers. comm. 2009). Increase in Average Daily Traffic (ADT) on access roads during construction would be governed largely by the size of the workforce. The maximum personnel-related ADT increase would be 800; or 400 inbound (morning) and 400 outbound (evening) if each worker drove a separate vehicle.

One commenter termed as speculative the DEIS conclusion that “The short-term level of traffic volume during construction and the small increase in traffic volume during operation does not represent a significant impact on the local or regional roadway system capacity” (comment no. 131). This commenter noted that the duration of “short term” is not provided, the term “significant” is undefined and relative, and the transportation analysis does not consider cumulative impacts (defined by the commenter as simultaneous occurrence of road improvements or maintenance, construction worker and delivery traffic, local resident traffic, emergency service vehicles, etc.).

The DEIS conclusion that this level of construction traffic would not represent a significant impact from the standpoint of roadway or intersection capacity is based on general review and professional judgment. Under normal conditions, the increase in ADT on rural roads, especially on a short term basis (defined as the ~18 month construction period of the project), would not be a significant concern (defined in terms of traffic slow-down and delay). However, no quantitative analysis was performed of roadway widths, intersection capacities or other related physical parameters, and construction traffic could cause traffic delays in peak hours (i.e. workforce arrival and departure) or during construction of road improvements or transport of large equipment. Because of these considerations, more detailed analysis of construction traffic during peak hours would be included in the transportation plan required by DNRC. If this analysis concludes that traffic delays would be a concern without mitigation, measures such as local road improvements, car- and van-pooling or other mass transport of workers to and from the project site, or other traffic management techniques would be discussed and adopted as part of the plan.

One comment stated that section 2.2-1 of the DEIS states the site will be accessed via I-90 and county road shown on Fig. 2.2-1 (comment no. 81) [the correct reference to this quote in the DEIS is section 2.2.4.1]. Fig. 2.2-1 only shows internal roads within the State section and gives no information about roads connecting the site to the Interstate. DEIS Figure 3.4-1 displays the roads connecting the site to Interstate 90. The statement has been corrected per this FEIS.

Inadequate recognition of impact on local ranchers and farmers

Several comments noted that use of involved county roads is essential and often critical to local ranchers (comment nos. 30,112,134). Concern was expressed that use of roadways by local ranchers would be seriously curtailed or eliminated during construction, especially if construction traffic is assumed to have priority. Response to this concern is provided in the requirement for a transportation plan, as described above.

2.6 Socioeconomics

2.6.1 Comment Summary

Several comments were received related to the economic impact of the proposed project upon the local community and the region. While some comments noted that the project would provide much needed employment and generate additional income to the area (comment nos. 43,64); other comments questioned the economic impacts of the project. Comments generally fell into two main areas; questions concerning the magnitude of the estimates provided and questions concerning the scope of the economic estimates provided.

2.6.2 Issues Raised and Responses

Property values and ancillary effects

Several entities commented that the potential impacts on property values were not addressed adequately and suggested an analysis of the impacts of property values in other locations would be required (comment nos. 21,42,116,145). Conducting a full hedonic¹ pricing analysis for properties within the view shed of the proposed action alternative is beyond the scope of the DEIS. This type of analysis is not feasible to conduct as it would not yield statistically robust estimates given the very small number of properties in question.

Section 4.6.1.2 of the DEIS (pages 97 and 98) presents the results of a thorough and extensive review of existing literature and studies that have conducted primary research related to the general influence of wind farms on property values. Databases containing national and international research were used to locate studies that support the materials summarized in this section. The comments request studies of property values in other locations adjacent to wind projects. Pages 97 and 98 of section 4.6.1.2 of the DEIS present results of studies conducted in other areas followed by a summary of the main factors that drive changes in property values. The production value of adjacent properties should not be affected by the construction of wind

¹ In economics, hedonic regression, also hedonic demand theory, is a method of estimating demand or value. It decomposes the item being researched into its constituent characteristics, and obtains estimates of the contributory value of each characteristic.

turbines. Section 4.6.1.2 of the DEIS presents results from Hoen (2006), who examined the impacts of proximity to wind turbines on the property values of 280 properties. That analysis revealed that there was not a statistically significant relationship between proximity to, or visibility of the wind farm and the sale price of homes.

One comment stated the proposed project would affect the economic viability of developing a historic resort and would therefore decrease the economic benefits to the State of Montana; an evaluation which should have been included in the DEIS (comment no. 42). Evaluating economic impacts to the State from a development that is only in the early planning stages (no permits have been applied for) is certainly well within the realm of speculation, and thus outside the scope of MEPA.

Another comment questioned whether adjacent land owners would be compensated for a decrease in their property value (comment no. 49). The economic analysis in section 4.6 of the DEIS, and as discussed above, shows that there is no evidence supporting devaluation of adjacent lands. School trust lands are not guaranteed open space. Land owners would not be required to pay the State if property values increased, nor would the State be required to compensate landowners for decreases in property values.

The possible ancillary “ripple effects” from the tentative loss of future “lifestyle” buyers from the entire county is highly speculative (comment no. 116). There is no correlation between locating additional turbines to a wind farm at one site within a county and property values at other locations in the county. Section 4.6.1.2 provides a summary of factors most likely to affect property prices. This type of assessment is outside the scope of the EIS.

Appraised value of the state parcel

One comment asked that the state parcel be appraised as part of the MEPA process (comment no. 117). The State parcel is not being offered for sale under the Proposed Action Alternative. An appraisal of State land assuming sale to a private entity is outside the scope of the EIS.

Property tax revenue

One commenter requested projected revenues be calculated with tax incentive programs considered (comment no. 139). To qualify for additional tax incentives from the State of Montana, the Coyote Wind project must meet the full stipulation stated in each tax code. The project is not yet constructed so it is difficult to know which possible tax incentives might apply. If the project is eligible for additional property tax incentives this would reduce the property taxes collected by the State but likely increase the profits attributable to operation and increase the corporation taxes collected by the State.

Realistic projection of capacity estimates

One comment (no. 140) stated that a realistic projection and disclosure of impacts of capacity utilization estimates (presumably if the turbines functioned at less than 100% capacity) as related to income and revenues would be important for public review. Changes in “working” capacity would not change construction costs so all the employment and income estimates presented in the DEIS during the construction phase would hold. If less power were generated, probable profits would decrease and corporation taxes would decrease. DEIS section 4.6.2.1, pg. 100,

provides a formula for revenue generated from the state parcel under the Proposed Action Alternative (annual fees of 3% of gross annual revenues, or \$1,500/year for each MW of installed capacity, whichever is greater). The analysis in the DEIS (Table 4-6.1) provides the estimated minimum income to the State under the Proposed Action Alternative and thus would not be affected by changes in capacity utilization.

Boom to bust unemployment and temporary provision of state and county services

One commenter asked several questions related to the comparison between job creation and income generation during the construction phase of the project and the situation post-construction (comment nos. 138,143). There were several areas that were noted in the context of a boom/bust economy: 1) effect on employment, and 2) effect on provision of support services.

First, a boom bust economy is defined as one in which economic prosperity increases and then unexpectedly declines. The construction of the Coyote Wind Project does not meet this definition as the increase and decrease in employment levels and potential income generating capacity are not unexpected. In contrast to a boom bust economy, changes in the future economic environment are fully documented, known as much as is possible, and can be planned for.

The local community is well apprised that 400 workers are not permanent additions to the local labor force, additional employment in the service sector would have the expectation of being temporary. An estimate of the number of additional workers that would be hired in local businesses is required for an analysis of the potential effects of unemployment in the post construction phase. This estimate is not available (but is likely to be small given that some of the workers will likely already be residing within the local area). Broad, long term, speculation about future economic conditions are outside the scope of the EIS.

One comment stated the DEIS (in section 4.6) should not assume local workers would be hired, thus creating a positive impact on the economy (comment no. 32). Section 4.6 states the exact number of local residents that would be employed is not known. No assumptions about number of local hires was made.

Several comments asked for an estimate of the costs of expanding county services during the construction phase and how these would be offset (comment nos. 132,141,142). It was not made clear what specific services they were referring to. Section 4.6.1.1 of the DEIS indicates that local workers would be hired to the extent practicable. There would be no need to increase county services for workers already residing in the area. Section 4.6.1.2 indicates that there is enough hotel room capacity already existing to house workers from outside of the area. County services are already in place to support occupancy of these rooms. The additional bed tax collected would provide additional State revenues as noted in section 4.6.1.2 of the DEIS.

Another comment requested an overview of Coyote Wind's recruitment/hiring process so that the public might gain perspective on local employment possibilities (comment no. 137). Providing provisions of Coyote Wind's process for hiring is outside the scope of MEPA.

Cost-benefit analysis

Several comments stated the scope of the economic analysis contained within the DEIS should be increased to include a broader array of costs and benefits that include the non-market (fish and wildlife values) as well as market based activities (comment nos. 17,20). One commenter claimed that the DEIS does not contain any meaningful cost-benefit analysis and that the relative costs and benefits of the proposed Project were not clearly identified (comment nos. 17,20). ARM 36.2.529(4) states that an EIS shall include a description of economic and environmental benefits and costs of a proposed action. Environmental effects, and thus costs in terms of the resources, were evaluated throughout section 4 of the DEIS. Placing a monetary value on impacts such as wildlife habitat fragmentation or conflicts with local landowners is a very inexact science. Such a valuation would be extensive, and include many assumptions and speculation. A “cost-benefit analysis” as the term is used by economists, is “a methodology for determining whether a project or activity generates a positive net benefit for society by evaluating all the costs and benefits over time” (Grafton et al. 2001, p.59). Even if all costs and benefits could be accurately quantified, such an analysis far exceeds the scope required under MEPA.

2.7 Terrestrial Vegetation and Habitats

2.7.1 Comment Summary

There were several comments on issues regarding impacts to vegetation from the proposed Project. The comments generally fell into three areas; wetland delineation, the potential spread or control of weed species in and adjacent to the state parcel, and identification of grass species.

2.7.2 Issues Raised and Responses

Wetland delineation

One comment stated the wetland delineation was insufficient and provided no documentation of how the jurisdictional status was determined (comment no. 16). Section 3.7.2.1 of the DEIS states that the wetlands are *not likely* jurisdictional because they have no connections to Waters of the US. However, the entire drainage was not walked. Therefore the FEIS will be edited to state that there *do not appear* to be any connections to waters of the US. It is true that the Corps of Engineers has the ultimate decision as to what constitutes a jurisdictional wetland, however, given that the wetlands in the state parcel are not likely connected to Waters of the US, and that they would not be affected by the Project, this is not relevant to the proposed Project.

DEIS Section 3.7.2.1 also states that only the vegetative and hydrologic characteristics of wetlands were considered in the evaluation. In order to do a full determination of characteristics necessary for wetland delineation, digging pits to test for soil conditions would be necessary. However, further wetland delineation was not necessary as it would not have provided information needed for the analysis of impacts. The closest planned turbine is over 500 feet away from the perennial wetlands and almost 1,600 feet from the seasonal wetland/closed depressions. Additionally, no turbines are planned in areas “upstream” from the wetlands; all are in locations where either groundwater or surface water is not likely to drain into the perennial or seasonal

wetlands based on topography and geologic conditions. Improved or new roads would also not be constructed in areas where the wetlands would be affected.

Weed contamination on adjacent properties and from additional vehicles

Another concern was raised about how the project might increase the potential for weed contamination on adjacent properties and what methods of weed control would be required for construction equipment and other vehicles on the state parcel (comment nos. 60,105,147,149,150). Potential for spread of weeds is addressed in DEIS sections 4.7.1.1, 4.7.1.3, and 4.7.1.4 for the No Action Alternative, and in related text in the Proposed Action Alternative. The DNRC would require, as part of their lease agreement, a weed management plan consistent with the county weed board. Actions to minimize spread of weeds would include requirements such as: description of the time and method of seeding, fertilization, recommended native plant species, use of weed-free seed; power washing construction equipment prior to entering state land, monitoring of areas disturbed during construction for infestation by noxious weeds at regular intervals; and herbicide application. These actions would minimize weed contamination on adjacent properties.

Section 4.7.1.2 of the DEIS identifies the potential spread of weed species as an impact associated with the increased traffic by heavy machinery if these vehicles have previously operated in infested areas or if soil is exposed allowing for early colonization of invasive species. In lease agreements, DNRC typically requires construction equipment on state land to be power washed prior to entry to avoid transporting noxious weed seed onto state lands. Highway vehicles such as pickup trucks, would not need to be power washed as they tend to stay on existing roads and as such, are less likely to transport weed seed.

Identification of grass species

One comment questioned whether rough fescue or Idaho fescue are found on the state parcel and stated that scientific name of rough fescue is not *Festuca altaica*, but *Festuca scabrella* instead (comment nos. 67,68). According to the Integrated Taxonomic Information System (ITIS 2009) *Festuca altaica* is the correct, and currently accepted scientific name for rough fescue. At the time of the site visit, only remnants of native bunchgrass were visible for identification, due to the degree of grazing. It is possible that what was originally classified as rough fescue could be the remnants of a different type of native bunchgrass. Therefore Table 3.7-1 has been edited in section 3 of this FEIS to omit rough fescue.

Idaho fescue is listed by the NRCS as vegetation characteristic in roughly 10% of MU197D (Work-Castner soil complex) which is found in the state parcel, along with the other category of, “other native grasses.” Idaho fescue is also found as a prevalent species in many of the soil map units that surround the state parcel, so evidence suggests that the Idaho fescue designation is accurate. Idaho fescue is very likely to be present given that it does exist locally and in other areas of similar soils, topography and climate regime.

2.8 Wildlife

2.8.1 Comment Summary

Several comments were received by DNRC on issues regarding the analysis of impacts to wildlife in the DEIS. The comments generally fell into four areas:

- consistency of DEIS studies and recommendations with FWS guidelines and regulations, and with Montana Audubon Society recommendations;
- comments suggesting the cumulative effects analysis should include a larger area and an assessment of other Montana wind projects;
- comments regarding impacts to wildlife resulting from the proposed turbine layout and proximity of the project to the Yellowstone River; and
- miscellaneous other comments requiring clarification.

2.8.2 Issues Raised and Responses

Consistency with Fish and Wildlife Service guidelines regulations and Montana Audubon Society recommendations

One comment said to avoid placing turbines in documented locations of any species of wildlife, fish, or plant protected under the federal Endangered Species Act (ESA) and that impacts to bald and golden eagles were not adequately addressed in the DEIS (comment no. 36). There are no species protected under the federal ESA in the project region, so this act is not directly relevant to this project.

Another comment expressed the desire that the Bald and Golden Eagle Protection Act (BGEPA) and Migratory Bird Treaty Act be followed for protection of bald and golden eagles, and noted the change in status of the golden eagle to a Montana species of concern (comment no. 54). This comment specifically mentioned the BGEPA amendment (FWS 2009a) regarding actions that are known to disturb golden eagles, and suggested Lou Hanebury with the FWS be contacted to discuss specifics. The amendment to the BGEPA defines "disturb" as: "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

The DEIS referenced the Montana Bald Eagle Management Plan (MBEMP), the only eagle management plan that describes specific buffer zones considered appropriate to minimize or avoid disturbance to bald eagles, and evaluates the project relative to those recommendations in section 3.8.3.6. The closest proposed turbine under either alternative is in Zone III for one of the two active bald eagle nests on the Yellowstone River. That zone includes all suitable foraging habitats within 2.5 miles (4 km) of the nest site. It is the home range area, and management objectives are to maintain suitability of foraging habitat, minimize disturbance within key areas, minimize hazards, and maintain integrity of the breeding area. If these buffers are also considered appropriate for golden eagles, the closest turbine under either alternative would also be in Zone III. Table 4.8-2, has been added to the FEIS and gives distances between sensitive resources for raptors and nearest turbines. DNRC has solicited comments from Mr. Lou

Hanebury of the FWS, and would coordinate with FWS regarding the final post-construction monitoring plan. FWS would have a representative on the Technical Advisory Committee (TAC).

Concern was also expressed over impacts to migratory birds and consistency with FWS guidelines (comment no. 37). The DEIS addressed this issue in detail in section 3.1.2 Bird Use Counts. The pre-construction bird studies and post-construction monitoring plan are consistent with FWS guidelines relating to potential project disturbance relative to the Yellowstone River corridor.

One comment (comment no. 118) stated that the wildlife inventory and analysis did not comport with Montana Audubon Society's recommendations in their scoping letter. The wildlife studies and draft post-construction monitoring plan in the DEIS, are in fact consistent with many, if not most, of the Audubon Society recommendations. The Audubon Society would have a representative on the TAC.

Cumulative impacts and effects of multiple regional wind farms

The comments on cumulative effects of Montana wind farms in similar habitats as the Coyote Wind Project reflected concern over the potential impacts to migrating birds and bats from a growing number of turbines throughout the state and specifically Judith Gap and Martinsdale wind projects (comment nos. 13,14, 37,38,55,57). Currently there is very little data from Judith Gap (Judith Gap is currently conducting post-construction monitoring research), and none from Martinsdale as of the writing of this DEIS (DNRC estimates construction of the Martinsdale Project may begin in 2011), with which to conduct a meaningful cumulative effects analysis. At this time such an analysis would be speculative and provide no useful information for mitigation.

The Coyote Wind DEIS includes a detailed monitoring plan based on the best available science developed from similar studies throughout the western United States. Results from these studies would provide statistically robust data to the TAC with which to formulate mitigation plans for raptors, grassland birds, and bats. The post-construction monitoring plan is designed to assess actual impacts from this project. Before actual impacts are known, the cumulative effects of raptor, bird, or bat deaths on overall biodiversity would be speculative.

One comment addressed concern about the level of evaluation given in the DEIS to the number of bat deaths considering the unexpectedly high numbers reported at Judith Gap, located in similar habitat (comment no. 12). One of the reasons the level of effort for the Coyote Wind pre-construction bat studies was higher than those conducted at Judith Gap or Martinsdale, was precisely because of the unexpected bat fatalities documented at Judith Gap. To date, researchers have not been able to closely correlate pre-construction monitoring with post-construction fatalities, making it difficult to incorporate research results into siting decisions. However, robust monitoring data prior to construction helps identify changes to bat presence and behavior post-construction thus informing the TAC for more effective mitigation measures. The bat monitoring data was collected over a 12 week period with 4 recorders at 2 locations, comprising one of the biggest passive acoustic data sets collected to date in the northern Rockies. In addition, the DEIS analyzed bat call activity relative to wind speed and temperature data collected on-site to help inform the growing body of work regarding effective cut-in speeds and effects of weather events

on bat behavior. The DEIS analysis of this data supports the drop in localized bat call activity between wind speeds of ~11 to 13 mph (5-6 m/s), similar to results from other studies discussed in the DEIS and supporting the efficacy of using cut-in speeds for mitigation if necessary. The interested reader is referred to DEIS Appendix B, section 3.3 for this discussion.

The pre-construction biological studies are consistent with published guidelines, including the 2009 Wind Turbine Guidelines Advisory Committee Synthesis Workgroup Draft v.6 (FWS 2009b). In addition, the setbacks described in the DEIS are greater than those recommended in the FWS guidelines (per comment no. 38). The FWS guidelines recommend using data collected to identify mitigation measures and cite the use of 164 feet (50m) setbacks on a Wyoming project to provide a buffer for raptors along ridgelines. It suggests using such avoidance buffers for other wildlife concentration areas such as raptor nests and bat roosting areas. The Coyote Wind project has utilized this approach with far greater distances, and also applied to other sensitive features such as the small wetland and prairie dog town on the state parcel. See Table 4.8-2 in FEIS section 3 for distances between sensitive wildlife landscape features and proposed turbine locations.

Some comments concerned displacement over time of grassland birds (comment nos. 57,62). This secondary impact is discussed in detail in the DEIS section 4.8.1.2. The DEIS also proposed mitigation measures, described in Appendix F, section 3.1, which include post-construction grassland bird displacement studies. Pre-construction surveys were based on US Forest Service landbird monitoring protocol and were designed as baseline surveys on which to establish post-construction monitoring that were robust in design and could detect displacement of most grassland bird species, including species of concern. These surveys were conducted for both the No Action and Proposed Action alternatives.

One comment requested that potential impacts to mountain plover (*Charadrius montanus*), burrowing owl (*Athene cunicularia*), and long-billed curlew (*Numenius americanus*) be addressed (comment no. 63). These species would be included in the small bird count (SBC) surveys described in the post-construction monitoring plan outlined in Appendix F. Sections 2 and 3.1 outline details of the DEIS post-construction monitoring plan components for measuring potential impacts to these species. If deemed necessary by the TAC due to evidence of negative impacts from the project such as mortality or other indicators, species-specific surveys may be prescribed for mitigation efforts.

One comment (comment no. 151) concerned secondary and cumulative impacts to big game in the form of vehicle collision fatalities and poaching. A higher incidence of road-killed ungulates may be expected with an increase in traffic during the construction phase. Once this phase is completed, levels of vehicle use and therefore ungulate fatalities are expected to return to pre-construction levels. This short-term increase is not expected to eliminate or permanently reduce local populations. If the wind lease is approved, poaching of ungulates (and shooting of prairie dogs) would be eliminated or greatly reduced due to the closure of the state parcel to all recreational use, unless permitted by the DNRC. See DEIS sections 4.8.1.2 and 4.8.1.3. for more discussion on potential impacts to big game species.

Coyote Wind proposed turbine layout relative to landscape features

Some comments expressed concern over expected raptor mortalities from the turbines, and disturbance or displacement of the prairie dog town (comment nos. 38,48). Locations for turbines were chosen to avoid landscape features identified by pre-construction surveys as attractive to wildlife. The turbine locations were selected in part to avoid areas of high wildlife use such as leading edges of ridges, the prairie dog town on the eastern edge of the state parcel, and the small wetland feature and stock pond on the state parcel. This approach follows the FWS recommendation for locating turbines to avoid landscape features that attract raptors and bats. Prairie dogs are not specifically mentioned in the FWS guidelines, however the DEIS recommends turbine setbacks for sensitive habitats and species in section 4.8.2.4. Prairie dogs are not expected to be disturbed or displaced to adjacent lands since no turbines, additional roads or infrastructure is planned for areas adjacent to the town. Interested readers can refer to DEIS section 2.2.3 and the accompanying Figure 2.2.1 for more details on proposed turbine locations.

One commenter recommended a 300 foot setback to provide a vegetative buffer to reduce impacts to riparian areas, including ephemeral streams (comment no. 59). CT-4 is the only proposed turbine on the state parcel located less than 300 feet from a stream feature of any kind, which in this case is an ephemeral draw (CT-4 is 135 feet from the draw). On private land there are 19 proposed turbines within 300 feet of a ditch or ephemeral channel, however DNRC only has jurisdiction over turbines on state land. Ephemeral streams flow only during storm events and can be important water features when running. Due to the unpredictable nature of their water supply however, they often do not support vegetated wildlife habitat. The feature near CT-4 is at the bottom of a relatively steep slope, rocky and sparsely vegetated, and does not provide wildlife habitat for shelter, cover or foraging. However, Coyote Wind would agree to move turbine CT-4 further than the current proposal of 135 feet from the riparian zone to minimize impacts (see FEIS section 6; Figure 2.2-1-rev). Turbine CT-4 would be located at least 220-240 feet from the ephemeral stream and impacts should be minimal.

The nearest turbine to the wetland is the CT-4 turbine (per Figure 2.2-1-rev) is approximately 510-550 feet to the west of the wetland. As discussed in the DEIS in section 4.8.2.1, prevailing winds from the west-northwest encourage raptors and other large birds to approach the wetland from the east, thereby avoiding turbines. Grassland birds and passerines would have at least a 500-foot buffer between the nearest point of the wetland and CT-4. There is currently no information on roosting sites for bats, and as described in section 4.8.2.1 of the DEIS, some fatalities may occur to bats using the wetland area for foraging and Duck Creek for roosting. The 500-plus foot buffer should mitigate impacts, and if the post-construction monitoring indicates significant fatalities of bats then the TAC may recommend mitigation such as adjustments in cut-in speed for turbines.

Miscellaneous other comments requiring clarification

Potential Impact Index

Two comments (comment nos. 53,119) noted that the Potential Impact Index for the Coyote Wind Project site (state parcel) was 162 and thus is in the "high" category, not moderate as stated in the DEIS. The cutoff between moderate and high identified in Appendix C of the DEIS is 160, and thus the PII does fall just above moderate, into the high category. The FEIS will be modified

to reflect this change. However, the PII is designed to serve as a "first cut" indicator of relative risk to wildlife and thus provide an estimator of the level of impact that may be expected should a site be developed. A high rank does not preclude development, nor does a low rank automatically eliminate the need to conduct pre-development assessments of impacts on wildlife (FWS 2003).

Bat mortality

One comment stated the DEIS bat mortality rate for the proposed Project "is not known" for the No Action Alternative, and that no conclusion was drawn as to bat mortality for the Proposed Action Alternative (comment nos.10,11). This comment also stated the DEIS indicates that estimated bat mortality is lower in the western United States than what occurs in the eastern United States, and that the discussion ignores data from Judith Gap. These items are discussed in the DEIS. Page 113, section 4.8.2 of the DEIS addresses the impacts to wildlife associated with the Proposed Action and states they are similar to the No Action Alternative. This includes the unknown mortality rates for bats. Mortality data from Judith Gap is provided on page 108 of the DEIS.

One comment stated that DEIS Table 2.5-1 states there is no impact on bat mortality, and thus impacts were not properly considered (comment no. 35). The table referred to says no impacts are expected from construction. Impacts from operation are summarized in this table and in section 4.

Comments regarding post-construction monitoring and mitigation

One comment stated that consideration should be given to initiating bat surveys at the end of July or beginning of August rather than the end of August to ensure that migration pulses are captured (comment no. 56), and that mitigation measures should include increasing the cut-in speed of turbines during the bat migration period if warranted by high numbers of bat fatalities (comment no. 55). DNRC would require the timing for surveys, in consultation with Montana Department of Fish, Wildlife and Parks (FWP) and the TAC, in August and September to capture bat migration, and would include increased cut-in speeds as possible future mitigation if warranted.

The same commenter recommended construction activities in the vicinity of nesting ferruginous hawks be avoided during the nesting season (April-July); that post-construction monitoring should include tracking raptor activity in the vicinity of the prairie dog colony, and that the mitigation measures identified in the Wildlife Assessment should be employed, including the application of Avian Power Line Interaction Committee (APLIC, 1994) guidelines (comment no. 60). To the extent practicable, these measures would be implemented as part of the post-construction monitoring plan required by DNRC as mitigation.

2.9 Cultural Resources

2.9.1 Comment Summary

One comment was received on the DEIS regarding the awareness of a cultural resource that was not included in the cultural analysis. The commenter stated that the public should be made aware that a pioneer memorial is located west of Duck Creek and north of the county road (comment

no. 152). The Gage Pioneer Memorial is located approximately ¼ mile west of Duck Creek on private land, in the NE¼ of Section 12, in T1S, R12E.

2.9.2 Issues Raised and Responses

The analysis of cultural resources was limited to the state parcel, and therefore private land was not part of the in-depth cultural resources study area.

In order to address the comment regarding the Gage Pioneer Memorial, consultation was initiated with the Montana State Historic Preservation Office (Murdo pers. comm. 2009), the Crazy Mountain Museum, and a local historian (Brekke pers. comm. 2009). However, no definitive information regarding the Gage Pioneer Memorial was located. A summary of the information that was located follows.

The Gage Pioneer Memorial is believed to be a tribute to Horatio Nelson Gage and his family, who were some of the first settlers in the region. Additionally, the memorial may be the place of interment for Nelson Gage and his son Steve, who were known to have been buried on the family property (Topping, 1968). Two additional family members may also be interred at the site, as Joan Shurtliff believes that four graves are located at the memorial (Shurtliff 2007). It is unknown whether the memorial marks the actual place of interment, but it is located on lands that historically made up the Gage ranch (Brekke pers. comm. 2009).

Horatio Nelson Gage settled at the mouth of Duck Creek in 1873. Nelson operated a ranch and around 1877 constructed a stage station on the property in order to accommodate stagecoach passengers traveling from the Tongue River area to Bozeman. The stage was the first in the region and was complete with a saloon and restaurant. The stage station became the lowest outpost on the upper Yellowstone River, which spurred additional settlement in the area (Brekke 2007). Nelson suffered a fatal heart attack shortly after he built the stage station, leaving his wife Elizabeth with seven children to rear. He died September 9, 1878 in Benson's Landing, Montana.

There would be no direct impact to this memorial. There may be indirect visual impacts.

2.10 Noise

2.10.1 Comment Summary

The comments regarding noise issues received by DNRC referred to sections 3.10 and 4.10 of the DEIS, and generally fell into the following categories:

- the noise analysis was limited to a 1-mile radius from the project boundaries, and did not include the Engwis residences located further east of the site (comment nos. 120,153);
- a concern that low frequency turbine noise was not analyzed and could be heard two miles or more away (comment nos. 120,155);
- roadway noise from construction traffic was not analyzed (comment no. 154); and
- noise mitigation options for construction and operational noise were not documented (comment no. 156).

2.10.2 Issues Raised and Responses

Noise analysis study area/operational noise

One Engwis residence was included in the noise analysis and designated Receptor R7 on Figures 3.10-2, 4.10-1 through 4.10-4 and Tables 4.10-2 and 4.10-4 in the DEIS. Based on GIS analysis, the closest Engwis residence (designated as Receptor R7) is located 1.31 miles southeast of No Action Turbine CT-13, and 1.85 miles southeast of Proposed Action Turbine CT-8 (Figure 3.10-2 of the DEIS).

As shown in the above referenced figures and tables, the project noise levels at residences located further than one mile from the closest wind turbine (including Engwis Receptor R7), are not predicted to exceed the noise level criteria (Table 3.10-2 in the DEIS), and therefore, project noise levels would be less than ambient noise level conditions (Tables 3.10-3 and 3.10-4 in the DEIS). The Cadna-A noise prediction software that was used to predict the noise levels and develop the noise level contours (section 4.10.1.1 in the DEIS and section 5.2 of Appendix G in the DEIS) took into account the total noise levels of all Vestas V90 wind turbines operating simultaneously, as well as terrain, wind speed, wind direction, atmospheric conditions, etc., and predicted the noise levels in areas beyond one mile from the project boundaries (Figures 4.10-1 through 4.10-4 in the DEIS).

The commenter cited an article entitled *Perceptive on wind turbine noise* by Frits van den Berg (from Echoes, the newsletter of The Acoustical Society of America, Volume 19, Number 3, Summer 2009). (The DEIS noise analysis utilized another report by the same author entitled *WINDFARM perception – Visual and acoustic impact of wind turbine farms on residents*, Final Report [van den Berg, Fritz et. al. 2008]). The noise metrics used in the Echoes article are L_{den} and L_{night} , which are not comparable to the L_{90} and L_{eq} metrics used in the DEIS noise analysis. However, a similar discussion of annoyance from wind turbines is included in section 4.10.1.2 and Appendix G, section 5.4 of the DEIS. The L_{den} metric is the day-evening-night noise level, and includes 5 dBA penalty for noise that occurs during the evening (1900 to 2200 hours) and a 10 dBA penalty to noise that occurs at night (2200 to 0700 hours). The L_{den} uses a single number to represent all of the noise and quiet periods that occur during a 24-hour period. The L_{night} metric represents the 9-hour average noise level for the entire period between 2200 and 0700 hours. The L_{eq} and L_{90} metrics used for the noise analysis in the DEIS provide a finer and more accurate level of detail and analysis for a variety of wind conditions that could occur at any time of the day or night, rather than the long-term average noise levels represented by the L_{den} and L_{night} .

Low frequency turbine noise

The full noise analysis is included as Appendix G of the DEIS, *Coyote Wind Farm Environmental Noise Study*. The noise level criteria did include an analysis of low frequency turbine noise (Kamperman and James 2008), as documented in section 3.0 and Table 3-1 of Appendix G; and section 5.2.1 and Table 5-6, section 5.2.2 and Table 5-9; section 5.2.3 and Table 5-12 of the DEIS. The low frequency noise criterion was not predicted to be exceeded at any of the seven rural residences.

Construction noise

Construction noise and roadway noise from construction traffic, is documented in section 4.10.1.1 and Table 4.10-1 of the DEIS. The reference noise levels for each piece of equipment listed in Table 4.10-1 represent the maximum noise level produced by the equipment (FTA 1995), and therefore, the estimated maximum noise levels at 1-mile from the equipment would range from 20 to 38 dBA, including truck traffic (maximum 38 dBA) for material and equipment transport. These noise levels are within the range of the ambient (L_{90}) noise levels in the project area of 25 to 38 dBA (Tables 3.10-3 and 3.10-4 of the DEIS). Section 4.10.1.1 of the DEIS states that the construction equipment could be audible at up to 1-mile away from the equipment. However, noises at 20 to 38 dBA are typically considered “very faint” to “faint” noise levels (Table 3.10-1 of the DEIS).

Noise mitigation measures

Noise mitigation measures for construction, operation and maintenance activities were documented in section 4.10.1.4 of the DEIS. Subsequent environmental monitoring of noise levels, either pre-or post- project construction, would be feasible, but is beyond the scope of the DEIS.

2.11 Visual Resources

2.11.1 Comment Summary

A number of comments were received expressing concerns about the visual impacts of the project, especially from vantage points not analyzed in the DEIS. Key concerns included the visual impacts from the following areas:

- The vicinity of Hunter Hot Springs
- Views from the Engwis residences
- East of the state parcel
- Along Interstate 90
- Big Timber

Additional comments concerned how the project would affect views of the Crazy Mountains, the visual impact of the control building, accuracy of nighttime simulations, and FAA required lighting.

2.11.2 Issues Raised and Responses

Visual impacts from additional viewpoints

In order to best consider the visual impacts of the No Action and Proposed Action alternatives from the viewpoints above, additional visual simulations were prepared for the FEIS. These simulations, along with the ones provided in the DEIS, show that views of the Crazy Mountains (per comment no. 45) would not be obstructed from most vantage points. One comment requested the control building proposed to be built on private land be included in the visual simulations (comment no. 160). This building has been included on the new visual simulations. The 1-story building is very low profile and not readily distinguishable at these distances.

Photographic simulations were developed from the following vantage points listed below and are included in section 6 of this FEIS.

- Figure 4.11-8. Visual simulation of landscape under No Action and Proposed Action alternatives; viewed from the hill above Hunter Hot Springs, Park County, Montana (addresses comment no. 42)
- Figure 4.11-9. Visual simulation of landscape under No Action and Proposed Action alternatives; viewed from the North Yellowstone Trail Road, Engwis Investment Co. property, Sweet Grass County, Montana (addresses comment nos. 101,121)
- Figure 4.11-10. Visual simulation of landscape under No Action and Proposed Action alternatives; viewed from Cow Creek Road, Sweet Grass County, Montana (addresses comment nos. 39,121,157)
- Figure 4.11-11. Visual simulation of landscape under No Action and Proposed Action alternatives; viewed from DeHart exit, I-90, Sweet Grass County, Montana (addresses comment nos. 45, 79)
- Figure 4.11-12. Visual simulation of landscape at night under No Action Alternative; viewed from the hill above Hunter Hot Springs, Park County, Montana.
- Figure 4.11-13. Visual simulation of landscape at night under Proposed Action Alternative; viewed from the hill above Hunter Hot Springs, Park County, Montana.
- Figure 4.11-14. Visual simulation of landscape at night under No Action Alternative; viewed from the North Yellowstone Trail Road, Engwis Investment Co. property, Sweet Grass County, Montana.
- Figure 4.11-15. Visual simulation of landscape at night under Proposed Action Alternative; viewed from the North Yellowstone Trail Road, Engwis Investment Co. property, Sweet Grass County, Montana.
- Figure 4.11-16. Visual simulation of landscape at night under No Action Alternative; viewed from Cow Creek Road, Sweet Grass County, Montana.
- Figure 4.11-17. Visual simulation of landscape at night under Proposed Action Alternative; viewed from Cow Creek Road, Sweet Grass County, Montana.
- Figure 4.11-18. Visual simulation of landscape at night under No Action Alternative; viewed from DeHart exit, I-90, Sweet Grass County, Montana.
- Figure 4.11-19. Visual simulation of landscape at night under Proposed Action Alternative; viewed from DeHart exit, I-90, Sweet Grass County, Montana.

Photos were taken to prepare simulations from the I-90 off ramp at Big Timber (comment nos. 39,79,121,157). However, no structures associated with the proposed project were visible from that location and were thus not included as new figures. Elsewhere in Big Timber vegetation, buildings, and topography obstruct the general view shed looking towards the proposed project.

Accuracy of simulations

One comment stated the artist interpretation of the visual impact of the turbines at night (in the DEIS) is not nearly as great as the actual impact will be; and there will be visual pollution (comment no. 46,52). Another comment stated the visual simulations do not come close to representing the impact (comment no. 159). All photo simulations were completed using standard methods and are as accurate as possible. Relative brightness of the turbine lights in the nighttime simulations depends on the computer or printed media the simulations are viewed

with. In reality, the turbine lights would look similar to other tower lights one may be familiar with. While not possible to create simulations from every location, the simulation locations included in the DEIS were chosen to represent views most seen by the public, and simulations in the FEIS respond to public comment. “Visual pollution” is a subjective term and thus can not be addressed.

FAA lighting

There was one concern that Coyote Wind had not prepared required notices to the FAA and therefore could not know final requirements for lighting and marking of turbines (comment no. 83). Coyote Wind has submitted the proposed turbine layout to the FAA per their requirements, but has not heard back from them regarding specific required lighting as of the date of this FEIS. FAA does have general requirements for tower lighting that apply to most projects, and those are the ones depicted in Figure 4.11-7 of the DEIS, and Figures 4.11-12 through 4.11-19 of the FEIS. Should this project move forward, the DNRC lease would require adherence to FAA guidelines.

This page intentionally left blank.

Chapter 3: Changes to Draft Environmental Impact Statement

Page E-1; Introduction

Replace:

The Proposed Action would be implemented in 2010, and would continue annually for 20-30 years.

With:

The Proposed Action would be implemented in 2010 or 2011, and would continue annually for 20 years.

Page E-2; Proposed Action Alternative

Replace:

The Project would begin construction in 2010. The basic infrastructure, including roads and turbine foundations would be constructed first, then the wind turbines would be erected with the expectation the Project would come on line in 2010.

With:

The Project would begin construction in 2010 or 2011. The basic infrastructure, including roads and turbine foundations would be constructed first, then the wind turbines would be erected with the expectation the Project would come on line by 2012.

Page 1; section 1.1

Replace:

The Proposed Action would be implemented in 2010, and would continue for 20-30 years.

With:

The Proposed Action would be implemented in 2010 or 2011, and would continue for 20 years.

Page 2; section 1.3

Replace:

The school trust land is managed by DNRC for the State of Montana. Montana state law mandates the “highest development of state-owned lands in order that they might be placed to their highest and best use and thereby derive greater revenue for the support of the common schools” (77-1-601; MCA 2007a). DNRC’s stated objectives in issuing RFPs for wind development on school trust lands are:

With:

The school trust land is managed by DNRC for the State of Montana. Montana state law mandates the “highest development of state-owned lands in order that they might be placed to their highest and best use and thereby derive greater revenue for the support of the common schools” (77-1-601; MCA 2007a). One way to manage the school trust land to meet this

objective is through wind development. DNRC's stated objectives in issuing RFPs for wind development on school trust lands are:

Page 6; section 1.5

Replace:

The project was presented to the Sweet Grass County commissioners in 2006 and there were no objections.

With:

The project was presented to the Sweet Grass County commissioners in 2006 and to the Sweet Grass and Park County commissioners in 2009 and there were no objections.

Page 13; Figure 2.2-1

Replace Figure 2.2-1 with Figure 2.2-1 rev

Page 15; section 2.2.4.1; 1st paragraph

Replace:

The state parcel would be accessed via Interstate 90 and county roads (see Figure 2.2-1).

With:

The state parcel would be accessed via Interstate 90 and county roads (see Figure 3.4-1).

Page 15; section 2.2.4.1; 3rd paragraph

Replace:

They would submit to the Sweet Grass County weed board and the DNRC a written plan...

With:

Coyote Wind would submit to the Sweet Grass County weed board and the DNRC a written plan...

Page 19; section 2.2.6

Replace:

The Project would begin construction in 2010. The basic infrastructure including roads and turbine foundations would be constructed first, then the wind turbines would be erected with the expectation the Project would come on line in 2010.

With:

The Project would begin construction in 2010 or 2011. The basic infrastructure including roads and turbine foundations would be constructed first, then the wind turbines would be erected with the expectation the Project would come on line by 2012.

Page 20-21; Table 2.3-1

Replace Table 2.3-1 with Table 2.3-1 rev. below

Table 2.3-1 rev. Comparison of wind development activity under No Action and Proposed Action alternatives, Coyote Wind Project, Sweet Grass County, MT.

	No Action		Proposed Action	
	Private Land Only	Private and State Land	Private Land Only	Private and State Land
Approximate number of turbines	36	36	36	44
Approximate capacity of wind Project	64.8 MW	64.8 MW	64.8 MW	79.2 MW
Approximate acreage in development	2,400	2,400	2,400	3,040
Approximate miles of improved roads	11	11	11	13
Number of meteorological towers	1	2	1	2
Number of new buildings to support Project	1	1	1	1
Temporary Disturbance				
Approximate acreage of disturbance due to turbine foundation construction	7.15	7.15	7.15	8.74
Approximate acreage of disturbance due to trenching	8.39	8.39	8.39	9.74
Permanent Loss				
Approximate acreage lost to road development	36	36	36	42.15
Approximate acreage lost to turbine foundations	1.01	1.01	1.01	1.24
Approximate acreage lost to trenching	0	0	0	0
Approximate acreage lost to support buildings	<0.25	<0.25	<0.25	<0.25
TOTAL ACREAGE LOST	37.26	37.26	37.26	43.64
PERCENT OF ACREAGE IN DEVELOPMENT	1.55	1.55	1.55	1.44
Workers and vehicles				
Maximum no. of vehicles on site daily during construction	75	75	75	75
Maximum no. of workers on site daily during construction	400	400	400	400
Average no. of vehicles on site daily during operation	2	2	2	2
Average no. of workers on site daily during operation	4	4	4	4

Page 33; section 3.4.2.1

Replace:

Land surrounding the subject state parcel is entirely privately owned, with a pattern of large-acreage holdings by a small number of owners. There are no other publicly-owned lands within a two-mile radius of the state parcel.

With:

Land surrounding the subject state parcel is entirely privately owned, with a pattern of large-acreage holdings by a small number of owners. Under both alternatives, turbines would be placed on land owned by two private landowners; Alfred Anderson and the Crazy Mountain Cattle Company. There are no other publicly-owned lands within a two-mile radius of the state parcel.

Page 45-46; Table 3.7-1

Replace Table 3.7-1 with Table 3.7-1-rev below:

Table 3.7-1-rev. Grasses and forbs found on the state parcel, Sweet Grass County, MT, August 2008.

Common Name	Scientific Name	Common Name	Scientific Name
Big sagebrush	<i>Artemisia tridentata</i>	Prairie junegrass	<i>Koeleria macrantha</i>
Bluebunch wheatgrass	<i>Pseudoroegneria spicata</i>	Prairie prickly pear	<i>Opuntia P. spp.</i>
Blueweed	<i>Echium vulgare</i>	Rubber rabbitbrush	<i>Ericameria nauseosa</i>
Canada Goldenrod	<i>Solidago canadensis</i>	Sandberg bluegrass	<i>Poa secunda</i>
Cheatgrass	<i>Bromus tectorum</i>	Silver sagebrush	<i>Artemisia cana</i>
Club moss	<i>Lycopodium clavatum</i>	Slender wheatgrass	<i>Elymus trachycaulus</i>
Fringed sagebrush	<i>Artemisia frigida</i>	Sticky geranium	<i>Geranium viscosissimum</i>
Idaho fescue	<i>Festuca idahoensis</i>	Sunflower	<i>Helianthus annuus</i>
Intermediate wheatgrass	<i>Elytrigia intermedia</i>	Thickspike wheatgrass	<i>Elymus macrourus</i>
Needle and thread	<i>Hesperostipa comata</i>	Timothy	<i>Phleum pratense</i>
Purple prairie clover	<i>Dalea lasiathera</i>	Vetch	<i>Astragalus spp.</i>
Prairie coneflower	<i>Ratibida columnifera</i>	Western wheatgrass	<i>Pascopyrum smithii</i>

Page 46; section 3.7.2.1; Wetland Communities

Replace:

It is likely that none of the wetlands are jurisdictional because they have no connections to waters of the US.

With:

It is likely that none of the wetlands are jurisdictional because they do not appear to have connections to waters of the US.

Page 55; section 3.8.3.1

Replace:

The PII ranked the Coyote Wind project area as moderate in terms of potential risk to aerial wildlife (Wilde 2004, Appendix A).

With:

The PII ranked the Coyote Wind project area at the low end of the high category in terms of potential risk to wildlife (Wilde 2004, Appendix C).

Page 55; section 3.8.3.1

Replace Table 3.8-1 with Table 3.8-1-rev on following page:

Table 3.8-1-rev. Wildlife species of concern documented during field surveys or with potential to occur in the Coyote Wind Project Region, Sweet Grass County, MT.

Common Name	Scientific Name	State Rank ¹	FWS	Habitat Present ²	Documented on state parcel ²
Birds					
American white pelican	<i>Pelecanus erythrorhynchos</i>	S3B	N/A	Y	Y
Bald eagle	<i>Haliaeetus leucocephalus</i>	S3	DM	Y	Y
Brewer's sparrow	<i>Spizella breweri</i>	S2B	N/A	Y	Y
Burrowing owl	<i>Athene cunicularia</i>	S3B	N/A	Y	N
Golden eagle	<i>Aquila chrysaetos</i>	S3	N/A	Y	Y
Grasshopper sparrow	<i>Ammodramus savannarum</i>	S3B	N/A	Y	Y
Ferruginous hawk	<i>Buteo regalis</i>	S3B	N/A	Y	Y
Long-billed curlew	<i>Numenius americanus</i>	S2B	N/A	Y	Y
Mountain plover	<i>Charadrius montanus</i>	S2B	N/A	Y	N
Peregrine falcon	<i>Falco peregrinus</i>	S2B	DM	Y	
Bats					
Fringed myotis	<i>Myotis thysanodes</i>	S3S4	N/A	Y	
Hoary bat	<i>Lasiurus cinereus</i>	S3S4	N/A	Y	Y
Silver-haired bat	<i>Lasionycteris noctivagans</i>	S3S4	N/A	Y	
Spotted bat	<i>Euderma maculatum</i>	S2	N/A	Y	
Townsend's Big-eared bat	<i>Corynorhinus townsendii</i>	S2	N/A	Y	
Yuma myotis	<i>Myotis yumanensis</i>	S3S4	N/A	Y	
Other Mammals					
Merriam's shrew	<i>Sorex merriami</i>	S3	N/A	Y	
Preble's shrew	<i>Sorex preblei</i>	S3	N/A	Y	
Black-tailed prairie dog	<i>Cynomys ludovicianus</i>	S3	N/A	Y	Y
Canada lynx	<i>Lynx Canadensis</i>	S3	LT		
Gray wolf	<i>Canis lupus</i>	S3	E/XN	Y	
Grizzly bear	<i>Ursus arctos</i>	S2S3	LT	Y	
Wolverine	<i>Gulo gulo</i>	S3	N/A	Y	
Reptiles					
Greater short-horned lizard	<i>Phrynosoma hernandesi</i>	S3	N/A	Y	

¹Definitions for rankings: S = State rank based on status of species in Montana. S2: At risk because of very limited and/or declining numbers, range, and/or habitat, making it vulnerable to global extinction or extirpation in the state. S3: Potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas. S4: Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern. E: Listed endangered; LT: Listed threatened; XN: Non-essential/experimental population; DM: Recovered, delisted and now being monitored. B: breeding population of the species in Montana.

²Y = Yes

Page 68, section 3.8.3.6

Add descriptions below after *Bald eagle* and before *Brewer's sparrow*

Golden eagle. *Golden eagles occur in the project region year-round. They were observed on both state and private parcels. There were two active golden eagle nests documented during aerial surveys although none were on the state parcel (Figure 3.8-1). The nearest active nest to a state parcel turbine (CT-1) is approximately 2.2 miles (3.5 kilometers), and to turbine on private land (CT-9) is 3.2 miles (5.1 kilometers).*

Golden eagles tend to nest on the south or east aspects of cliffs and in large trees at lower elevations and hunt over prairie grasslands, sagebrush habitats, and open woodlands. Migration tends to be from higher to lower elevations for fall migration and opposite for spring migration. In Montana, golden eagles eat primarily jackrabbits, waterfowl and grouse, ground squirrels, and may feed on carrion. They occasionally prey on larger mammals such as deer and antelope, although mostly on younger, smaller animals.

Golden eagles are protected under the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and have recently been listed by the State of Montana as a Species of Concern.

Mountain plover. *Mountain plover may exist in the project area although there are no records of sightings in the vicinity (MNHP 2009) and none were documented during surveys. Primary habitat use in Montana during the breeding season includes flat, heavily grazed, short grass prairie sites. This bird is opportunistic and feeds primarily on insects such as crickets, grasshoppers, beetles and flies. Mountain plovers arrive in Montana in April and migrate out in September. The species is a rare migrant west of the Continental Divide, but is a breeding resident of the prairie lands to the east.*

Burrowing owl. *Burrowing owls likely occur in the project area although none were documented during surveys. Burrowing owls are found in open grasslands utilizing abandoned burrows dug by mammals such as badgers (*Taxidea taxus*), ground squirrels (*Spermophilus spp.*), or prairie dogs (*Cynomys spp.*). The burrows may be enlarged or modified, making them more suitable. In the northern portion of their range, including Montana, burrowing owls are migratory. Burrowing owls are opportunistic feeders with a varied diet that exploits food sources on a seasonal basis. Invertebrates comprise the majority of their diet in most areas, but small mammals, amphibians, reptiles, and birds may also be consumed. The earliest they have been documented in Montana is March, and the latest date was October.*

Page 75; section 3.10.2

Replace:

Since the noise produced by a turbine and the ambient noise at a receptor location will vary with wind speed, the criteria presented in Table 3.10-2 are based on the L_{eq} noise level produced by the turbines and the ambient noise level (L_{90}) related to wind speed.

With:

Since the noise produced by a turbine and the ambient noise at a receptor location will vary with wind speed, the criteria presented in Table 3.10-2 are based on the L_{eq} noise level produced by the turbines and the ambient noise level (L_{90}) related to wind speed (Appendix G).

Page 93; section 4.5.1.1

Replace:

Traffic Volumes

Traffic associated with the No Action Alternative would occur primarily during the construction period and would include the required personal transport for approximately 400 workers (average per day), transport to and from the site, approximately 75 construction vehicles including heavy equipment, and an undetermined number of truck trips delivering construction materials and the wind farm equipment itself.

With:

Traffic Volumes

Traffic associated with the No Action Alternative would occur primarily during the construction period. It would include the required personal transport for a maximum of 400 workers to and from the site per day; and a maximum of 75 construction vehicles including heavy equipment and an undetermined number of truck trips delivering construction materials and the wind farm equipment itself. Most often during construction there would be 12 trucks and 4 cranes on site daily (Martin pers. comm. 2009). Increase in Average Daily Traffic (ADT) on access roads during construction would be governed largely by the size of the workforce. The maximum personnel-related ADT increase would be 800; or 400 inbound (morning) and 400 outbound (evening) if each worker drove a separate vehicle.

Page 94; section 4.5.2.4 Mitigation (Transportation)

Replace:

Mitigation for the Proposed Action Alternative is the same as that described for the No Action Alternative.

With:

Mitigation for the Proposed Action Alternative includes that described for the No Action Alternative, but would also include a requirement by the DNRC that Coyote Wind would submit a transportation plan to the Park County and Sweet Grass County Board of Commissioners. This plan would be approved by both County Commissions prior to commencement of construction on the State land and would detail any improvements necessary on existing County roads and any requirements for mass transport of workers to and from the site.

Page 98; section 4.6.1.2; Property Values

Replace:

Table 2.3-1 (Chapter 2) indicates that approximately 400 workers would be on site daily during the construction period in 2010.

With:

Table 2.3-1 (Chapter 2) indicates that a maximum of 400 workers would be on site daily during the construction period in 2010 or 2011.

Page 98; section 4.6.1.2; Property Tax Revenue

Replace:

The average mill levy in District 29 (where the project would be located) was 366.4 mills in 2008 (Hofland pers. com. 2009). The actual market value of the property cannot be established until the project is in operation. Therefore, the value of the turbines proposed to be located on the property was used as an estimate of the market value. Approximately 66.8MW of generation is proposed for the private land at a cost of between \$1.3 and \$1.7 million/MW (Matalucci pers. com. 2009). Based on these figures, the total value of the property is between \$86.84 and \$113.56 million.

Based on these estimates of market value, the taxable value of the property would be between \$2.6 and \$3.4 million, and the tax obligation [without factoring in any tax incentive programs and there are tax incentive and tax reduction programs in Montana, e.g. MCA 15-24-3111 and MCA 15-24-3001(2007b)] would be between \$0.95 and \$1.25 million annually.

With:

The average mill levy in District 29 (where the project would be located) was 366.4 mills in 2008 (Hofland pers. com. 2009). The actual market value of the property cannot be established until the project is in operation. Therefore, the value of the turbines proposed to be located on the property was used as an estimate of the market value. Approximately 64.8MW of generation is proposed for the private land at a cost of between \$1.3 and \$1.7 million/MW (Matalucci pers. com. 2009). Based on these figures, the total value of the property is between \$84.24 and \$110.16 million.

Based on these estimates of market value, the taxable value of the property would be between \$2.5 and \$3.3 million, and the tax obligation [without factoring in any tax incentive programs and there are tax incentive and tax reduction programs in Montana, e.g. MCA 15-24-3111 and MCA 15-24-3001(2007b)] would be between \$0.93 and \$1.21 million annually.

Page 107; section 4.8.1.1; Birds

Replace:

Other studies have speculated that possible factors influencing avian mortality also include the number of turbines, the location of turbines within the string (turbines at end of rows have higher collision rates), tower height and blade length (rotor sweep area relative to ground height), proximity to migration corridors or attractants such as wetlands and prey sources, and proximity to rim edges (Johnson et al. 2002; NWCC 2003).

With:

Other studies have speculated that possible factors influencing avian mortality also include the number of turbines, the location of turbines within the string (turbines at end of rows have higher collision rates), tower height and blade length (rotor sweep area relative to ground

height), proximity to migration corridors or attractants such as wetlands and prey sources, and proximity to rim edges (Johnson et al. 2002; NWCC 2003). Table 4.8-2 provides distances between turbines and potential attractants.

Table 4.8-2. Distances between turbines (under both alternatives) and sensitive wildlife features in the Coyote Wind Project region, Sweet Grass County, MT.

From	To	Distance (miles/kilometers)
Yellowstone River	Nearest state parcel boundary	1.7/2.7
	Nearest state parcel turbine (CT-8)	1.9/3.0
	Nearest private parcel turbine (CT-11)	0.85/1.4
Bald eagle nest	Nearest state parcel turbine (CT-8)	1.9/3.0
	Nearest private parcel turbine (CT-11)	0.97/1.6
Golden eagle nest	Nearest state parcel turbine (CT-1)	2.2/3.5
	Nearest private parcel turbine (CT-9)	3.2/5.1
Prairie dog colony	Nearest state parcel turbine (CT-6)	0.11/0.17
	Nearest private parcel turbine (CT-9)	0.29/0.47

Page 124-125; Table 4.10-2.

Replace with Table 4.10-2.rev below:

Table 4.10-2.rev. Predicted noise levels – No Action Alternative, Coyote Wind Project, Sweet Grass County, MT.

Residential Receptor	Receptor Distance to Nearest No Action Turbine	Wind Speed at 32 feet agl (mph)	Ground Level Ambient (L ₉₀) Noise Level (dBA) Table 3.10-4	Ground Level Predicted No Action Turbine L _{eq} (dBA)	Ground Level No Action Turbine L _{eq} minus Ambient L ₉₀ (dBA)
R1	0.53 miles	8.9	26	31	+5
		13.4	32	38	+6
		17.9	38	38	0
		22.4	44	39	-5
		26.8	48	39	-9
R2	1,500 feet	8.9	26	38	+12
		13.4	32	46	+14
		17.9	38	46	+8
		22.4	44	47	+3
		26.8	48	47	-1
R3	0.7 miles	8.9	26	24	-2
		13.4	32	32	0
		17.9	38	32	-6
		22.4	44	32	-12
		26.8	48	32	-16
R4	0.47 miles	8.9	26	35	+9
		13.4	32	43	+11
		17.9	38	43	+5
		22.4	44	43	-1
		26.8	48	43	-5
R5	0.75 miles	8.9	26	33	+7
		13.4	32	40	+8
		17.9	38	40	+2
		22.4	44	41	-3
		26.8	48	41	-7

Table 4.10-2-rev. Predicted noise levels – No Action Alternative, Coyote Wind Project, Sweet Grass County, MT.

Residential Receptor	Receptor Distance to Nearest No Action Turbine	Wind Speed at 32 feet agl (mph)	Ground Level Ambient (L_{90}) Noise Level (dBA) Table 3.10-4	Ground Level Predicted No Action Turbine L_{eq} (dBA)	Ground Level No Action Turbine L_{eq} minus Ambient L_{90} (dBA)
R6	0.57 miles	8.9	26	34	+8
		13.4	32	42	+10
		17.9	38	42	+4
		22.4	44	42	-2
		26.8	48	42	-6
R7	1.3 miles	8.9	26	26	0
		13.4	32	34	+2
		17.9	38	34	-4
		22.4	44	34	-10
		26.8	48	34	-14

Page 127; Table 4.10-4.

Replace Table 4.10-4 with Table 4.10-4-rev. below:

Table 4.10-4-rev. Predicted noise levels – Proposed Action Alternative, Coyote Wind Project, Sweet Grass County, MT.

Residential Receptor	Receptor Distance to Nearest Turbine on State Parcel	Wind Speed at 32 feet agl (mph)	Ground Level Ambient (L_{90}) Noise Level (dBA) Table 3.10-4	Ground Level Predicted Cumulative Turbine L_{eq} (dBA)	Ground Level Cumulative Turbine L_{eq} minus Ambient L_{90} (dBA)
R1	0.7 miles	8.9	26	31	+5
		13.4	32	39	+7
		17.9	38	39	+1
		22.4	44	39	-5
		26.8	48	39	-9
R2	0.6 miles	8.9	26	39	+13
		13.4	32	46	+14
		17.9	38	46	+8
		22.4	44	47	+3
		26.8	48	47	-1
R3	3.1 miles	8.9	26	24	-2
		13.4	32	32	0
		17.9	38	32	-6
		22.4	44	32	-12
		26.8	48	32	-16
R4	2.3 miles	8.9	26	35	+9
		13.4	32	43	+11
		17.9	38	43	+5
		22.4	44	43	-1
		26.8	48	43	-5
R5	2.4 miles	8.9	26	33	+7
		13.4	32	40	+8
		17.9	38	40	+2
		22.4	44	41	-3
		26.8	48	41	-7
R6	1.8 miles	8.9	26	34	+8

Residential Receptor	Receptor Distance to Nearest Turbine on State Parcel	Wind Speed at 32 feet agl (mph)	Ground Level Ambient (L_{90}) Noise Level (dBA) Table 3.10-4	Ground Level Predicted Cumulative Turbine L_{eq} (dBA)	Ground Level Cumulative Turbine L_{eq} minus Ambient L_{90} (dBA)
		13.4	32	42	+10
		17.9	38	42	+4
		22.4	44	42	-2
		26.8	48	42	-6
		8.9	26	26	0
R7	1.8 miles	13.4	32	34	+2
		17.9	38	34	-4
		22.4	44	34	-10
		26.8	48	34	-14

Page 146

Add to end of Chapter 4:

Section 4.13 Ice Throw

Under certain atmospheric conditions, wind turbines can shed ice fragments up to several hundred meters away potentially causing damage to persons, vehicles or buildings. The shedding is caused by both gravity and the mechanical forces of rotating blades. Analysis was done for both the private and state parcels by using the largest radius of 684 feet or 208.5m (determined using the formula described below) surrounding each proposed turbine location and using GIS to overlay potential ice throw areas with map layers for all infrastructure features in the project area (Figure 4.13-1). The analysis results showed that no structures or areas with concentrated human activity were within potential range of ice throw under either the No Action or Proposed Action alternatives. Features such as fences, dirt ranch roads, and some powerlines were within range. Occurrence of this phenomenon is likely to be extremely rare, and is not anticipated to create any negative impacts.

The following information is provided to inform mitigation in the unlikely event it should be necessary. GE Energy (Wahl and Giguere 2006) recommend considering the following when mitigating for ice throw:

- Turbine Siting: Locating turbines a safe distance from any occupied structure, road, or public use area [formula for calculating a safe distance: $1.5 * (\text{hub height} + \text{rotor diameter})$]*
- Physical and Visual Warnings: Placing fences and warning signs as appropriate for the protection of site personnel and the public.*
- Operator Safety: Restricting access to turbines by site personnel while ice remains on the turbine structure. If site personnel absolutely must access the turbine while iced, safety precautions may include remotely shutting down the turbine, yawing to place the rotor on the opposite side of the tower door, parking vehicles at a distance of at least 100 m from the tower, and restarting the turbine remotely when work is complete. As always, standard protective gear should be worn.*

- *Turbine Deactivation: Remotely switching off the turbine when site personnel detect ice accumulation. Additionally there are several scenarios which could lead to an automatic shutdown of the turbine:*
 - *Detection of ice by a nacelle-mounted ice sensor which is available for some models (with current sensor technology, ice detection is not highly reliable)*
 - *Detection of rotor imbalance caused by blade ice formation by a shaft vibration sensor; note, however, that it is possible for ice to build in a symmetric manner on all blades and not trigger the sensor.*
 - *Anemometer icing that leads to a measured wind speed below cut-in*

Chapter 4: Distribution List

The following is a list of individuals and entities to which a copy of the DEIS was mailed on or after August 11, 2009.

Anne Hedges
Montana Environmental Information Center
PO Box 1184
Helena, MT 59624

Bill Orsello or Stan Frasier
Montana Wildlife Federation
PO Box 1175
Helena, MT 59624

Bob Vogel
Montana School Boards Association
863 Great Northern Blvd. Suite 301
Helena, MT 59601

Daniel Berube
27 Cedar Lake Drive
Butte, MT 59701

Ellen Engstedt
Montana Wood Products
PO Box 1149
Helena, MT 59624

Harold Blattie
Montana Association of Counties
2715 Skyway Drive
Helena, MT 59601

Jack Atcheson, Sr.
3210 Ottawa
Butte, MT 59701

John Esp
PO Box 1024
Big Timber, MT 59011-1024

Robert Story
133 Valley Creek Road
Park City, MT 59063-8040

RF Building Company, LLP
398 North Yellowstone Trail
Big Timber, MT 59011-7827

Nancy Schlepp
Montana Farm Bureau Federation
502 South 19th, Suite 4
Bozeman, MT 59715

Ray Marxer
Matador Cattle Company
9500 Blacktail Road
Dillon, MT. 59725

Rosi Keller
University of Montana
32 Campus Drive
Missoula, MT 59812-0001

Kathy Bramer
Montana Office of Public Instruction
PO Box 202501
Helena, MT 59620-2501

Bruce Malcolm
2319 Highway 89 South
Emigrant, MT 59027-6023

Leslie Taylor
MSU Bozeman
PO Box 172440
Bozeman, MT 59717

Janet Ellis
Montana Audubon
PO Box 595
Helena, MT 59624

Wild Eagle Mountain Ranch, LLC
PO Box 130
Springdale, MT 59082-0130

John Ross
129 North Stillwater Road
Absarokee, MT 59001-6235

Rock Creek Ranch 1 LTD.
909 Fannin Street, Suite 2600
Houston, TX 77010-1009

Stephen E. Woodruff
Huppert, Swindlehurst & Woodruff, P.C.
PO Box, 523
Livingston, MT 59047

Alfred Anderson
865 North Yellowstone Trail
Big Timber, MT 59011-7765

Russ Doty
3878 Tanager Lane
Billings, MT 59102

Cindy Selensky
PO Box 118
Springdale, MT 59082

Nate Hecker
PO Box 1328
Big Timber, MT 59011

Jami Moody
PO Box 1476
Big Timber, MT 59011

Ben and Bizz Green
PO Box 1529
Big Timber, MT 59011

David Gehr
PO Box 117
Springdale, MT 59082

Ross Keogh
PO Box 722
Absarokee, MT 59001

Loren Beling
PO Box 1064
Big Timber, MT 59011

USDA NRCS
PO Box 749
Big Timber, MT 59011

Montana State Historic Preservation Office
1410 Eighth Avenue
Helena, MT 59620

Engwis Investment Company
Jan Engwis
PO Box 1570
Big Timber, MT 59011-1570

Tom and Patty Agnew
781 Lower Sweet Grass Road
Big Timber, MT 59011

Jim and Rosie Hogemark
PO Box 109
Springdale, MT 59082

Ben Selensky
721 North Yellowstone Trail Road
Big Timber, MT 59011

LaVern Bolstad
969 North Yellowstone Trail Road
Big Timber, MT 59011

Harv Van Wagoner
PO Box 1476
Big Timber, MT 59011

Jan and Karen Engwis
398 North Yellowstone Trail Road
Big Timber, MT 59011

Shirley Layne
PO Box 1582
Big Timber, MT 59011

Diane Clayton
PO Box 1185
Big Timber, MT 59011

Devon Energy Production Company
20 North Broadway, Suite 1500
Oklahoma City, OK 73102

Sweet Grass County Planning Department
200 West 1st Avenue
Big Timber, MT 59011

Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

Montana Department of Labor and Industry 1410 Eighth Avenue Helena, MT 59620	Montana Department of Environmental Quality PO Box 200901 Helena, MT 59620-0901
Paul Cartwright Montana Department of Environmental Quality 1100 North Last Chance Gulch Helena, MT 59620-0901	United States Air Force – Malmstrom AFB Public Affairs Office 21 77 th Street North Malmstrom AFB, MT 59402
United States Army Corps of Engineers 10 West 15 th Street, Suite 2200 Helena, MT 59626	United States Fish and Wildlife Service 2900 4 th Avenue North, Suite 301 Billings, MT 59101
Renee L. Coppock Crowley, Haughty, Hanson, Toole & Dietrich PO Box 2529 Billings, MT 59103-2529	Stephen R. Brown Garlington, Lohn & Robinson, PLLP PO Box 7909 Missoula, MT 59807-7909
Allison Puchniak-Begley, Native Species Biologist Montana Fish, Wildlife & Parks 2300 Lake Elmo Drive Billings, MT 59101	Lou Hanebury, Fish and Wildlife Biologist United States Fish and Wildlife Service 2900 4 th Avenue North, Suite 301 Billings, MT 59101
United States Bureau of Land Management 5001 Southgate Drive Billings, MT 59101	Crazy Mountain Cattle Company 696 North Yellowstone Trail Big Timber, MT 59011-7766
Park County Board of County Commissioners 414 East Callender Street Livingston, MT 59047-2799	Gary Hammond, Regional Supervisor Montana Fish, Wildlife & Parks 2300 Lake Elmo Drive Billings, MT 59101
Sweet Grass County Board of County Commissioners 200 West 1 st Avenue Big Timber, MT 59011	Jeanne Holmgren, Bureau Chief DNRC – Real Estate Management Bureau PO Box 201601 Helena, MT 59620-1601
United States Forest Service Big Timber Ranger District PO Box 1130 Big Timber, MT 59011-1130	Mike Sullivan DNRC – REMB PO Box 201601 Helena, MT 59620-1601
United States Federal Aviation Administration 2725 Skyway Drive, Suite 2 Helena, MT 59602-1213	Monte Mason, Bureau Chief DNRC – Minerals Management Bureau PO Box 201601 Helena, MT 59620-1601
United States Federal Communications Commission Seattle District Office 11410 NE 122 nd Way, Suite 312 Kirkland, WA 98034-6927	Environmental Quality Council Legislative Environmental Policy Office PO Box 201704 Helena, MT 59620-1704

Craig Campbell, Unit Manager
DNRC Bozeman Unit
2273 Boot Hill Court, Suite 110
Bozeman, MT 59715

Governor Brian D. Schweitzer
Office of the Governor, Montana State Capital Bldg.
PO Box 201704
Helena, MT 59620-1704

Clive Rooney, Area Manager
Northeast Land Office
613 NE Main Street
Lewistown, MT 59457

Chapter 5: References Cited in FEIS

- Bollman, J. 2009. Area Planner, Southern Land Office, Department of Natural Resources and Conservation, Trust Land Management Division, Billings, MT. Personal communication. October 2009.
- Brekke, Jerry. 2009. Historical Consultant. Livingston, MT. Personal communication. October 6, 2009.
- Brekke, Jerry. 2007. Historical Overview of Benson's Landing, Park County, Montana. On file with Park County, Montana. Available online: <http://www.parkcounty.org/Benson%20Landing%20.pdf> Accessed October 2009.
- Burns, Betsy. 2009. USEPA Region 8 - Montana Operations Office. Helena, MT. Personal communication. October 26, 2009.
- Coate, Carson. 2009. Lead Environmental Engineer, Montana Department of Environmental Quality – Air Compliance. Helena, MT. Personal communication. October 19, 2009.
- Federal Transit Administration (FTA). 1995. Transit Noise and Vibration Impact Assessment, Final Report, April 1995. U.S. Department of Transportation. DOT-T-95-16.
- Grafton, R.Q., L.H. Pendleton and H.W. Nelson. 2001. A Dictionary of Environmental Economics, Science and Policy. Edward Elgar.
- Hoen, B. 2006. Impacts of Windmill Visibility on Property Values in Madison County, New York. Unpublished MS Thesis. Bard Center for Environmental Policy. Bard College. Annandale on Hudson, NY.
- Integrated Taxonomic Information System (ITIS). 2009. Authoritative online database featuring taxonomic information on plants, animals, fungi, and microbes of North America and the world. Available online: <http://www.itis.gov/> Accessed November 5, 2009.
- Johnson, G.D., Ericson, W.P., Strickland, M.D., Shepard, M.F., Shepard, D.A., and S.A. Sarappo. 2002. Collision mortality of local and migratory birds at a large scale wind-power development on Buffalo Ridge, Minnesota. Wildlife Society Bulletin 30:879-987.
- Kamperman, G. and R. James. 2008. Simple Guidelines for Siting Wind turbines to Prevent Health Risks. Proceedings of Noise-Con 2008. Dearborn, MI. July 28-31, 2008.
- Martin, G. 2009. Engineer, Enerfin Energy Company, Madrid Spain. Personal communication. October 2, 2009.
- Montana Code Annotated. 2009. Title 77. State Lands. Chapter 1. Administration of State Lands. Part 122: Environmental review of energy development projects on state land.

- Available online. <http://data.opi.mt.gov/bills/mca/77/1/77-1-122.htm> Accessed November 2009.
- Montana Code Annotated. 2007. Title 77. State Lands. Chapter 1. Administration of State Lands. Part 6: Development of State Lands, Statement of Policy. Available online. <http://data.opi.mt.gov/bills/mca/77/1/77-1-601.htm>. Accessed November 2009.
- Montana Department of Natural Resources and Conservation (DNRC). 2008. Generic Request for Proposals for Wind Energy Projects. Available online: <http://dnrc.mt.gov/trust/wind/GenericWindRFP.pdf>. Accessed October 2008.
- Montana Natural Heritage Program (MNHP). 2009. Online Montana Field Guide: Mountain Plover - *Charadrius montañes*. Available online: http://fieldguide.mt.gov/detail_ABNNB03100.aspx. Retrieved November 2009.
- Montana Wind Energy Working Group. 2003. October 30 Meeting Minutes. Available online: <http://www.deq.state.mt.us/Energy/Renewable/WindWeb/WindWorkGroup/2003Oct30.htm>.
- Mundinger, J. and T. Everts. 2006. A Guide to Montana Environmental Policy Act. Published by Legislative Environmental Policy Office. Environmental Quality Office, Helena, MT. Revised. 99 pages.
- Murdo, D. 2009. Cultural Records Manager, Montana Historical Society, Helena, MT. Personal communication. October 5, 2009.
- National Wind Coordinating Committee (NWCC). 2002. Permitting of Wind Energy Facilities: A Handbook. Available online: <http://www.nationalwind.org/publications/siting/permitting2002.pdf>. Washington, DC
- Shurtliff, Joan. 2007. Cemeteries located in Sweet Grass County, Montana. Available online: <http://www.sweetgrass.mtgenweb.org/sgcinfo.htm#cemeteries>. Accessed October 2009.
- Topping, E.S. 1968. Chronicles of the Yellowstone. Ross & Haines, Inc., Minneapolis. Pages 236-237.
- United States Department of Agriculture Natural Resources Conservation Service (NRCS). 2009. PLANTS Database. United States Department of Agriculture, Natural Resources Conservation Service. Available online: <http://plants.usda.gov/>. Accessed November 5, 2009.
- United States Fish and Wildlife Service (FWS). 2003. Interim guidelines to avoid and minimize wildlife impacts from wind turbines. Available online: <http://www.fws.gov/habitatconservation/Service%20Interim%20Guidelines.pdf>. Accessed November 5, 2009.

United States Fish and Wildlife Service (FWS). 2009a. Bald Eagle Management Guidelines & Conservation Measures. Available online: <http://alaska.fws.gov/birds/guidelines/bgepa.html>. Accessed November 2, 2009

United States Fish and Wildlife Service (FWS). 2009b. Draft (v.6) Draft of the Synthesis Workgroup Recommendations. U.S. Fish and Wildlife Service Wind Turbine Guidelines Advisory Committee. October 26, 2009. Available online: http://www.fws.gov/habitatconservation/windpower/Wind_FAC_Synthesis_Workgroup_Draft_v6_for_Release_Oct_26_2009.pdf. Accessed November 2, 2009.

van den Berg, F., Pedersen, E., Bouma, J., and R. Bakker. 2008. WINDFARM perception – Visual and acoustic impact of wind turbine farms on residents, Final Report. FP6-2005-Science-and-Society-20. Specific Support Action Project No. 044628. June 3, 2008.

Wahl, D. and P. Giguere. 2006. Ice Shedding and Ice Throw – Risk and Mitigation. GE Energy, Wind Application Engineering.

Wilde, M.H. 2004. Site Assessment for Coyote Wind, LLC. Coyote Energy, Inc. Columbia Falls, MT. 28 pages.

This page intentionally blank.

Chapter 6: Revised and New Figures

This section includes figures which were revised, as well as new figures created to in response to written and oral comments. These figures include:

Figure 2.2-1. State parcel proposed to be leased for the to be leased for the coyote wind project

Figure 4.11-8. Visual simulation of landscape under No Action and Proposed Action alternatives; viewed from the hill above Hunter Hot Springs, Park County, Montana.

Figure 4.11-9. Visual simulation of landscape under No Action and Proposed Action alternatives; viewed from the North Yellowstone Trail Road, Engwis Investment Co. property, Sweet Grass County, Montana.

Figure 4.11-10. Visual simulation of landscape under No Action and Proposed Action alternatives; viewed from Cow Creek Road, Sweet Grass County, Montana.

Figure 4.11-11. Visual simulation of landscape under No Action and Proposed Action alternatives; viewed from DeHart exit, I-90, Sweet Grass County, Montana.

Figure 4.11-12. Visual simulation of landscape at night under No Action Alternative; viewed from the hill above Hunter Hot Springs, Park County, Montana.

Figure 4.11-13. Visual simulation of landscape at night under Proposed Action Alternative; viewed from the hill above Hunter Hot Springs, Park County, Montana.

Figure 4.11-14. Visual simulation of landscape at night under No Action Alternative; viewed from the North Yellowstone Trail Road, Engwis Investment Co. property, Sweet Grass County, Montana.

Figure 4.11-15. Visual simulation of landscape at night under Proposed Action Alternative; viewed from the North Yellowstone Trail Road, Engwis Investment Co. property, Sweet Grass County, Montana.

Figure 4.11-16. Visual simulation of landscape at night under No Action Alternative; viewed from Cow Creek Road, Sweet Grass County, Montana.

Figure 4.11-17. Visual simulation of landscape at night under Proposed Action Alternative; viewed from Cow Creek Road, Sweet Grass County, Montana.

Figure 4.11-18. Visual simulation of landscape at night under No Action Alternative; viewed from DeHart exit, I-90, Sweet Grass County, Montana.

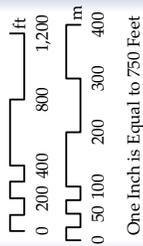
Figure 4.11-19. Visual simulation of landscape at night under Proposed Action Alternative; viewed from DeHart exit, I-90, Sweet Grass County, Montana.

Figure 4.13-1. Analysis for potential area of impact for ice throw, Coyote Wind Project, Sweet Grass County, Montana

FIGURE 2.2-1.
STATE PARCEL PROPOSED
TO BE LEASED FOR THE
COYOTE WIND PROJECT
 Sweet Grass County, Montana
 T1N R12E Section 36

Map Legend:

- Proposed Project Area
- Proposed Turbine Location
- Proposed Met Tower
- New CT-4 Turbine Location
- Existing Met Tower
- Existing Roads
- Creek
- Ditch
- Intermittent Stream
- T-Line
- Substation
- T-Line Towers
- Residence



SOURCES:
 MONTANA NATIONAL RESOURCE INFORMATION SYSTEM (NRIS)
 USGS AIR PHOTO PHOTO FILE # 48-0125-2A (2007)

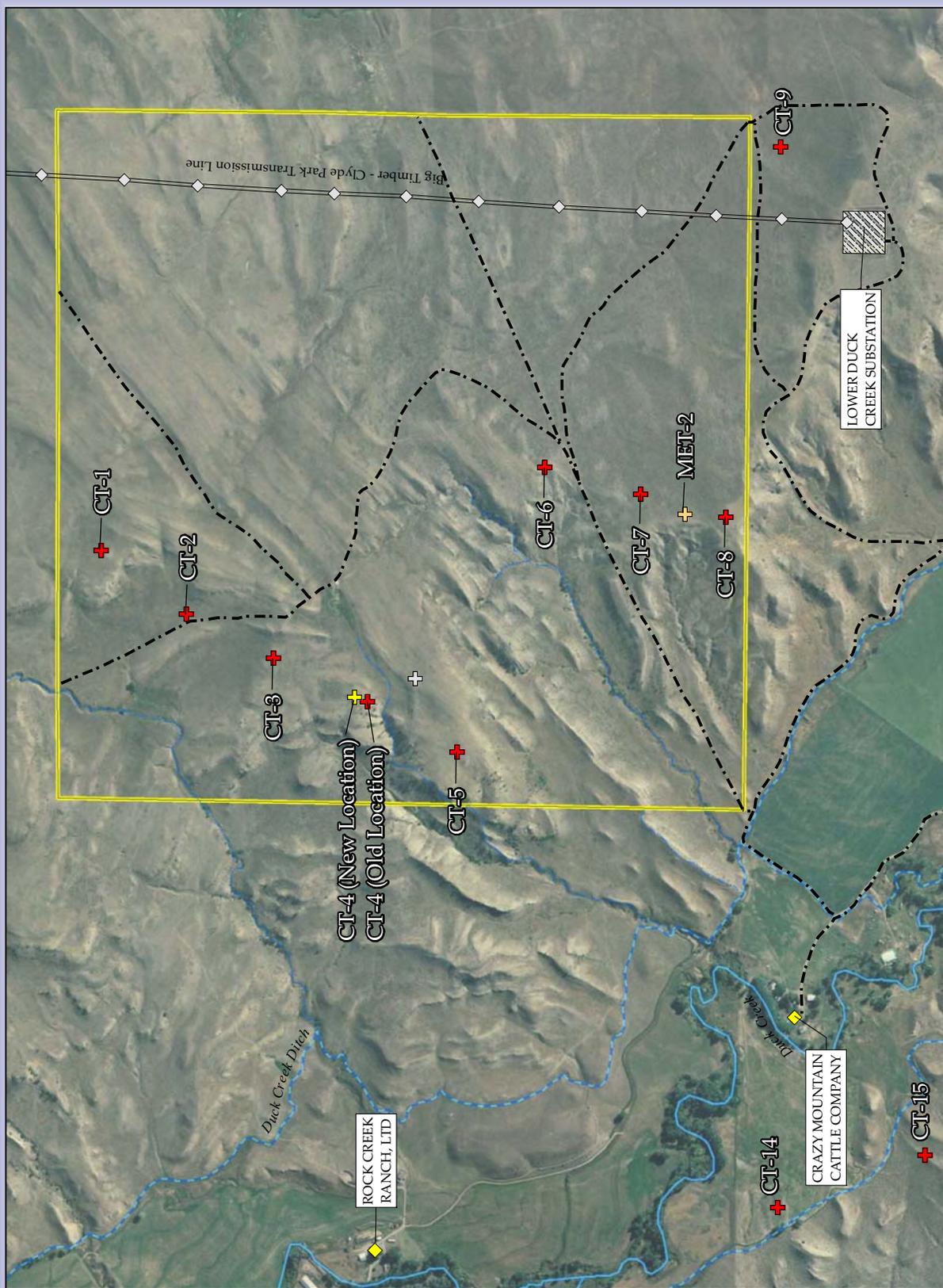


FIGURE 4.11-8.
 VISUAL SIMULATION
 OF LANDSCAPE UNDER
 NO ACTION AND PROPOSED
 ACTION ALTERNATIVES;
 VIEWED FROM THE HILL,
 ABOVE HUNTER HOT
 SPRINGS, PARK COUNTY,
 MONTANA.



SOURCE:
 ENSRUP ENERGY COMPANY



No Action - Hill Above Hunter Hot Springs Simulation View



Proposed Action - Hill Above Hunter Hot Springs Simulation View

Current Situation

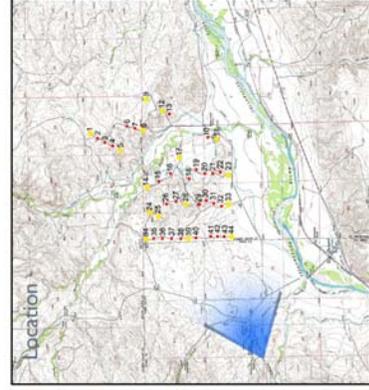


FIGURE 4.11-9.
 VISUAL SIMULATION
 OF LANDSCAPE
 UNDER NO ACTION AND
 PROPOSED ACTION
 ALTERNATIVES; VIEWED
 FROM THE NORTH
 YELLOWSTONE TRAIL
 ROAD, ENGLIS
 INVESTMENT CO.
 PROPERTY, SWEET GRASS
 COUNTY, MONTANA.

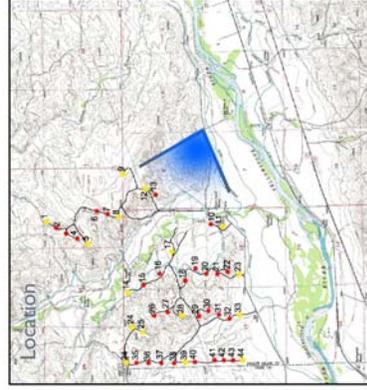


No Action - North Yellowstone Trail Road Simulation View



Proposed Action - North Yellowstone Trail Road Simulation View

Current Situation



SOURCE:
 ENRUP ENRUP COMPANY

FIGURE 4.11-10.
VISUAL SIMULATION
OF LANDSCAPE
UNDER THE NO ACTION
AND PROPOSED ACTION
ALTERNATIVES; VIEWED
FROM THE COW
CREEK ROAD,
SWEET GRASS COUNTY,
MONTANA.



SOURCE:
ENSR/ENRGO COMPANY



No Action - Cow Creek Road Simulation View



Proposed Action - Cow Creek Road Simulation View

Current Situation

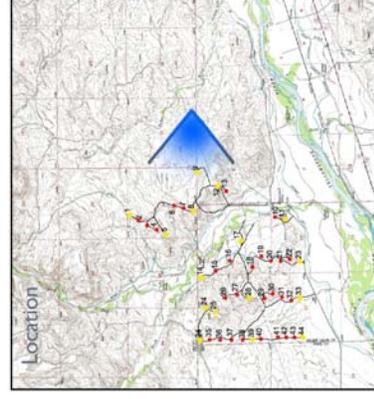


FIGURE 4.11-11.
VISUAL SIMULATION
OF LANDSCAPE
UNDER THE NO ACTION
AND PROPOSED ACTION
ALTERNATIVES; VIEWED
FROM THE
DEHART EXIT, I-90,
SWEET GRASS COUNTY,
MONTANA.



SOURCE:
ENSRUP ENRUP COMPANY



No Action - DeHart Exit, I-90 Simulation View



Proposed Action - DeHart Exit, I-90 Simulation View

Current Situation



FIGURE 4.11-12.
VISUAL SIMULATION
OF LANDSCAPE AT NIGHT
UNDER THE
NO ACTION
ALTERNATIVE; VIEWED
FROM THE HILL ABOVE
HUNTER HOT SPRINGS,
PARK COUNTY, MONTANA.



SOURCE:
EMERSON ENERGY COMPANY



No Action - Hill Above Hunter Hot Springs Night Simulation View



No Action - Hill Above Hunter Hot Springs Night Simulation View (Photo Enhanced for Orientation)

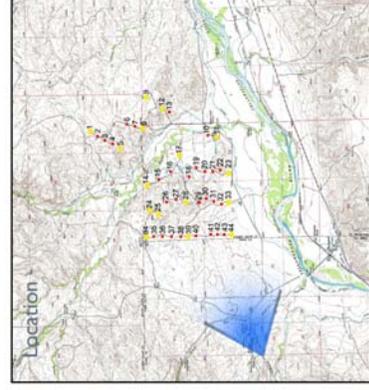
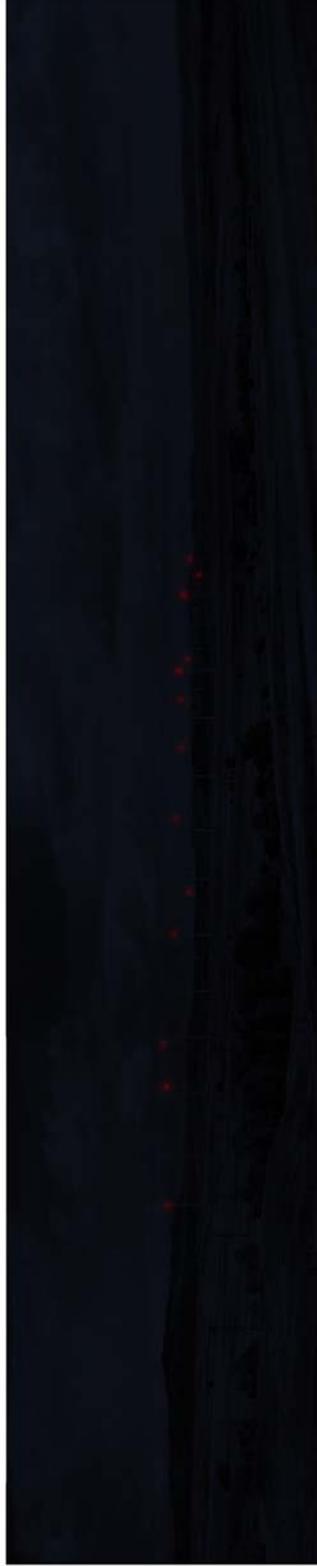


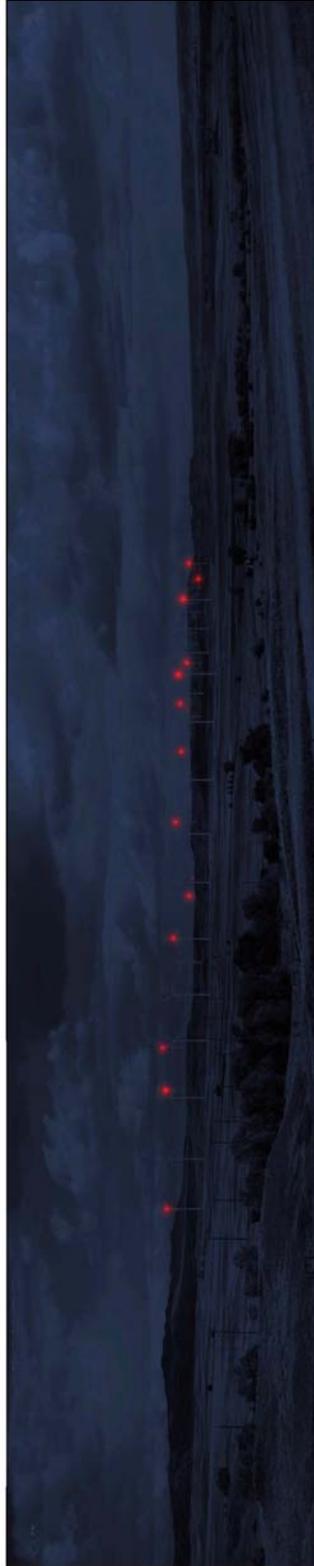
FIGURE 4.11-13.
VISUAL SIMULATION
OF LANDSCAPE AT NIGHT
UNDER THE
PROPOSED ACTION
ALTERNATIVE; VIEWED
FROM THE HILL ABOVE
HUNTER HOT SPRINGS,
PARK COUNTY, MONTANA.



SOURCE:
ENSR/ENRGO COMPANY



Proposed Action - Hill Above Hunter Hot Springs Night Simulation View



Proposed Action - Hill Above Hunter Hot Springs Night Simulation View (Photo Enhanced for Orientation)

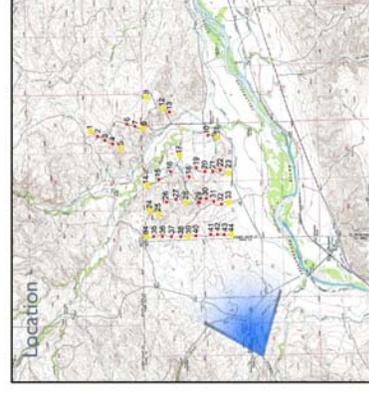
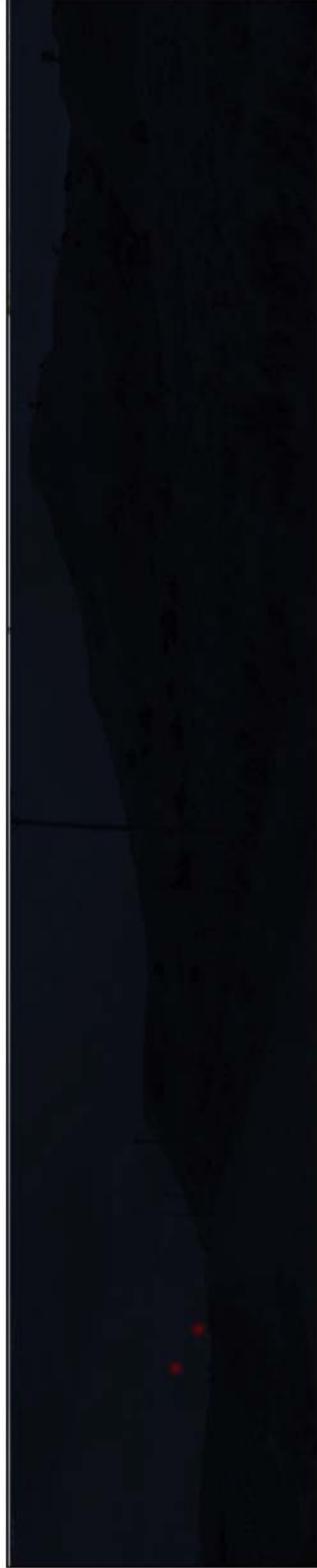


FIGURE 4.11-14.
VISUAL SIMULATION
OF LANDSCAPE AT NIGHT
UNDER THE NO ACTION
ALTERNATIVE; VIEWED
FROM THE
NORTH YELLOWSTONE
TRAIL ROAD,
ENGWIS INVESTMENT CO.
PROPERTY, SWEET GRASS
COUNTY, MONTANA.



SOURCE:
ENRUPEN ENERGY COMPANY



No Action - North Yellowstone Trail Road Night Simulation View



No Action - North Yellowstone Trail Road Night Simulation View (Photo Enhanced for Orientation)

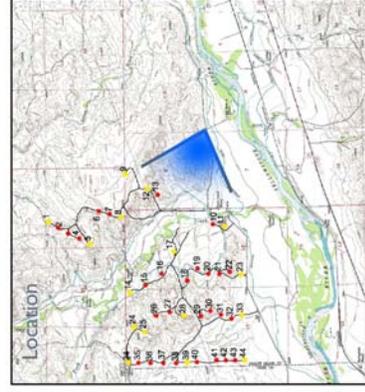
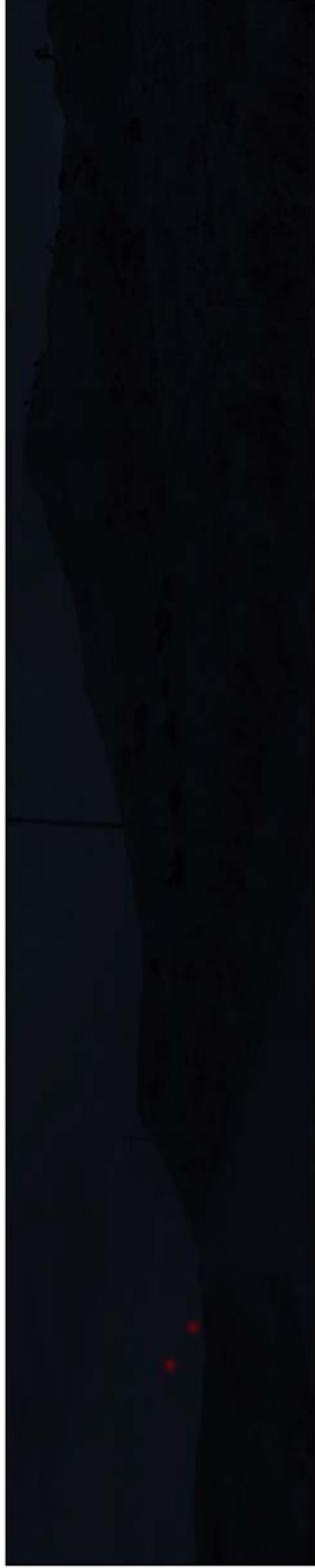


FIGURE 4.11-15.
VISUAL SIMULATION
OF LANDSCAPE AT NIGHT
UNDER THE PROPOSED
ACTION ALTERNATIVE;
VIEWED FROM THE
NORTH YELLOWSTONE
TRAIL ROAD,
ENGWIS INVESTMENT CO.
PROPERTY, SWEET GRASS
COUNTY, MONTANA.



SOURCE:
ENSR/ENRICO COMPANY



Proposed Action - North Yellowstone Trail Road Night Simulation View



Proposed Action - North Yellowstone Trail Road Night Simulation View (Photo Enhanced for Orientation)

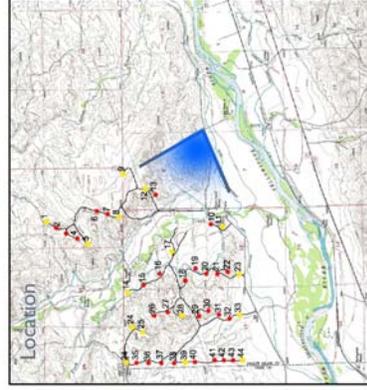


FIGURE 4.11-16.
VISUAL SIMULATION
OF LANDSCAPE AT NIGHT
UNDER THE NO ACTION
ALTERNATIVE; VIEWED
FROM THE
COW CREEK ROAD,
SWEET GRASS COUNTY,
MONTANA.



SOURCE:
ENSRP/ENRGO COMPANY



No Action - Cow Creek Road Night Simulation View



No Action - Cow Creek Road Night Simulation View (Photo Enhanced for Orientation)

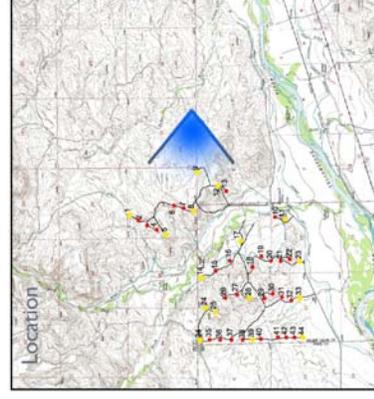


FIGURE 4.11-17.
VISUAL SIMULATION
OF LANDSCAPE AT NIGHT
UNDER THE PROPOSED
ACTION ALTERNATIVE;
VIEWED FROM THE
COW CREEK ROAD,
SWEET GRASS COUNTY,
MONTANA.



SOURCE:
ENSR/ENRGO COMPANY



Proposed Action - Cow Creek Road Night Simulation View



Proposed Action - Cow Creek Road Night Simulation View (Photo Enhanced for Orientation)

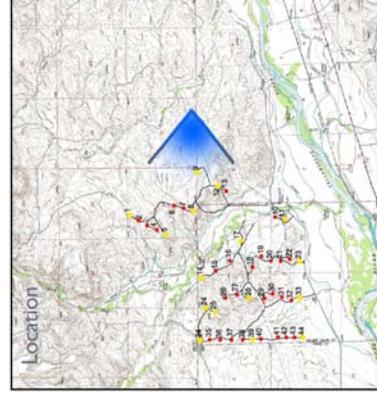


FIGURE 4.11-18.
VISUAL SIMULATION
OF LANDSCAPE AT NIGHT
UNDER THE NO ACTION
ALTERNATIVE; VIEWED
FROM THE
DEHART EXIT, I-90,
SWEET GRASS COUNTY,
MONTANA.



SOURCE:
ENSR/ENRICO COMPANY



No Action - DeHart Exit, I-90 Night Simulation View



No Action - DeHart Exit, I-90 Night Simulation View (Photo Enhanced for Orientation)

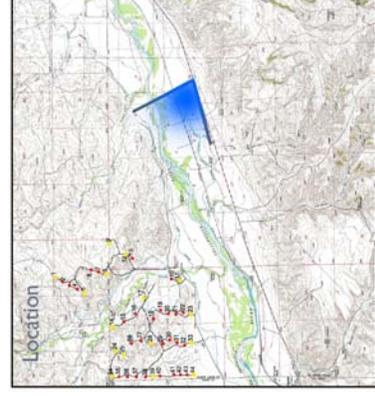


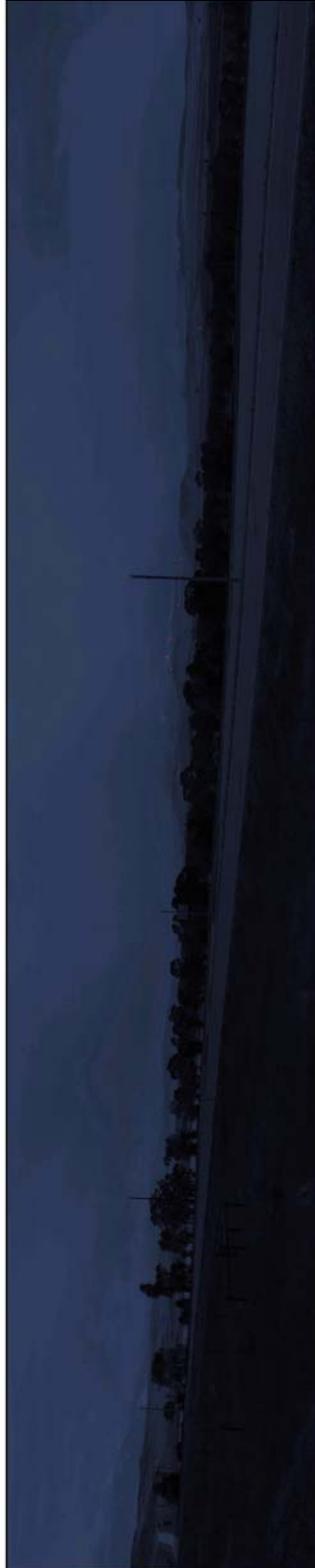
FIGURE 4.11-19.
VISUAL SIMULATION
OF LANDSCAPE AT NIGHT
UNDER THE PROPOSED
ACTION ALTERNATIVE;
VIEWED FROM THE
DEHART EXIT, I-90,
SWEET GRASS COUNTY,
MONTANA.



SOURCE:
ENSRUP ENRUP COMPANY



Proposed Action - DeHart Exit, I-90 Night Simulation View



Proposed Action - DeHart Exit, I-90 Night Simulation View (Photo Enhanced for Orientation)

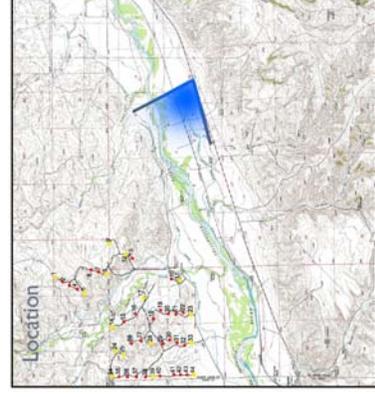
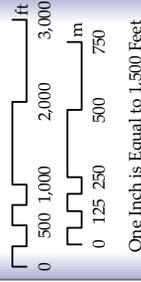
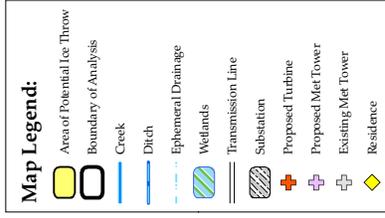
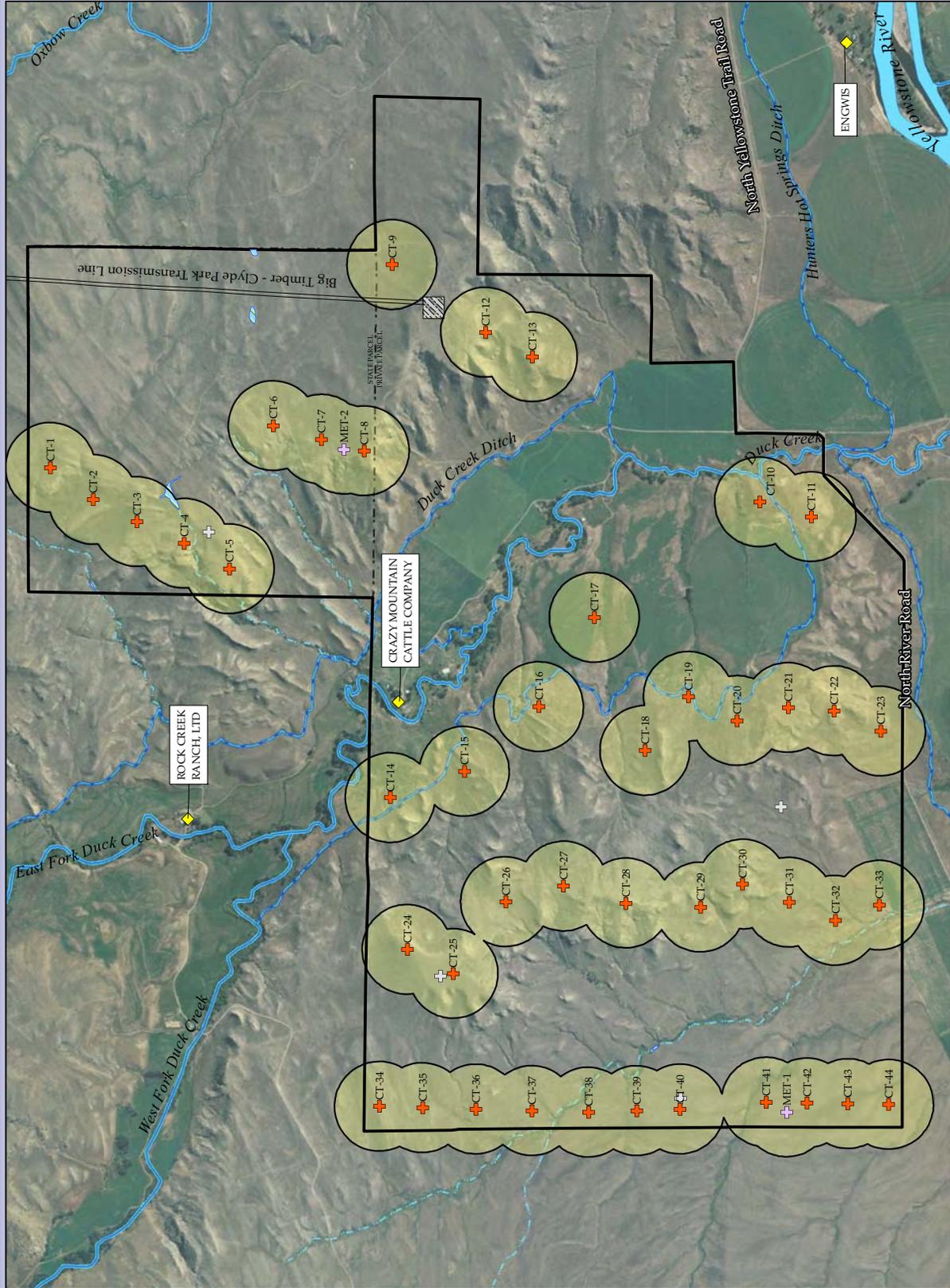


FIGURE 4.13-1.
ANALYSIS FOR POTENTIAL
AREA OF IMPACT FOR
ICE THROW
COYOTE WIND PROJECT
 Sweet Grass County, Montana



STATE OF MONTANA
 ENVIRONMENTAL RESOURCE INFORMATION SYSTEMS (ERIS)
 CONSULTING PHOTOGRAPHY (COP) - 2018-2019



Chapter 7: Comment Summary

This page intentionally blank.

Table 1-1. Summary of comments received on Coyote Wind DEIS and responses.

Number	Issue	Response summary	Where located in FEIS
Written Comments Received by DNRC			
Linda Alkire			
1	In favor of wind farm.	Comment noted.	
Alfred Anderson			
2	In favor of wind farm.	Comment noted.	
Jeff Blend, MTDEQ			
3	No discussion of interaction with MT energy grid- How does the wind farm propose to sell its electricity?	Outside the scope of MEPA.	
4	Do transmission lines in the immediate area and further out in the system have room (available transmission capacity) to move this electricity to customers?	Outside the scope of MEPA.	
5	Is this wind farm considering the option of using non-firm transmission service (i.e. using room on lines when room is available rather than having firm transmission rights)?	Outside the scope of MEPA.	
6	Would there be any significant impacts on the transmission grid in Montana or beyond as a result of this project.	Outside the scope of MEPA.	
7	How does the Coyote Wind LLC project plan on obtaining regulating reserves to counteract the natural variations in electricity output inherent in any wind farm?	Outside the scope of MEPA.	
Stephen Brown: (Garlington, Lohn, Robinson) for Wild Eagle Ranch			
8	DEIS alternatives are deficient. The no action alternative is supposed to provide an environmental baseline by which to truly measure the environmental effects of a project. The DEIS should have considered the alternative that no development would occur on either the private land or the state land.	Alternatives evaluated comply with MEPA.	FEIS section 2.1
9	The alternatives analysis also is deficient for failing to consider less intensive development of the State land or alternative turbine configurations. The DEIS seems to assume only one set of turbine configurations.	Alternatives evaluated comply with MEPA.	FEIS section 2.1
10	Impacts to wildlife are improperly documented. DEIS states bat mortality rate for the proposed Project "is not known" for the No Action Alternative (DEIS at 108). The DEIS does not draw any	DEIS pg. 113, section 4.8.2 states impacts to wildlife associated with the Proposed Action are similar to No Action – including the	FEIS section 2.8

Number	Issue		Response summary	Where located in FEIS
	Name			
		conclusion as to bat mortality for the Proposed Action Alternative (DEIS at 114). The DEIS also indicates that estimated bat mortality is lower in the western United States than what occurs in the eastern United States.	unknown mortality rates for bats.	
11		The DEIS discussion of bat mortality ignores relevant data gathered at the Judith Gap project.	DEIS pg. 108, last paragraph provides mortality data from Judith Gap.	FEIS section 2.8
12		Given the fairly widespread reporting of the unexpectedly high numbers of bat deaths at Judith Gap, the DEIS should have evaluated this issue in far more detail than to simply conclude that not enough information exists to make a fair comparison. Judith Gap and the proposed Coyote Project are located in similar types of eastern Montana terrain (which in part explains why they are targets for wind projects and habitat).	One of the reasons the level of effort for the bat studies was higher than those conducted at Judith Gap and Martinsdale prior to construction, was because of the unexpected bat fatalities found at Judith Gap. The pre-construction biological studies are consistent with published guidelines.	FEIS section 2.8
13		In addition, given the current operation of the Judith Gap project, and the proposed Martinsdale project, the DEIS should have considered the cumulative effect of multiple wind projects in similar types of habitat and terrain in eastern Montana.	Currently there is far too little data from either of these projects to conduct a meaningful cumulative effects analysis. Such an analysis would be very speculative.	FEIS section 2.8
14		The DEIS also acknowledges that a number of these birds of prey will be killed every year once the Project becomes operational. Despite these acknowledgements, the DEIS fails to consider at all the cumulative impacts of eagle and other raptor deaths in connection with the overall biodiversity of the area. The lack of any analysis of this issue also causes the DEIS to be deficient.	See comment No. 13 above. The post construction monitoring plan is designed to assess actual impacts from this project. Before actual impacts are known, the cumulative effects of raptor deaths on overall biodiversity would be speculation.	FEIS section 2.8
15		Because DNRC has issued an oil and gas lease, it is reasonably foreseeable that oil and gas development will occur, along with associated roads, construction, operations and infrastructure. Even though this potential development reasonably could occur on the same parcel, the DEIS contains no analysis of the cumulative impacts of the wind project together with oil and gas development.	Oil and gas development on the state parcel is not considered "reasonably foreseeable." The fact that there is a lease does not mean it is likely there would be development.	FEIS section 2.1
16		The DEIS states that several "non-jurisdictional" wetland features are present on the state parcel. DEIS at Section 3.3.3, page 30. The DEIS fails to document how the jurisdictional status was determined. There is no documentation accompanying the DEIS to show that a proper wetland delineation was performed or submitted to the Corps. Without	No wetland delineation was conducted as it would not have provided information needed for the analysis of impacts. The closest planned turbine is over 500 feet away from this area.	FEIS section 2.7

Number	Issue		Response summary	Where located in FEIS
	Name			
		such a determination, the DEIS conclusions about the federal jurisdictional status is speculative and misleading. Furthermore, regardless of whether wetlands on the state parcel meet the test for federal jurisdiction, they remain "waters of the state" for purposes of the Montana Water Quality Act.		
17		The DNRC's MEPA rules require a description and analysis of the relative economic and environmental costs and benefits of the proposed action. ARM 36.2.529(4). The DEIS does not contain any meaningful cost-benefit analysis, nor does it even identify clearly the relative costs (e.g. wildlife, loss of recreational use, conflicts with local landowners) and benefits of the proposed Project, and is thus deficient.	Environmental effects, and thus costs in terms of the resources, are evaluated throughout section 4 of the DEIS. Placing a monetary value on impacts such as wildlife habitat fragmentation or conflicts with local landowners is a very inexact science. Such a valuation would be speculation, and outside the scope of a MEPA analysis.	FEIS section 2.6
18		Section 4.6.2.1 states that once the project is complete, an annual fee of "3% of gross annual revenues, or \$ 1,500/year for each MW of installed capacity, whichever is greater" would be imposed on the Developer. The source for this information appears to be a personal communication with a DNRC staff person. DEIS at 100. There are several problems with this approach. First, without a reference to a statute, rule or contract, it is impossible to evaluate the validity of the economic benefit information that is referenced.	The 3% gross or \$1,500/year are not statutory minimums. These were the minimum values placed in the initial Request for Proposals that was placed for response by DNRC in 2005.	FEIS section 2.1
19		There recently has been extensive and costly litigation that has caused the DNRC and the State Land Board to completely change the way it imposes costs on electric power generation projects. This litigation remains pending before the Montana Supreme Court. (See PPL Montana, LLC v. State of Montana, Case No. DA 08-0506.) Presumably, the costs to the Developer will be recalculated once the Supreme Court issues a ruling on this case.	This case addresses whether or not Federally-licensed hydroelectric power facilities that are located on riverbeds of navigable streams and rivers are required to pay rent for the use of the navigable waterway. The outcome of this case would not affect the Proposed Action evaluated in this DEIS.	FEIS section 2.1
20		Even under the information that is provided, the analysis in the DEIS is inadequate. The DEIS states that the "estimated minimum income" from the state parcel will range between \$21,600 per year and \$36,000 per year. DEIS at 101. Nowhere does the DEIS weigh the environmental costs that will be incurred to generate this level of income.	The economic analysis complied with MEPA. Impacts were evaluated throughout section 4 of the DEIS.	FEIS section 2.6

Number	Issue	Response summary	Where located in FEIS
	Name		
21	The DEIS fails to provide a proper analysis on property values. This analysis is so cursory as to be meaningless. The DEIS should have looked at other properties, especially in the rural western United States to determine property value impacts. By failing to consider any real property value analysis, the DEIS is deficient.	Conducting a full property value analysis would be beyond the scope of this EIS. The DEIS provided the results of relevant studies pertaining to wind projects and their effects on adjacent properties.	FEIS section 2.6
22	DEIS fails to evaluate risks of ice throw. Nowhere does the DEIS address the issue of ice throw from the wind turbines. This is a significant issue to Wild Eagle given that it is directly adjacent to the proposed Project. At a minimum, the DEIS should describe this significant safety issue and any mitigation measures that will be employed.	A discussion of the potential impacts from ice throw has been included in the FEIS.	FEIS section 2.1
23	Wild Eagle respectfully requests that the public comment period be extended an additional 30 days. Moreover, it appears that the DNRC failed to properly provide notice to many parties. For example, on October 27, 2008 our firm specifically requested in writing to receive notice of the DEIS. We never were provided notice and had to hear second-hand that the DEIS was posted on the internet.	According to DNRC records, Mr. Stephen Brown of Garlington/Lohn/Robinson was mailed a notice of DEIS availability on 10 August 2009 with the other interested parties that had previously requested to be notified of the release of the DEIS. A request to extend the comment period would have been more appropriate prior to its expiration.	FEIS section 2.1
Rennee Coppock, Crowley Fleck Attorneys for R. Gordy			
24	Conflicting information about turbine types described in DEIS and statement at Sept. 2, 2009 meeting with Sweet Grass County government officials that specific information regarding road and bridge plans cannot be provided "until the particular turbine and engine is selected and contracted for." Calls into question the analysis based on the Vestas V90-1.8 MW turbine.	Only Vestas V90-1.8MW turbine type is being considered. See section 2.2 of the DEIS.	FEIS section 2.1
25	Enerfin advised county officials that the name of Coyote Wind, LLC was changed to Sweet Grass Wind. A search of the Montana Secretary of State's records found no entity name "Sweet Grass Wind" DNRC must be assured that the lessee is financially stable and a viable entity. DNRC failed to provide this analysis.	As long as the new entity is licensed to do business in Montana with the Secretary of State, DNRC is not concerned with a name change, especially where it does not change the actual project ownership. The name of the project is Coyote Wind LLC – there has been no name change.	FEIS section 2.1
26	DNRC has no information regarding load weights on roads. There is no	As described in the DEIS, these details are not	FEIS section 2.5

Number	Issue		Response summary	Where located in FEIS
	Name			
		meaningful analysis re: real impacts of road resurfacing, construction, destruction or maintenance.	presently known. Therefore, as mitigation, DNRC would require Coyote Wind to have a transportation plan approved by both county commissions.	
27		No Action alternative includes turbines on private land. DEIS is deficient in providing a true No Action alternative.	See response to comment No. 8 above.	FEIS section 2.1
28		The DEIS states there will be 75 construction vehicles on site per day. Enerfin said “one or two” trucks per day. Which is it?	The maximum number of construction-related vehicles on-site would be 75. During construction it is expected that an average of 12 trucks and 4 cranes would be on site (private and state land).	FEIS section 2.5
29		DEIS says construction would begin in 2010; Enerfin said 2011 at hearing. This discrepancy in information is further evidence that the DEIS is based on flawed facts and assumptions making it legally deficient.	The FEIS will state 2010 or 2011.	FEIS section 2.1
30		Construction schedule will have a definite impact on surrounding farming and ranching activities as well as recreational use of the area trails. Public should be given sufficient information to consider these impacts.	See response to comment No. 29 above.	FEIS section 2.4
31		No consideration given to the Project becoming a “tourist destination” where people learn about wind energy.	Per MCA 77-1-122; out of scope of MEPA. DNRC does not have control over whether overall wind farm becomes a tourist destination. There are no tourist amenities proposed on the state land.	
32		Lack of any real benefit to the local economy. DEIS should not assume that local workers will be hired. There will be no lasting, positive effect for the local economy.	DEIS section 4.6 discusses economic impacts without assuming local workers would be hired.	FEIS section 2.6
33		Failure to address the impact on roads. DEIS is legally deficient because important questions about roads were not addressed in DEIS. DEIS because road construction, maintenance, destruction and upgrading was not considered, nor were cumulative impacts of such actions.	See response to comment No. 26 above.	FEIS section 2.5
34		Complete DEIS must be prepared which address all cumulative impacts and the public given adequate time to comment on the DEIS.	See response to comment No. 23 above.	FEIS section 2.1

Number	Issue	Response summary	Where located in FEIS
	Name		
35	Negative impacts on wildlife not properly considered. Table 2.5-1 says no impact on bat mortality.	This table says no impacts are expected from construction. Impacts from operation are summarized in this table and in Chapter 4.	FEIS section 2.8
36	FWS guidelines state “Avoid placing turbines in documented locations of any species of wildlife, fish, or plant protected under the federal ESA.” The Project proposes to place wind turbines on lands inhabited by both bald and golden eagles. This impact was not adequately addressed nor considered by DNRC.	Neither of these species is listed under the federal ESA. Impact assessment and post construction surveys would be followed and the gathered information presented to the TAC (FWS is a member) for review.	FEIS section 2.8
37	FWS guidelines recommend “avoid locating turbines in known local bird migration pathways or in areas where birds are highly concentrated, unless mortality risk is low.” Project is less than one-mile from Yellowstone River – indicates DNRC parcel not acceptable for wind energy development. DEIS failed to consider the cumulative impacts on the migration pattern of birds.	Pre-construction bird studies and post-construction monitoring plan are consistent with FWS guidelines. The state parcel > 1 mile from Yellowstone... See response to comments No.’s 13, 14 above re: cumulative effects on bird migration.	FEIS section 2.8
38	FWS recommendation “configure turbine locations to avoid areas or features of the landscape known to attract raptors” and not near prairie dog colonies. No cumulative impact of raptor deaths in regard to the effect on the prairie dog population or overall biodiversity of the site was disclosed. This is in violation of MEPA.	See response to comments No.’s 13, 14 above re: cumulative effects on raptors.	FEIS section 2.8
39	Visual effects on viewshed from the east, that most visible from Big Timber, should have been considered. Hilltop being discussed by Enerfin representatives was not discussed.	New simulations provided in FEIS.	FEIS section 2.11
40	Failure to consider oil and gas lease – cumulative effects if this were developed.	See response to comment No. 15 above.	FEIS section 2.1
41	DEIS does not analyze the change in water flows caused by construction and pouring of 8 foundations, road building, and effect on the seepage and drainage in the area. DEIS also fails to address how the wetlands will be treated under the MT Water Quality Act.	The DEIS addresses soils in sections 3.2 and 4.2, and water quality in sections 3.3 and 4.3.	FEIS section 2.3
Russell Gordy			
42	Concerned that a wind farm would diminish the value of his property so as not to allow planned development of Hunter Hot Springs, a historic resort, and would therefore decrease the economic benefits to the State of Montana and this was not evaluated in the DEIS.	Evaluating economic impacts to the State from a development that is only in the early planning stages outside the scope of MEPA	FEIS section 2.6
Jim Krusemark			

Number	Issue		Response summary	Where located in FEIS
	Name			
43		Writing in support of project because will bring temporary employment during construction, county tax revenue, help to keep rates down for Park County Electric customers.	Comment noted.	
Shane Leland				
44		DEIS does not list the height of the towers or type of towers being proposed to be installed on the state or private lands.	Tower height and turbine type is on page 16 of DEIS, section 2.2.43 (base to hub is 262 ft; Vestas V90-1.8 MW turbines).	FEIS section 2.1
45		Towers on state land will cause visual pollution. The view of the Crazy Mountains from all aspects of I-90 is something that all citizens of this state and from around the country enjoy. The destruction of this view is something that needs to be considered. The EIS only states that the view will not be significantly impacted. This assertion seems implausible.	DEIS and FEIS provides visual simulations, with the FEIS containing new simulations. “Visual pollution” is a subjective term.	FEIS section 2.11
46		The artist interpretation of the visual impact of the turbines at night is not near as great as the actual impact will be. There will be visual pollution.	See reply to comment No. 45.	FEIS section 2.11
47		State Land reclamation – Due to the structure of the soil in this area, concern that adequate restoration is possible to fully eliminate the damage that will come to the land from the tower installation and future removal. There will always be scars on the land where the towers stood and where the roads have been; this scarring will be significant.	The project would mitigate as much as possible. May be a minor unavoidable impact.	FEIS section 2.2
48		Black tailed prairie dog – There is a significant prairie dog town located on the site. What will the impacts be to neighboring lands as the prairie dogs seek a less developed area? Will there be any compensation to the adjacent land owners as there land is destroyed by the further encroachment of the prairie dogs? The adjacent landowners will have increased costs for control of the prairie dogs and will experience the loss of production of grasslands for use in their cattle operations. Does the state not have to factor in the impact to its neighbors when exploiting natural resources?	No development in prairie dog town. Unlikely project would displace prairie dogs. No research to support that project would cause displacement. No guarantee that state would not develop land. Not required to compensate adjacent landowners.	FEIS sections 2.6 and 2.8
49		What compensation can the adjacent land owners expect to receive as their land values depreciate due to the states eagerness to install these wind towers? The state should not be participating in devaluation of	The economic analysis in DEIS shows that there is no evidence supporting devaluation of adjacent lands. School trust lands are not	FEIS section 2.6

Number	Issue	Response summary	Where located in FEIS
	Name		
	property for adjacent lands.	guaranteed open space.	
50	Rather than close the state lands to public access the state should require that access be granted to all citizens if the project is developed so that the citizens of this state can enjoy their lands.	State lands could be accessed if DNRC Area Manager is petitioned. State parcel currently has no legal public access and if project were constructed, there still would not be legal access for the general public.	FEIS section 2.4
51	As a condition of opening the lands it should be stipulated that should the project end; permanent easement will be granted through the adjacent landowner's property that is also participating in the development of the Coyote Wind project. By including this provision all citizens of this state can enjoy the lands that are held in trust for them by the State	Comment noted. DNRC has no authority to require adjacent landowner to provide an access easement to the state parcel.	
52	The visual pollution that will be created by this project is beyond the net economic gain that the citizens of this state will receive.	Comment noted.	
	Ray Mule, MFWP Region 5 Wildlife Program Manager		
53	Because of the Potential Impacts Index score of 162 (moderate to high) this is a poor location for a wind project from a wildlife perspective.	Comment noted.	
54	The DEIS identifies golden eagles as one of the most common bird species observed in the area during bird surveys. However, the DEIS does not reflect the new status of golden eagle as a Montana Species of Concern (Section 3.8.3.6) or its protection under the Bald and Golden Eagle Protection Act (BGEPA) and Migratory Bird Treaty Act. Under the newest amendments to BGEPA actions that are known to "disturb" golden eagles are also prohibited. Lou Hanebury (U.S. Fish and Wildlife Service, 406-247-2966) should be contacted to discuss the project and potential mitigation for golden eagles.	FEIS reflects new status of golden eagle. DNRC will coordinate with FWS (a member of the TAC) regarding the final post-construction monitoring plan and mitigation.	FEIS section 2.8
55	DEIS possibly underestimates the potential impact of the proposed project on migrating or resident bats. A rate of 13.4 bats/turbine/year is high in comparison to other projects in the Western U.S, but comparable to Judith Gap Energy Center (draft report January 2008) and southern Alberta (e.g. 0->30 bats/turbine/year. Given the pulse of bat activity identified during fall migration in the Wildlife Assessment, the Wind Project should identify potential mitigation if fatality estimates suggest that this rate is occurring, including increasing the	See response to comments No.'s 10 and 12 above. Increasing cut-in speed would be considered during migration.	FEIS section 2.8

Number	Issue		Response summary	Where located in FEIS
	Name			
		cut-in speed of turbines during the migration period.		
56		Consideration should be given to initiating bat surveys at the end of July or beginning of August rather than the end of August to ensure that migration pulses are captured.	Post-construction monitoring plan would include August and September to capture bat migration.	FEIS section 2.8
57		The potential number of wind energy projects in the area, but not identified in the DEIS, suggests that we should continue to be alert to potential cumulative impacts of multiple industrial wind parks on grassland birds. The studies that have been conducted on grassland bird displacement have not been conducted in areas with greater than 40 turbines, and extrapolating these data to an area of Montana with potential for greater than 400 turbines may not be appropriate.	Impacts on grassland birds is included in the post-construction monitoring plan. Gathered information would be reviewed by the TAC.	FEIS section 2.8
58		Access to public lands is an issue of great importance to MFWP. We are concerned with the loss of recreational opportunity by the closure of these lands, even if those lands are not currently accessible by public right-of-way. Given the potential number of wind projects in the vicinity, the cumulative impacts on public access to hunting and other outdoor recreation may be substantial.	See response to comment No. 50 above.	FEIS section 2.4
59		Maps appear to identify turbines placed adjacent to riparian draws, including ephemeral streams. We recommend that turbines be placed a minimum of 300 ft from riparian habitats (Ellis 2008). The wetland identified with high levels of foraging bats (p. 114) may be important to both bats and birds. It should be closely monitored and avoided where possible.	The only turbine proposed for state land less than 300 ft. from a draw is CT-4; approximately 135' from an ephemeral draw. Coyote Wind would agree to move the turbine from the proposed 135' to at least 217' and probably 235' from the draw. On private land there are ~19 proposed turbines within 300 ft of a ditch or ephemeral channel. DNRC only has jurisdiction over turbines on state land.	FEIS section 2.7 and 2.8
60		MFWP recommends reseeded disturbed areas to regionally native species to reduce the overall impacts of disturbed areas. Ferruginous hawks can be extremely sensitive to disturbance, and construction activities in the vicinity of nesting ferruginous hawks	Wetland would be avoided (see above). Will be included in post construction monitoring. All comments noted. Re-seeding with native species would be a stipulation of the lease agreement. Nesting raptors and raptor use of the prairie	FEIS sections 2.7 and 2.8

Number	Issue	Response summary	Where located in FEIS
	<p>should be avoided during the nesting season (April – July).</p> <p>The Wildlife Assessment identifies black-tailed prairie dog colonies in the project area. It appears that turbines are not adjacent to these colonies. It should be noted that many of the raptors in the area, in particular golden eagles and ferruginous hawks will be drawn to forage in these areas, and post-construction monitoring should include tracking this activity.</p> <p>The mitigation measures identified in the Wildlife Assessment should be employed, including the application of Avian Power Line Interaction Committee (APLIC, 1994) guidelines.</p>	<p>dog colony will be included in post-construction monitoring.</p>	
61	<p>The proposal to establish a Technical Advisory Committee to assess post-construction monitoring survey results is appreciated.</p>	<p>Comment noted.</p>	
62	<p>MFWP strongly recommends pursuing a grassland bird displacement study, and conducting pre-construction grassland bird surveys at least on School State Trust lands in the project area. Grasshopper sparrows, a Species of Concern, are known to avoid grasslands post-construction of wind farms, as identified in the EIS (p. 55, J. Shaffer, USGS, Jamestown, ND, personal communication, March 2009).</p>	<p>Small Bird Counts were conducted as part of the environmental analysis and are proposed to be conducted post-construction. These counts would assess displacement of birds, including grassland birds, and would be reviewed by the TAC.</p>	<p>FEIS section 2.8</p>
63	<p>Monitoring efforts should also consider addressing the impacts of the wind project on mountain plover, burrowing owl and long-billed curlew. All three species are Species of Concern and are likely (or documented) to occur in the area.</p>	<p>Comment noted. These species would be included in the post-construction monitoring (small bird counts and fatality studies), and would be reviewed by the TAC.</p>	<p>FEIS section 2.8</p>
Bert Otis			
64	<p>I see very few negatives compared to the positives this project will provide. Just the economic benefits this project will provide are going to be a great benefit for our area. Construction jobs and then maintenance jobs will help our area for many years into the future.</p>	<p>Comment noted.</p>	
Jean Riley, PE, MDT			
65	<p>Development does not access MDT facilities. Need to follow up with MDT Motor Carrier Services for overheight or oversize permits.</p>	<p>Comment noted.</p>	
Cindy Selensky			
66	<p>Who is "They" referred to on page 15, 3rd paragraph, Last sentence?</p>	<p>"They" is Coyote Wind. Language changed in</p>	<p>FEIS section 2.1</p>

Number	Issue		Response summary	Where located in FEIS
	Name			
67		Doubts that Rough Fescue is found on the state section, especially if it has been heavily grazed. I do not think that there is any Rough Fescue on the South Side of the Crazy Mountains let, alone in the Kelly Hills. I also do not think there is any Idaho Fescue on this section either, based on the precipitation and grazing history.	FEIS. FEIS edited to delete rough fescue as occurring on state parcel. Idaho fescue may occur.	FEIS section 2.7
68		The scientific name of Rough Fescue is NOT <i>Festuca altaica</i> , But <i>Festuca scabrella</i> instead.	<i>F. altaica</i> accurate according to IT IS.	FEIS section 2.7
69		There is a grazing management plan (rotation) (pg 45 Grassland/Sagebrush Community- 4th sentence) incorporating the state section as the Trustee of the state section is a "Certified Undaunted Steward" and should be maintaining a written grazing plan for his entire operation.	DNRC has no record of this parcel being in the undaunted steward program.	FEIS section 2.1
70		Why does signing a Wind lease, automatically close it for recreational/public use? Are the People of Montana aware of this?	See pg. 90 of DEIS: DNRC Administrative Rule 36.25.150 provides that Trust lands with commercial leases, including wind energy leases, are automatically closed to recreational use.	FEIS section 2.4
71		Why is this area a good candidate for the project if the average wind speed is near the speed in which the turbines shut off automatically for safety? This means that the turbines will not be producing energy approximately 1/2 of the time that the wind blows. This doesn't seem very sustainable to me	The average wind speed is about 18 mph and the speed at which the turbines shut off is about 56 mph.	FEIS section 2.1
72		I did not see anywhere in the draft EIS mentioning a Fire fighting Plan. There is not a locally maintained Fire department in Springdale, and it takes at least 20-30 minutes for the Big Timber Fire Department	Provisions for fire suppression and prevention would be required of the developer in the lease agreement.	FEIS section 2.1
Stephen Woodruff: (Huppert, Swindlehurst & Woodruff, P.C.) for Engwis				
73		DNRC's entry into lease appears ill-advised due to deceptive or false information presented at public meeting by Enerfin. Enerfin is wholly owned subsidiary of Elecnor so DNRC has no legal remedies if Enerfin defaults on lease agreement.	Comment noted.	
74		All profits from project will flow back to Spain, energy generated will not be used in MT. NW Energy has achieved 15% RES, will not be compelled until 2015 to acquire more renewable under current law.	Comment noted.	
75		Enerfin has PA engineers and CA lawyers, how can people believe	Comment noted. DEIS discusses	

Number	Issue		Response summary	Where located in FEIS
	Name			
		Enerfin intends to support local business? There will be 4 daily onsite workers, this can hardly be considered a substantial benefit to local long-term employment.	socioeconomic effects of the Proposed and No Action alternatives.	
76		Number of vehicles on site during construction (average of 75 per day) appears artificially low. More likely figure is probably in the range of 200-300 per day. These vehicles are massive industrial sized machines will create substantial dust, noise, road damage and threat to safety of local residents.	See comment No. 28 above.	FEIS section 2.5
77		Trade secret map accidentally released. Not legally a "trade secret".	Comment noted.	
78		Enerfin claimed to be a good neighbor at meeting, but described aspects of project which virtually all Montana citizens would consider antithetical to these values.	Comment noted.	
79		Enerfin asserted that people driving on Interstate would somehow be unable to see the wind turbines and that the turbines will not be visible from across the County Road. This shows a sense of denial or at worst outright dishonesty.	Visual impacts are addressed in the DEIS and additional analyses conducted in FEIS.	FEIS section 2.11
80		DNRC should not and must not abuse the public trust by entering an agreement with this company, and therefore the only acceptable approach is the "No-Action Alternative" outlined in the DEIS.	Comment noted.	
81		DEIS fails to address road impacts. Section 2.2-1 of DEIS says site will be accessed via I-90 and county road shown on Fig. 2.2-1. Fig. 2.2-1 only shows internal roads within the State section and gives no information about roads connecting the site to the Interstate.	Language will be changed in FEIS. Fig. 3.4-1 maps the roads connecting the site to the Interstate. See response to comment No. 26 above regarding road impacts.	FEIS section 2.5
82		Reconstruction of bridges and roads between the Springdale I-90 exit and the project site is one of the most direct and significant impacts the project will have on local citizens. An honest assessment of traffic delays needs to be made. Citizens need to know that all construction activities and use of roads will occur in a safe manner. EIS is incomplete and does not provide a basis for public comment due to omission of a road impacts analysis.	See response to comment No. 26 above regarding road impacts.	FEIS section 2.5
83		DEIS fails to address federal lighting requirements. Developer has apparently not prepared required notices and cannot know final	FAA final notice is pending. Adherence to FAA regulations would be part of the lease	FEIS section 2.11

Number	Issue		Response summary	Where located in FEIS
	Name			
		requirements (FAA lighting) for lighting and marking. Omission of detailed explanation of FAA lighting requirements from the DEIS renders document incomplete.	agreement between Coyote Wind and DNRC.	
84		DEIS fails to specify bonding/reclamation procedures. DEIS gives no apparent mechanism by which the promise to decommission the project might be enforced by DNRC.	Bond required as part of lease.	FEIS section 2.1
85		DEIS fails to adequately analyze cumulative effects. Proposed action would double the width of the footprint of the project under the No Action, when measured from north to south. Exposes twice as much of the local environment to the east to all of the negative impacts being assessed.	See comment responses regarding specific cumulative effects (noise, visual, weeds).	FEIS sections 2.1, 2.7, 2.10 and 2.11
86		DEIS fails to consider cumulative impacts if mineral lessee on the State Section began active exploration.	See response to comment No. 15 above.	FEIS section 2.1
87		DEIS fails to present a meaningful No Action Alternative. Must include a discussion that if the no-action is adopted, private development might be abandoned by the developer. Current DEIS violates MEPA.	See response to comment No. 8 above.	FEIS section 2.1
88		Notice for public input on the DEIS was apparently restricted to announcements mailed to limited pre-selected individuals. No legal notice in Big Timber Pioneer. Limited notice calls the process for public participation into question.	DNRC complied with notice requirements per MEPA.	FEIS section 2.1
89		DEIS gives the appearance of being purely the developer's doing.	Comment noted	FEIS section 2.1
90		It is represented that Crazy Mountain Cattle Co. exclusively owns the private land. Records indicate that Alfred Anderson owns a portion of the private development. Number of turbines on Anderson property would be approximately 12 of the 36 towers on private property.	Will add clarifying language to FEIS.	FEIS section 3
91		DEIS Introduction, page 1. What does "approximately 8 turbines mean"? Actual number of turbines should be stated.	Lease would be for up to 8 turbines.	FEIS section 2.1
92		Purposes and benefits stated on DEIS pages E2 and 2 seem to be conflicted.	FEIS section 3 adds clarifying language to DEIS page 2.	FEIS section 3
93		No other alternatives other than the wind project has been or will be considered despite empirical assessment set forth below that a land sale option would provide greater return with no long term management costs and with no destruction of the property.	Sale is not a viable alternative. Any sale of Trust land must be approved by the Montana Board of Land Commissioners and they have sole discretion on whether Trust land should be sold.	FEIS section 2.1

Number	Issue		Response summary	Where located in FEIS
	Name			
94		Existing or pending federal EPA regulations re: airborne particulates should be evaluated.	MT DEQ has jurisdiction. Particulate issues would be the responsibility of construction contractors.	FEIS section 2.1
95		On site quarrying activity, if any, would require additional permitting and should be disclosed.	No quarrying would be allowed on the state parcel under the proposed lease agreement. DNRC does not have jurisdiction over quarrying on private land.	FEIS section 2.1
96		DNRC asserts that no infringement will be made upon streams or their floodplains or wetlands. This must be construed to mean no water taken from Duck Creek and no access routes constructed across the drainage.	If required, Coyote Wind would secure appropriate permits if necessary to cross Duck Creek. Water use would be stipulated in agreements with landowners based on existing water rights.	FEIS section 2.3
97		Pg. 6; Section 1.5; Sweet Grass County Growth Policy. There has been no public forum for specific input to Sweet Grass County commissioners – in 2006 would not have known the massive scope - new county board since 2008.	Comment noted. Park and Sweet Grass BOCC were provided copies of the DEIS during the public comment period.	FEIS section 2.1
98		Pg. 6; Sections 1.6; 1.7; 1.8. Open disclosure requirement is fatally flawed. DNRC did not notify the public outside the immediate vicinity of the development. Questions about whose EIS is in review – state’s, private landowners, or both?	See response to comment No. 88 above.	FEIS section 2.1
99		DNRC is summarily dismissing any other alternative including at least one other perfectly viable option, i.e. re-appraising and selling the land.	See response to comment No. 93 above.	FEIS section 2.1
100		Pg. E2. Heavy industrial development is incompatible with agricultural and recreational-agricultural land use.	Comment noted.	
101		Project Site description page 12. Engwis residences are omitted from Figure 2.2-1. Negative visual effects and other adverse consequences should not be summarily dismissed.	Noise effects on Engwis residences were included in DEIS and expanded on in FEIS. Visual simulation at Engwis residence included in FEIS.	FEIS sections 2.10 and 2.11
102		Statement that DRNC is discussing final form and substance of long-term lease implies the decision to proceed with development is certain.	Comment noted.	
103		2.2.4.1 Fig. 2.2-1 shows access roads leading to parts of state section with no towers. Could be construed that roads are being constructed for future additional towers not revealed in this EIS.	Figures will be revised in FEIS to be clearer.	FEIS section 3
104		No indication if cut and fill is balanced or if there will be removal of	For the Proposed Action, it is expected there	FEIS section 2.1

Number	Issue		Response summary	Where located in FEIS
	Name			
		otherwise unaffected areas to provide suitable fill.	would be more cut than fill. Balance would not be obtained from the state parcel.	
105		Concrete proposal for controlling weeds through checkpoints to analyze vehicle cleanliness and similar control mechanisms should be included in FEIS.	Specifics of weed control are under the jurisdiction of the county weed board and also included in DNRC lease.	FEIS section 2.7
106		No mention of significant improvements and upgrades that will be required to the Park Electric Substation (per Jim Krusemark at public hearing) and secondary and cumulative impact of this on the environment.	Per MCA 77-1-122 DNRC is not required to address this issue. The substation is not on state land and DNRC has no jurisdiction over it.	
107		No mention if decommissioning requires removal of concrete foundations. EIS should give specifics of bonding.	See response to comment No. 84 above.	FEIS section 2.1
108		Pg. 16. Where will the native material or clean fill to cover collector cable in trenches be acquired – will there be onsite quarrying or screening?	No on-site quarrying would be allowed under lease agreement with DNRC. DNRC has no authority on private land.	FEIS section 2.1
109		Pg. 16-17. Inconsistency between DNRC cover letter; pgs 16-17, and pg. 98 these pages re: MW of project.	DEIS pg. 16-17 is correct. DEIS section 4.6 is revised per FEIS section 3 and FEIS section 1 also provides the correct numbers.	FEIS sections 1, 3
110		Assuming 79.2 MW is maximum capacity, there is no mention of average production.	Gross expected annual energy production for the wind farm, including farm efficiency is 269.7 GW.	FEIS section 2.1
111		No mention of whether power generated would be used by MT consumers or reduce impacts of producing energy from other sources. No mention of contract with NW Energy.	This analysis is outside the scope of MEPA.	FEIS section 2.1
112		No scheduling documentation to allow impact assessment of construction relative to ranching activity in Section 2.2.6	See response to comments No.'s 17, 29 and 30 above. Impossible to know specifics at this time. Lease with DNRC would have a window when construction under the lease would be allowed.	FEIS section 2.1
113		Section 2.2.7 – Project Construction is void of substance and specificity. Commenter has a number of transportation comments. Further action on the DEIS should be held in abeyance until adequate information can be provided.	See response to comment No. 26 above.	FEIS section 2.5
114		Table 2.5-1. Economic development goal from Sweet Grass County plan stated incorrectly.	This goal was not specifically addressed in DEIS Table 2.5-1, but was addressed in DEIS	FEIS section 2.4

Number	Issue		Response summary	Where located in FEIS
	Name			
			section 3.4. FEIS section 2.4 provides the complete text of this goal and associated objectives. However, considering this complete text does not change the analysis or conclusions in the DEIS.	
115		Portions of SG County Growth Policy ignored; e.g. Open space land definition. Approving the project would be contrary to County Growth Policy.	DEIS summarizes relevant portions of the Economic Development goal and objectives for the purposes of brevity. Considering complete text does not change the analysis or conclusions in the DEIS.	FEIS section 2.4
116		Page 42-43; Personal Income and Employment. This section warrants a good faith effort to assess potential for devaluation of recreational ranch properties. Consider “ripple effect” of ancillary income losses to the county.	See response to comment No. 21 above.	FEIS section 2.6
117		Section 3.6.3.4. Revenue generated by state parcel. Appraised value of state parcel is low – could be estimated at 25-30 times that amount. Timely appraisal of the subject property should be include in EIS – otherwise faulty analysis that industrialization must be a higher use.	Appraisal not required under MEPA.	FEIS section 2.6
118		Section 3.8 Wildlife. Inventory and analysis does not comport with MT Audubon recommendations in scoping letter.	Those are only recommendations – methods used are consistent with those used on other wind projects in the region. Audubon Society would have a representative on TAC. FEIS reflects this.	FEIS section 2.8
119		PII score of 162 is high.		FEIS sections 2.8 and 3
120		Section 3.10.1 – Noise. No acknowledgement of the Engwis residences to the east of the sites. Noise study limited to one-mile area inferring no objectionable turbine noise outside this radius. Should be mention of low frequency turbine noise, documented at 2 miles distant.	Analysis was included in DEIS.	FEIS section 2.10
121		Section 3.11.1 Visual resources. View from the east, Big Timber, should be analyzed. Engwis properties would be affected.	See response to comment No. 101 above.	FEIS section 2.11
122		No Action should retain its statutory definition... An explanation as to how the state has authority to require mitigation over the entire project, but has no authority over the private project with the Proposed Action Alternative is not disclosed.	FEIS addresses compliance with MEPA.	FEIS section 2.1

Number	Issue		Response summary	Where located in FEIS
	Name			
123		Section 4.2 Geology and soils. Private land components are different (geologically) than state land. Additional analysis and assessment of impact should be studied separately.	Detailed descriptions of the resources on the private land are outside the scope of this EIS (MCA 77-1-122).	FEIS section 2.1
124		Source of aggregate for construction needs.	See response to comment No. 95.	FEIS section 2.1
125		Sweet Grass Soil Conservation District has not been included in the analysis.	Information provided through the NRCS Web Soil Survey and Soil Data Mart is considered to be the official source of soils information	FEIS section 2.2
126		Section 4.2.1.3 – Cumulative impacts, No Action. All potential negative impacts would likely be eliminated if DNRC would allow sale of the property.	See response to comment No. 99.	FEIS section 2.1
127		Section 4.2.2.3 – Cumulative impacts Proposed Action. DEIS does not consider that this alternative would effectively double the width footprint and did no consider Mineral lease on the state section.	See response to comment No. 15 above.	FEIS section 2.1
128		Section 4.3.1.1 direct impacts – hydrology and water quality. DEIS does not address source of water for any component of the project.	See response to comments No.'s. 41 and 96.	FEIS section 2.3
129		Section 4.3.1.2 Secondary impacts. Modification of roadway over Duck Creek is a secondary and possible cumulative impact.	See response to comment No. 26. If modification occurred, protective measures would be required per relevant permits.	FEIS sections 2.3 and 2.5
130		Section 4.4.1.1 Relevant land use plans and regulations. Project is no longer same project as scoping process contemplated and therefore not fully consistent with State plans for the site as claimed. Conclusion of DEIS that Proposed Action Alternative is consistent with the Sweet Grass County Growth Policy has no substantive basis. Before proceeding it would seem appropriate for further review by the commissioners, including an opportunity for input from the citizens of the county.	See response to comment No. 97 above.	FEIS section 2.1 and 2.4
131		Section 4.5 Transportation. Generalized information does not allow for a reasonable assessment of impacts. “Short term” and “significant” (as used in this section) are not defined.	See response to comment No. 26 above. Clarification of terms provided in section 2.5.	FEIS section 2.5
132		Section 4.5.1 and 4.5.2. Impact on the limited resources of the County road department, County Attorney’s office, County Social Services, are not considered.	Outside scope of MEPA. Lease would require a Transportation Plan to be presented and approved by Sweet Grass and Park County Commissions.	FEIS section 2.5
133		Impacts on carriers of utilities located within the roadway ROW should	Coordination with utilities would be standard	FEIS section 2.5

Number	Issue		Response summary	Where located in FEIS
	Name			
		be analyzed – e.g. AT&T.	practice and would be included in the transportation plan required by the DNRC. See response to comment No. 26 above.	FEIS section 2.5
134		Impacts on local residents is minimized. Use of roadways by local ranches would be seriously curtailed or eliminated during construction. Impacts to state DOT not considered.	DOT comment letter saying no impacts.	FEIS section 2.5
135		DEIS defines no cumulative impacts. Analysis should be made considering all of the transportation considerations that are likely to overlap.	See response to comment #132. No quantitative traffic analysis was performed, therefore more detailed analysis of construction traffic, including cumulative considerations, would be included in the DNRC permit requirement for a transportation plan.	FEIS section 2.5
136				
137		Section 4.6 Socioeconomics. Employment – Realistic projection of new jobs should be presented for public evaluation. Would be helpful for local public evaluation to get an overview of developer's RFP process for major facets of the work.	Outside MEPA scope.	
138		Secondary impact of unemployment after construction is complete should be assessed.	Not considered unemployment when jobs are short term and this is known up front.	FEIS section 2.6
139		Revenues – would be enlightening to project revenues with tax reduction and incentive programs factored in.	The project is not yet constructed so it is difficult to know which possible tax incentives might apply.	FEIS section 2.6
140		Realistic projection and disclosure of impacts of capacity utilization estimates as related to income and revenues would be important for public review.	The analysis in the DEIS (Table 4.6-1) provides the estimated minimum income to the State under the Proposed Action Alternative and thus would not be affected by changes in capacity utilization.	FEIS section 2.6
141		Expense side of equation is missing. Relationship of expenses to county compared to income. Costs of expanding county services for the short term will be significant. County expenses are "front-end loaded"	The socioeconomic impacts of the project are addressed in the DEIS in sections 3.6 and 4.6.	FEIS section 2.6
142		If financial burden to County would be offset by others, should be disclosed.	See response to comment No. 26 above. Sections 4.5.1.4 and 4.5.2.4 of the DEIS address cumulative impacts to transportation.	FEIS section 2.6
143		Secondary impacts of "boom to bust" should be considered. Gearing up and tearing down costs should be considered.	Construction of project does not meet "boom to bust" definition.	FEIS section 2.6

Number	Issue		Response summary	Where located in FEIS
	Name			
144		Selling parcel would exceed projected revenues with no environmental costs.	See response to comment No. 93 above.	FEIS section 2.1
145		Regional property values. DEIS commentary on land values is patently erroneous. Lands are primarily used for grazing... Inquiry to local realtors would have revealed the lands are recreational ranch and amenity properties selling for many multiples of agricultural values; especially properties with river frontage and upland range. Inference that industrial wind development will have minimal impact is unfounded.	See response to comment No. 117 above.	FEIS section 2.6
146		Section 4.7 Terrestrial vegetation and habitats. No study on the private land component.	Not required under per MCA 77-1-122.	
147		No mitigation considered for weed issues.	See response to comment No. 105 above.	FEIS section 2.7
148		Statements in DEIS that a patch of Dyer's woad was observed just south of the state parcel, and that there would be no direct impacts to the vegetation on the state parcel from the No Action Alternative can not be reconciled.	Spread of weeds from No Action Alternative to state parcel was considered a secondary impact and was addressed in DEIS section 4.7.1.2.	n/a
149		No mention of impact of weed contamination on adjacent properties, particularly to the east. Thus no mitigation provided for this impact either.	See response to comment No. 105 above.	FEIS section 2.7
150		Potential impact of weeds is acknowledged as a secondary impact of heavy machinery but no mention is made of hundreds of other vehicles entering the property on a continuous basis. Would be important to know what weed control would be required.	See response to comment No. 105 above.	FEIS section 2.7
151		Section 4.8 Wildlife Resources. Additional secondary and cumulative impact upon big game has not been considered, but is significant. Road kill fatalities will occur along the county roadways accessing the project site. Poaching and indiscriminant killing of deer will occur. Mitigation can be considered once the impact is recognized.	Added to FEIS.	FEIS section 2.8
152		Section 4.9 Cultural resources. Analysis indicates no cultural resource of significance exists. However there are credible reports of "a pioneer memorial and cemetery" west of Duck Creek and North of the county road on the private land portion.	Pioneer memorial discussed in section 2.9 of FEIS.	FEIS section 2.9
153		Section 4.10 Noise. Noise analysis does not include the Engwis residences directly on the windward side of the projects. One mile	See response to comment No. 120 above.	FEIS section 2.10

Number	Issue		Response summary	Where located in FEIS
	Name			
		limitation (for objectionable noise) is doubtful. Further study and analysis should be conducted.		
154		Study does not acknowledge roadway noise from construction traffic. Impacts should be acknowledged and mitigation developed.	See response to comments No.'s 76 and 85 above.	FEIS section 2.10
155		Low frequency noise produced by turbines travels further than audible noise and up to several miles (van den Berg citation). Research available to date is not in concurrence with analysis in DEIS.	See response to comment No. 120.	FEIS section 2.10
156		Noise mitigation – monitoring for compliance with initial noise analysis limits and operational modifications as available should be included under either alternative.	Noise mitigation measures for construction, operation and maintenance activities were documented in section 4.10.1.4 of the DEIS. Subsequent environmental monitoring of noise levels is beyond the scope of the DEIS.	FEIS section 2.10
157		Section 4.11 Visual Resources – Analysis ignores visual impact from the east. Present met tower on state land is ~161' tall and is visible to the naked eye over 2 miles to the east. Turbines will likely be visible from Big Timber.	See response to comment No. 39 above.	FEIS section 2.11
158		Proposed Alternative would be nearly solely responsible for adversely impacting the view from the adjacent properties to the east and southeast. Likewise, the required night lighting would be doubled.	Comment noted.	FEIS section 2.11
159		Visual simulations do not come close to representing the truly overwhelming visual impact resulting from either alternative.	See response to comment No. 39 above.	FEIS section 2.11
160		No information provided regarding visual impact of the control building.	See response to comment No. 39 above.	FEIS section 2.11
161		In large part the present views define the county economy. County has been defined by high value properties that have changed the tax base purchased by those who value the visual aesthetics.	Comment noted.	
162		Enerfin has never completed a project in the US. DNRC should be hesitant to act as a testing ground for an unproven foreign company.	Comment noted.	
163		DEIS is incomplete and violates MEPA. A completed DEIS should be issued with ample public notice, to permit full public participation.	Comment noted.	
164		DEIS is so vague and biased that it appears the document as written will not withstand judicial scrutiny.	Comment noted.	
Comments from Public Hearings September 2, 2009, 4:30 meeting.				

Number	Issue	Response summary	Where located in FEIS
	Name		
	Darlene Fahrenbruch		
165	Requested copy of leases ahead of time.	DNRC will provide copy of master lease agreement upon request.	N/A
	Jim Krusemark ; Park County Electric Cooperative		
166	Positive comments re Park Electric Cooperative's view on wind as a source of renewable energy, revenue stream from Coyote Wind would slow rise in power costs to consumers, and that Enerfin has done everything they said they would do.	Comment noted.	N/A
	Cindy Selensky		
167	Asked questions about average wind speed.	Approximately 18 mph.	FEIS section 2.1, Appendix B
	Approximately how many trucks per day would be on the roads?	See section 4.5 of DEIS.	FEIS section 2.5
	How many control rooms?	One.	N/A
	What happens after the 20-year lease?	DNRC could either renew the lease or the project would be decommissioned.	N/A
	If windmills come down, who does restoration?	DNRC would require a plan and have a bond in the lease.	N/A
	Rick Jarrett		
168	How many acres do turbines take on the state section?	0.23 acres permanent loss to turbines on state parcel. ~6.4 acres lost to turbines, roads etc. See DEIS Table E-2.	N/A
	Gordon Sargent		
169	How would the local people be affected? Would a lot of them be hired for maintenance and construction?	Employment impacts considered in section 4.6 of DEIS.	N/A
	Is there a possibility of expanding in the future?	Possibly, but outside scope of EIS.	N/A
	Do wind turbines stay in good shape or is there a lot of maintenance?	Outside scope of EIS.	N/A
	Cindy Selensky		
170	From an emotional perspective it is hard to imagine seeing lots of windmills outside my window when I wake up.	Comment noted.	N/A
	Christy Heldemark		
171	I travel the roads everyday and don't want to see the windmills. You won't be able to see the mountains.	Comment noted.	N/A
	This project will reduce the number of people wanting to buy my	Comment noted.	N/A

Number	Issue	Response summary	Where located in FEIS
	Name		
	property.		
	How much noise are we going to hear? Judith Gap is fairly loud and sounds like planes all the time. I don't care to listen to that.	Comment noted.	N/A
	How many decibels from the turbines?	Decibels levels at various distances have been modeled in the DEIS section 4.10 and Appendix G.	N/A
	Who have you talked to around here about this project? No one talked to me. Earlier you said 44 turbines, then I heard 48.	There would be 44 total turbines, 36 on private land and 8 on state land.	FEIS section 2.2
Darlene Fahrenbruch			
172	I understand you Cindy. But I also remember being without electricity and then all those telephone poles coming through etc. I believe this is a way to bring money into the economy. I don't know if I'm for or against it, but I know we adjust.	Comment noted.	N/A
Comments from Public Hearings September 2, 2009, 6:00 meeting.			
Darlene Fahrenbruch			
173	During construction how many people, how many families will be there? How many will remain?	Employment impacts considered in section 4.6 of DEIS. Number of employees with families and if they would remain in the area is outside scope of EIS.	N/A
Diana Taylor			
174	I am mayor of Big Timber. Sounds like this would be a very positive project. 20 people would be a wonderful amount for Big Timber and we have good schools.	Comment noted.	N/A
Jim Durgan			
175	County Commissioner of Park County. You could visit the Commissioners of Wheatland County – been very positive – they could tell you what to expect.	Comment noted.	N/A
Diana Taylor			
176	How many landowners besides the State?	Two	FEIS section 2.4
Darlene Fahrenbruch			
177	Are all leases individual or negotiated?	DNRC – more or less the same within each project.	N/A

**Appendix A: Written comments received by DNRC
during the public comment period**

Index to written comments received by the Montana Department of Natural Resources and Conservation during the public comment period.

Name of Commenter	Date Comments Submitted
Alkire, Linda	September 9, 2009
Anderson, Alfred	September 7, 2009
Blend, Jeff	August 21, 2009
Brown, Stephen R. <i>for Wild Eagle Mountain Ranch, LLC</i>	September 11, 2009
Coppock, Reneé L. <i>for Russell D. Gordy and Rock Creek Ranch Ltd.</i>	September 10, 2009
Gordy, Russell D.	September 11, 2009
Krusemark, Jim	September 9, 2009
Leland, Shane	September 11, 2009
Montana Department of Transportation - (<i>Jean E. Riley, P.E.</i>)	August 25, 2009
Montana Department of Fish, Wildlife, and Parks - (<i>Ray Mulé</i>)	September 11, 2009
Otis, Bert	September 11, 2009
Selensky, Cindy	September 10, 2009
Woodruff, Stephen E. <i>for Engwis Investment Company Ltd.; RF Building Company; Jan Engwis; and Karen Engwis</i>	September 11, 2009

From: Bollman, Jeff [jbollman@mt.gov]
Sent: Monday, September 14, 2009 3:15 PM
To: 'Pam Spinelli'
Subject: FW: coyote wind farm

From: Linda [mailto:laspringdale@itsTriangle.com]
Sent: Wednesday, September 09, 2009 12:25 PM
To: Bollman, Jeff
Subject: coyote wind farm

Comments on the coyote wind farm:

I am totally in favor of the wind farm. Any time we can produce energy in our own country we should do so. If it is clean renewable energy so much the better. It will also produce jobs in our own county. We can afford to let the radical environmentalists be the law of the land. Linda Alkire, Springdale, Mt.

RECEIVED
SEP - 9 2009
DNRC SLO

Springdale MT
Sept 7, 2009

MT. D. N. R. C.

Dear Sir:

I am writing you in favor
of a lease on school trust land in
sec. 36, Township 1 North, Range 12 E
P. M. M. in Sweet Grass County for
the following reasons:

It is in a fairly remote location
with little or none ^{negative} impacts according
to your E. F. S. statements.

Also wind energy is clean, no
pollution, dust or smog. No carbon
dioxide.

Finally, the school trust funds
would benefit greatly.

Sincerely
Alfred Anderson
865 N. Yellowstone Trl.
Big Timber
MT. 59011

From: Bollman, Jeff [jbollman@mt.gov]
Sent: Friday, August 21, 2009 3:24 PM
To: 'Pam Spinelli'
Subject: FW: Coyote Wind LLC comment

Pam:

Below is the only comment that I have received so far this week. I am tentatively scheduled to be in Helena next Friday, so I will ship any comments to you on Thursday.

Jeff

Jeff Bollman, AICP
Planner
Southern Land Office
MT Dept of Natural Resources & Conservation
1371 Rimtop Drive
Billings, MT 59105
406.247.4404 (Phone)
406.247.4410 (Fax)

-----Original Message-----

From: Blend, Jeff
Sent: Friday, August 21, 2009 9:52 AM
To: Bollman, Jeff
Subject: Coyote Wind LLC comment

Mr. Bollman:

Thank you for the opportunity to comment on the Coyote Wind LLC project. I am an economist and energy planner at the Montana Department of Environmental Quality. Part of my position here involves working with the Montana Major Facility Siting Act and thus working on EIS's. Although the Montana Major Facility Siting Act does not cover this project, I would still like to comment on one aspect of the wind farm that I could not find in the EIS. Absent from the EIS is any discussion of the interaction of the wind farm with the Montana electricity grid. The five main questions I have with respect to this issue are the following:

- 1) How does the wind farm propose to sell its electricity?
- 2) Do transmission lines in the immediate area and further out in the system have room (available transmission capacity) to move this electricity to customers?
- 3) Is this wind farm considering the option of using non-firm transmission service (i.e. using room on lines when room is available rather than having firm transmission rights)?
- 4) Would there be any significant impacts on the transmission grid in Montana or beyond as a result of this project?

5) How does the Coyote Wind LLC project plan on obtaining regulating reserves to counteract the natural variations in electricity output inherent in any wind farm?

I realize that some of these questions may not be answerable at this time, but I thought that it was important to bring them up. Thank you again for the opportunity to comment.

Jeff Blend
(406) 841-5233
jblend@mt.gov

Economist and Energy Analyst
Energy and Pollution Prevention Bureau
Montana Dept. of Environmental Quality
1100 N. Last Chance Gulch
P.O. Box 200901
Helena, MT 59620-0901



199 West Pine Street
P.O. Box 7909
Missoula, Montana 59807-7909
(406) 523-2500
Fax (406) 523-2595
www.garlington.com

J. C. Garlington
1908 – 1995

Sherman V. Lohn
1921 – 2007

R.H. "Ty" Robinson
(Retired)

David C. Berkoff
Stephen R. Brown
Gary B. Chumrau
Randall J. Colbert
Lawrence F. Daly
Kathleen L. DeSoto
A. Craig Eddy, MD
Candace C. Fetscher
Gary L. Graham
Charles E. Hansberry
Gregory L. Hanson
Malin Stearns Johnson
William Evan Jones
Elizabeth D. Lowrance
Bradley J. Luck

Robert C. Lukes
Kathryn S. Mahe
Alan F. McCormick
Kristina K. McMullin
Charles E. McNeil
Anita Harper Poe
Larry E. Riley
Susan P. Roy
Robert E. Sheridan
Brian J. Smith
Peter J. Stokstad
Kevin A. Twidwell
William T. Wagner
Kelly M. Wills
Elena J. Zlatnik

September 11, 2009

VIA EMAIL AND U.S. MAIL

jbollman@mt.gov

Mr. Jeff Bollman

Montana Department of Natural Resources and Conservation
Southern Land Office
1371 Rimtop Drive
Billings, MT 59104

RE: Comments of Wild Eagle Mountain Ranch, LLC to Draft Environmental Impact Statement for the Coyote Wind Project, Coyote Wind, LLC, Township 1N, Range: 12E, Section 36, Sweet Grass County

Dear Mr. Bollman:

We represent Wild Eagle Mountain Ranch, LLC ("Wild Eagle"). On behalf of Wild Eagle, we have reviewed the Department of Natural Resources and Conservation's ("DNRC") Draft Environmental Impact Statement ("DNRC") for the Coyote Wind Project (the "Project"), proposed to be developed by Coyote Wind, LLC (the "Developer"). We submit these comments to the DEIS to raise a number of issues with the DEIS that cause it to be fatally deficient. For the reasons stated in these comments, we believe that the DEIS must be revised and reissued for a new period of public comment. Based upon the descriptions provided in the DEIS and the other limited information provided to date, Wild Eagle also opposes the Project, and opposes the use of these state lands for this purpose.

1. Statement of Interest

Wild Eagle owns and operates a ranch operation on land it owns directly adjacent and to the north of the proposed Project area. Wild Eagle's uses its property for livestock purposes and also derives value from its open vistas, wildlife habitat and other attributes typical of a large Montana ranching operation. Wild Eagle also holds numerous water rights to its property. Given these values and its proximity to the Project, Wild Eagle has a direct and substantial interest in the environmental effects that will result from the Project.

2. The Alternatives Analysis in the DEIS is Deficient

As we understand the Project, the Developer has requested authorization from the DNRC to construct a commercial wind energy facility on approximately 640 acres of land owned by the State of Montana in Section 36, Township 1 North, Range 12 East (the "Proposed Project Area"). The DEIS considered

just two alternatives – one being the Project as proposed by the Developer with “approximately” eight large wind turbines and associated facilities located on state school trust land, the other being the Project as proposed, but without wind turbines on state land.

This alternatives analysis is deficient. The no action alternative is supposed to provide an environmental baseline by which to truly measure the environmental effects of a project. Munding and Everts, “A Guide to the Montana Environmental Policy Act,” (“MEPA Policy Guide”) at 25 (Mont. Legislative Policy Office, 2006 ed.) An agency must consider a no action alternative, even if the alternative may not be within the jurisdiction of the agency to implement. Admin. Rules of Mont. 36.2.529(5). In this case, the most reasonable no action alternative is no wind turbine development on either the state land or the adjacent private land. This alternative is reasonable because there is no assurance that the project will be financially or technically viable if the Developer cannot put turbines on the state land. The DEIS should have considered the alternative that no development would occur on either the private land or the state land. By failing to evaluate this alternative, the DEIS fails to develop the necessary baseline necessary to evaluate the environmental effects of the ranges of alternatives.

The alternatives analysis also is deficient for failing to consider less intensive development of the State land or alternative turbine configurations. The DEIS seems to assume only one set of turbine configurations. Yet the DEIS itself suggests that even the Developer has not yet determined the number of turbines that will be installed on the state parcel or the adjacent private lands. DEIS at Sections 4.6.2 (“Under the Proposed Action Alternative *approximately* 8 wind turbines would be located on 640 acres of state lands”); and 4.6.1 (“Under the No Action Alternative *approximately* 36 wind turbines would be located on 2,400 acres of private lands”). Given this qualification as to the number of wind turbines that actually will be built and operated, the DEIS should have evaluated alternatives ranging from a maximum number to a minimum number on both state and private land. By limiting the analysis to just two alternatives, neither of which appear to be endpoints on the spectrum of intensity of development, the DEIS is too narrow and as a result is deficient.

3. Impacts to Wildlife are Improperly Documented

While the DEIS does go into some detail about anticipated wildlife effects from the proposed Project, the discussion of these impacts has a number of significant gaps. For example, the DEIS states that the bat mortality rate for the proposed Project “is not known” for the No Action Alternative (DEIS at 108). The DEIS does not draw any conclusion as to bat mortality for the Proposed Action Alternative (DEIS at 114). The DEIS also indicates that estimated bat mortality is lower in the western United States than what occurs in the eastern United States.

The DEIS discussion of bat mortality ignores relevant data gathered at the Judith Gap project. According to a fact sheet released by the Montana Audubon, the degree of bat deaths at the Judith Gap project have been significantly higher than expected. This paper states:

Bat deaths [at Judith Gap] surprised everyone. Although the EA predicted that 2.5 bats would be killed/MW, post-construction studies revealed that 8.9 bats/MW were dying, or 1,206 bats per year. Interestingly, both species of bats killed – hoary and silver-haired bats – are generally found in the forests of

Alberta. It appears that Judith Gap is a migration corridor for these little-understood animals, with most of the dead bats found in August and September, during their migration and breeding season. Because of the high number of bat deaths, Invenegy has agreed to do additional bat research to determine if the bats deaths were either a 1-year phenomena or if a situation exists that should be addressed through mitigation.

Montana Audubon, "About Wind Farms, Birds & Bats" (available for download at: http://mtaudubon.org/issues/energy/documents/Wind%2010-08_JEllis.pdf).

Given the fairly widespread reporting of the unexpectedly high numbers of bat deaths at Judith Gap, the DEIS should have evaluated this issue in far more detail than to simply conclude that not enough information exists to make a fair comparison. Judith Gap and the proposed Coyote Project are located in similar types of eastern Montana terrain (which in part explains why they are targets for wind projects and habitat). In addition, the DNRC currently also is considering another wind project at Martinsdale, near Harlowtown. This should have led the DNRC to assume that similar bat deaths would occur at the Coyote Project and to consider the cumulative effects of a high degree of bat deaths over a long period of time. The DEIS is deficient for failing makes no such an evaluation.

In addition, give the current operation of the Judith Gap project, and the proposed Martinsdale project, the DEIS should have considered the cumulative effect of multiple wind projects in similar types of habitat and terrain in eastern Montana. Even though Montana is a large state and these projects are in different counties, they are similar types of projects, each of which causes piecemeal fragmentation of formerly or currently pristine wildlife habitat. The DEIS makes no attempt to perform a cumulative impacts analysis as to bats or any other wildlife species despite the commonly know northerly and southerly migration patterns of avian species.

The lack of proper analysis of bat deaths is but one example of the deficiencies in the wildlife analysis. The DEIS also fails to properly analyze other important avian species. For example, the DEIS acknowledges that the Project is proposed in an area frequented by golden eagles, a federally protected species under the Bald and Golden Eagle Protection Act. (DEIS at E-8, 61, 63). Studies at other wind projects have documented concerns about golden eagle deaths as a result of wind projects. A study conducted at the Altamont Pass wind project in California indicated that 23 of 179 golden eagles equipped with radio transmitters were killed by wind turbine strikes during a three-year study. (Hunt et al., "A Population Study of Golden Eagles in the Altamont Pass Wind Resource Area: A Population Trend Analysis 1994-1997," cited in Kuvleshy et al., "Wind Energy Development and Wildlife Conservation: Challenges and Opportunities," available for download at: http://avianscience.dbs.umt.edu/documents/Kuvlesky_etal2007.pdf). The same study concluded that collision mortality could have resulted in overall golden eagle population decline in that area.

The DEIS documents that the proposed Project will be located in an area of significant importance to golden eagles and other raptors. The DEIS also acknowledges that a number of these birds of prey will be killed every year once the Project becomes operational. Despite these acknowledgements, the DEIS fails to consider at all the cumulative impacts of eagle and other raptor deaths in connection with the overall biodiversity of the area. The lack of any analysis of this issue also causes the DEIS to be deficient.

4. The DEIS Fails to Evaluate the Cumulative Impact of Potential Oil and Gas Development of the State Parcel

The DEIS discloses that DNRC already has entered to an oil and gas lease with Pacer Energy LLC for the same parcel that DNRC proposes to lease to the Developer for the Project. DEIS at E-6. Presumably, by entering into the oil and gas lease, DNRC expects that the lessee will develop the property for its oil and gas potential.

MEPA requires DNRC to consider the cumulative impacts of projects. Because DNRC has issued an oil and gas lease, it is reasonably foreseeable that oil and gas development will occur, along with associated roads, construction, operations and infrastructure. Even though this potential development reasonably could occur on the same parcel, the DEIS contains no analysis of the cumulative impacts of the wind project together with oil and gas development. In fact in the section describing the oil and gas leases, the DEIS simply concludes that the “Proposed Action Alternative would have no cumulative land use impacts to the surrounding private lands but would close the state parcel to recreational use.” DEIS at 92. Nowhere in this conclusion is there a discussion of the potential cumulative impacts of oil and gas development on the state parcel. The DEIS is deficient for failing to acknowledge the oil and gas lease in the cumulative impact analysis or even to undertake this analysis.

5. The Wetlands Analysis is Deficient

The DEIS states that several “non-jurisdictional” wetland features are present on the state parcel. DEIS at Section 3.3.3, page 30. The DEIS fails to document how the jurisdictional status was determined. Under the Corps of Engineers implementation of the *Rapanos* decision, the Corps of Engineers has the ultimate decision as to what wetlands are or are not jurisdictional. There is no documentation accompanying the DEIS to show that a proper wetland delineation was performed or submitted to the Corps. Without such a determination, the DEIS conclusions about the federal jurisdictional status is speculative and misleading. Furthermore, regardless of whether wetlands on the state parcel meet the test for federal jurisdiction, they remain “waters of the state” for purposes of the Montana Water Quality Act.

6. The DEIS Contains No Systematic Cost-Benefit Analysis

The DNRC’s MEPA rules require a description and analysis of the relative economic and environmental costs and benefits of the proposed action. ARM 36.2.529(4). The DEIS does not contain any meaningful cost-benefit analysis, nor does it even identify clearly the relative costs and benefits of the proposed Project.

Section 4.6.2.1 discusses the anticipated “Direct Impacts” of the Project. It states that once the project is complete, an annual fee of “3% or gross annual revenues, or \$1,500/year for each MW of installed capacity, whichever is greater” would be imposed on the Developer. The source for this information appears to be a personal communication with a DNRC staff person. DEIS at 100.

There are several problems with this approach. First, without a reference to a statute, rule or contract, it is impossible to evaluate the validity of the economic benefit information that is referenced. There recently has been extensive and costly litigation that has caused the DNRC and the State Land Board to completely change the way it imposes costs on electric power generation projects. This litigation remains pending before the Montana Supreme Court. (*See PPL Montana, LLC v. State of Montana*, Case No. DA 08-0506.) Presumably, the costs to the Developer will be recalculated once the Supreme Court issues a ruling on this case. If that is not the situation, then the DEIS should provide a more proper source of information so that a meaningful evaluation of the proposed revenue can be conducted.

Even under the information that is provided, the analysis in the DEIS is inadequate. The DEIS states that the “estimated minimum income” from the state parcel will range between \$21,600 per year and \$36,000 per year. DEIS at 101. Nowhere does the DEIS weigh the environmental costs that will be incurred to generate this level of income (assuming the income figures even are accurate). For example, there is no dispute that the Project will cause wildlife habitat fragmentation, likely wildlife mortality due to road kills, and turbine kills. Wildlife is a public resource. The DEIS should have evaluated the relative costs to the citizens of Montana as a tradeoff to the relatively nominal amount of revenue that supposedly will be generated. Other costs such as loss of recreational use values and conflicts with local landowners also should have been considered. Without any meaningful cost-benefit analysis, the DEIS is deficient.

7. The DEIS Fails to Provide a Proper Analysis of Effects on Property Values

The DEIS purports to evaluate effects the proposed Project will have on local property values. However, as to adjacent properties such as Wild Eagle, this analysis is so cursory as to be meaningless. At page 44 the DEIS states:

The impacts of wind energy projects on property values are dependent on many site-specific factors; for example, the viewshed for adjacent properties and the primary use of adjacent property and their current value. Individual preferences and aesthetic values play a key role.

This is not an analysis. The DEIS should have looked at other properties, especially in the rural western United States to determine property value impacts. By failing to consider any real property value analysis, the DEIS is deficient.

8. The DEIS Fails to Evaluate the Risks of Ice Throw

Ice throw has been identified as a concern at wind turbines, especially in northern and mountainous climate zones. *See Seifert et al.*, “Risk Analysis of Ice Throw from Wind Turbines,” (available for download at: <http://web1.msue.msu.edu/cdnr/icethrowseifertb.pdf>). Various measures have been suggested to mitigate the risks of ice throw, including turbine siting setbacks, turbine deactivation measures and other devices. *See GE Energy*, “Ice Shedding and Ice Throw – Risk and Mitigation,” (available for download at: http://gepower.com/prod_serv/products/tech_docs/en/downloads/ger4262.pdf).

Nowhere does the DEIS address the issue of ice throw from the wind turbines. This is a significant issue to Wild Eagle given that it is directly adjacent to the proposed Project. At a minimum, the DEIS should describe this significant safety issue and any mitigation measures that will be employed.

9. The Comment Period Should be Extended

Wild Eagle respectfully requests that the public comment period be extended an additional 30 days. Clearly, this is a significant project with far-reaching impacts that need additional review. Moreover, it appears that the DNRC failed to properly provide notice to many parties. For example, on October 27, 2008 our firm specifically requested in writing to receive notice of the DEIS. We never were provided notice and had to hear second-hand that the DEIS was posted on the internet. This is not proper notice.

Finally, Wild Eagle understands that several neighboring property owners have submitted comments with concerns about the Project. Wild Eagle incorporates these concerns by reference.

Thank you for the opportunity to submit these comments.

Very truly yours,

GARLINGTON, LOHN & ROBINSON, PLLP



Stephen R. Brown

SRB:kaw/jlf
c: Mr. Whitney MacMillan

September 11, 2009

VIA E-MAIL AND U.S. MAIL

Jeff Bollman, AICP
DNRC Southern Lands Office
Coyote Wind Farm
1371 Rimtop Drive
Billings, MT 59105

Re: **COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR
COYOTE WIND PROJECT (“DEIS”)/COYOTE WIND, LLC, SWEET GRASS
COUNTY, MONTANA**

Dear Mr. Bollman:

On behalf of Russell Gordy and Rock Creek Ranch Ltd. (together “Gordy”), we are submitting the following comments regarding DEIS for the Coyote Wind Development Project (“Project”), dated August 2009. Our client owns land adjacent to the proposed Project and also submitted objections thereto during the scoping phase. The land owned by Gordy is used for residential, recreational and agricultural purposes, all of which will be negatively impacted by the Project.

For the reasons set forth below, we believe the DEIS is flawed and legally deficient.

I. CONFLICTING INFORMATION

At the outset, we would like to comment on the conflicting information received during this DEIS commenting process. Such information raises questions about the credibility and sufficiency of the entire DEIS.

- A. Wind Turbines To Be Used For Project. According to page 16 of the DEIS, the entire analysis contained therein is based upon the Project using the V90-1.8 MW model wind turbines manufactured by Vestas. According to information given by Enerfin representatives at the September 2, 2009 meeting with Sweet Grass County government officials, specific information regarding road and bridge plans cannot be provided “until

the particular turbine and engine is selected and contracted for..." Obviously, it is not certain that the Vestas V90-1.8 MW model will be used at all in this Project. This calls into question the analysis based upon that assumption. Accordingly, the DEIS is based on flawed information or assumptions and is legally deficient.

- B. Entity Entering Into Lease With DNRC. Enerfin Energy representatives advised county officials that the name of Coyote Wind, LLC has been changed to Sweet Grass Wind. A search of the Montana Secretary of State's records indicates that while Coyote Wind, LLC is still active, as of today's date, there is no entity registered with the name "Sweet Grass Wind." It is incumbent upon the DNRC to know what entity it is dealing with so that the financial viability can be fully explored. If LLC names are changed, the assets held by the LLC could also change. The DNRC may be dealing with a shell company without any true financial viability. The DEIS provides that once the lease expires, the lessee will reclaim the state land. The DNRC must be assured that the lessee, whatever company it may be, is financially stable and a viable entity so that the tax payer is not left removing outdated turbines, spraying for noxious weeds and reclaiming the land. The DNRC has wholly failed to provide this financial analysis.
- C. Roads. The EIS purports to contain an analysis on the impact of the Project on roads, particularly in Table 2.5-1, wherein it is stated that "County, private, and possible state roads would require upgrading to accommodate large, heavy loads associated with construction." However, the DNRC has absolutely no information regarding those load weights, according to Enerfin. There is no meaningful analysis with regard to the real impacts of road resurfacing, construction, destruction or maintenance. There DEIS merely contains recitals of assumptions, not any real facts.
- D. Alternatives Considered. The DEIS states that it has considered a "No Action" alternative. However, upon reading the "No Action" narrative, the alternative does, in fact, contain action—turbines on private land adjacent to the DNRC parcel. The DEIS is, therefore, deficient for failing to provide a no action alternative that is truly NO ACTION, whether on private or state lands. *See*, "A Guide to the Montana Environmental Policy Act" ("MEPA Guide"), Munding and Everts (Mont. Legislative Policy Office, 2006); Mont. Code Ann. § 75-1-201. As set forth in the MEPA Guide, an agency must provide a no action analysis, even if the agency has no ability to implement such an alternative. In other words, even though the DNRC cannot prevent the Project as it relates to private lands, it must nonetheless provide an analysis in the DEIS of no wind turbine development on either the DNRC parcel or the adjacent private land. The DNRC has also wholly failed in its purported "no action" alternative to determine if the Project is financially and technically viable if it is solely on the available private lands. This is an important factor to consider, given the impacts of the Project. Furthermore, without considering a no development scenario whatsoever, interested parties have no baseline against which to evaluate the environmental, financial and other impacts of the Project. For instance, both alternatives considered have significant infrastructure improvements, permanent loss of vegetation, habitat fragmentation, mortality to birds and bats and similar negative effects. An alternative that has no wind turbine development would have no such impacts. *See*, DEIS, Table 2.5-1. Equally important is the fact that the DNRC

has not set forth any information regarding the likelihood of the Project to proceed solely on private lands, given the lawsuit filed and the potential for other lawsuits aimed at preventing nuisance, water quality degradation and similar matters. The DNRC cannot simply take the approach that the Project will continue with or without the DNRC parcel. To do such is a violation of MEPA.

- E. Traffic on Local Roads. The DEIS states that 75 construction vehicles will be on the site per day. [DEIS, Table 2.5-1, p. 22.] Enerfin has stated that during the construction phase traffic will consist of “one or two trucks per day.” Which is it? Obviously, Enerfin was disingenuous in its comments, as 400 workers cannot possibly use only one or two trucks per day.
- F. Project Schedule. On page 19, the DEIS states that construction on the Project will begin in 2010. However, at the public meeting Enerfin made it clear that construction was more definite for 2011. Although the DNRC may feel that the actual date of construction does not necessarily impact the environment, wildlife and other matters, the discrepancy in the information is further evidence that the DEIS is based on flawed facts and assumptions, making it inadequate and legally deficient. Furthermore, the construction schedule will have a definite impact on surrounding farming and ranching activities as well as recreational use of the area trails. The public should be given sufficient information to consider these impacts. There DEIS totally disregards the public’s right to know estimated construction schedules, the type of construction to be completed and estimated impacts of each phase, the delays expected on public roads and similar matters. As written, the DEIS is deficient in these matters and, accordingly, violates MEPA as set forth in Section III below.
- G. Traffic Relating to Project. The DEIS indicates that after the Project is completed, there will be minimal traffic to the Project, given the fact that only 4 workers will be employed and the DNRC parcel would thereafter be closed to recreational use. [DEIS, p. E-10.] Enerfin, however, has repeatedly stated that the Project will become a “tourist destination” where people can learn about wind energy. No consideration to this use was set forth in the DEIS. Such a use would most definitely create more noise, dust and vehicle use. The vehicle use could further spread noxious weeds along the roadsides. The local residence would bear the brunt of this increased vehicle use, while foregoing any recreational rights to the land.

II. LACK OF ANY REAL BENEFIT TO THE LOCAL ECONOMY

The DEIS states that the Project, in its construction phase, will employ 400 workers. [DEIS, p. 23.] Enerfin has stated on numerous occasions that it will hire local workers, making a direct economic impact on Sweet Grass County families and the economy. However, there are no legal ramifications if local workers are not hired. The DEIS should not assume that local workers will be hired, creating a positive impact on the economy, especially in light of the fact that thus far, very few local workers have been involved in the Project—a stage at which it would have been easy to include Montana workers. Rather than rely on local surveyors with expertise in this area, Enerfin hired surveyors from Pennsylvania. A listing for Somerset

Planning and Engineering Services, the firm hired by Enerfin, could not be found in any Montana telephone directory. The company is not registered with the Montana Secretary of State, and Sommerset's website lists only a Pennsylvania office. Where is the Montana contact?

According to the documentation filed with the DNRC, Enerfin's attorneys are located in California—Howard E. Susman from Stoel Rives, LLP. Again, Stoel Rives, LLP is not a Montana partnership and is not registered with the Montana Secretary of State. The partnership has offices in 12 cities, none of which are located in Montana: Anchorage, Boise, Denver, Lake Tahoe, Minneapolis, Portland, Sacramento, Salt Lake City, San Diego, San Francisco, Seattle and Vancouver. Furthermore, Mr. Susman is not even licensed to practice law in the state of Montana. Again, how have Montana citizens benefitted from Enerfin's actions. They have not.

What is most important to the local economy is the 400 construction jobs. However, based on past conduct and the scope and size of the Project, very few workers will be hired from Sweet Grass County. As can be seen from other wind energy projects in Montana, the construction phase utilizes large trucks, cranes, cement mixers and similar large machinery to put the colossal wind turbines and their infrastructure in place. A company with such equipment and employees trained on such machinery will in all likelihood be located outside Sweet Grass County. When discussing the Project with the public, Enerfin has only made general statements regarding employment and has not named one local business that it has contacted or interviewed as a potential source of work.

In any event, after the short term construction of the Project is completed, at the most, four (4) employees will work onsite. No mention has been made regarding the qualification of such individuals and the need to have knowledge of the electrical and mechanical features of wind turbines. Again, it is apparent that Enerfin has no real plans to hire local workers. Accordingly, as far as jobs are concerned, there will be no lasting, positive effect for the local economy.

III. FAILURE TO ADDRESS THE IMPACT ON ROADS

As set forth in Section I, C. above, the DEIS wholly fails to address the impacts of the Project on roads in the area. The DEIS merely states that in Table 2.5-1 and related commentary that "County, private, and possible state roads would require upgrading to accommodate large, heavy loads associated with construction." Such language is not a sufficient analysis under MEPA. How can the public make comment to such a general statement? How much road will be constructed? How many miles of road will be improved? What are the improvements? How will the heavy trucks and equipment affect the roads? How will the Duck Creek Bridge be improved or damaged? Will roads need to be widened so that condemnation actions will be considered by the State to enable the Project to move forward? These are important questions that should have been addressed in the DEIS. Without such answers, the DEIS is legally deficient. The impacts from the road construction and repairs could be significant, especially as such impacts relate to wildlife, flora, noise levels, dust accumulation, erosion, water quality and similar matters.

As stated by the Montana Supreme Court in *Friends of the Wild Swan v. DNRC*, 2000 MT 209, 6 P.3d 972 (Mont. 2000), all relevant cumulative impacts must be considered in an EIS. In *Friends of the Wild Swan*, the District Court stated:

The purpose of allowing public involvement in environmental decision-making is frustrated if an EIS does not accurately describe the impact of proposed action in the context of past, present and future proposed action. The average member of the public must rely on DNRC's expertise, and therefore, DNRC must give sufficient information so that the public can make a meaningful evaluation of the proposed action. To do so, a thorough analysis and discussion of cumulative impacts is necessary. The legislature recognized as much, making a cumulative impacts analysis mandatory.

Friends of the Wild Swan, ¶ 34. Because the cumulative impacts of the proposed action were not adequately considered, the Montana Supreme Court held that “the DNRC acted unlawfully, in violation of the MEPA,…” *Friends of the Wild Swan*, ¶ 39. Similarly, in this instance, the DEIS is legally inadequate given the fact that the impact of road construction, maintenance, destruction and upgrading was not considered, nor were the cumulative impacts of such actions. A complete DEIS must be prepared which address all cumulative impacts as required by MEPA and Mont. Code Ann. §75-1-201. Thereafter, the public must be given adequate time to comment on the DEIS. Without the correct and complete DEIS, the DNRC has acted unlawfully and has violated MEPA.

IV. NEGATIVE IMPACTS ON WILDLIFE NOT PROPERLY CONSIDERED

The DEIS gives little analysis, aside from cursory remarks, regarding the impact of the wind turbines on wildlife, in particular birds and bats. Incredibly, Table 2.5-1, p. 25, states that there will be no bat mortality. Such a statement flies in the face of all research conducted on wind turbines. There are numerous articles regarding the bat mortality rates associated with wind turbines. According to the USGS:

Dead bats are turning up beneath wind turbines all over the world. Bat fatalities have now been documented at nearly every wind facility in North America where adequate surveys for bats have been conducted, and several of these sites are estimated to cause the deaths of thousands of bats per year. This unanticipated and unprecedented problem for bats has moved to the forefront of conservation and management efforts directed toward this poorly understood group of mammals.

Bat Fatalities at Wind Turbines: Investigating the Causes and Consequences, USGS Fort Collins Science Center (URL: <http://www.fort.usgs.gov/BatsWindmills/Default.asp>). Given the fact that every other wind turbine facility in North America has had bat fatalities, it is clearly disingenuous for the DNRC to claim that there will be no bat mortality at this site. Bat deaths have even been documented in Judith Gap. The Montana Audubon was “surprised” by the 1,206 bat deaths per year. That number is not insignificant. *About Wind Farms, Birds & Bats*, Montana Audubon (URL: http://mtaudubon.org/issues/energy/documents/Wind%2010-08_Jellis.pdf).

It is apparent that the DNRC did not adequately address the potential bat fatality. MEPA requires a more detailed and complete analysis than that provided by the DNRC. The DNRC should have at least explained why it believes that the Coyote Wind site is different than Judith Gap, especially given the fact that at least 7 species of bats were confirmed on the DNRC parcel. Two of those species, hoary and silver-haired bats, were the species most affected in Judith Gap. Information contained in the DEIS and the Montana Audubon article indicate that similar bat deaths will occur on the DNRC parcel as have occurred in Judith Gap. The DEIS, therefore, does not contain accurate or complete information and fails to adequately consider the impacts on bats, violating MEPA.

The bat analysis is not the only deficient wildlife aspect of the DEIS. Both Golden and Bald Eagles frequent the area. [DEIS, p. 67.] The negative impact of wind turbines on birds has been noted by the United States Department of the Interior, Fish and Wildlife Service ("FWS"). On May 13, 2003, the FWS sent to the Regional Directors of Region 7 interim guidelines and protocol for wind energy development ("Guidelines"). The Guidelines were developed by the federal government, along with state, university and industry biologists to rank potential wind development sites in Montana by their potential for impacts on wildlife. [USFWS 2002.] Although the Guidelines are for use by the federal government, they point out the importance of limiting the impact of wind turbines on wildlife and provide a reasoned approach to evaluating a particular site. The Guidelines set forth ten (10) specific site development recommendations. The first recommendation is to "Avoid placing turbines in documented locations of any species of wildlife, fish, or plant protected under the Federal Endangered Species Act." [Guidelines, p. 3.] As set forth above, the Project proposes to place wind turbines on lands inhabited by both Bald and Golden eagles. Undoubtedly, the population of those raptors will decline with the development of the Project. That impact was not adequately discussed nor considered by the DNRC.

The second recommendation of the Guidelines is to "Avoid locating turbines in known local bird migration pathways or in areas where birds are highly concentrated, unless mortality risk is low." The Guidelines list examples of high concentration areas, such as wetlands, staging areas and riparian areas along streams. In this instance, the Project will be less than one-mile from the Yellowstone River and adjacent wetland areas, another factor indicating that the DNRC parcel is not acceptable for wind energy development. The DEIS has failed to consider the cumulative impacts on the migration pattern of birds.

The fourth recommendation is to "Configure turbine locations to avoid areas or features of the landscape known to attract raptors." [Guidelines, p. 3.] As set forth above, the DEIS established that the DNRC parcel includes raptor habitat. The recommendation further states that turbines should not be located near prairie dog colonies. As set forth in the DEIS, the DNRC parcel is home to a substantial prairie dog population.

The DEIS does acknowledge that a number of raptors and birds of prey will be killed by the Project. However, the DEIS does not disclose nor discuss the cumulative impacts of those deaths in regard to the effect on the prairie dog population or the overall biodiversity of the site. This total disregard of the impacts is a violation of MEPA.

V. IMPACT ON VISUAL ASPECTS OF AREA

The DEIS discusses the open area and agricultural nature of the surrounding lands and the rolling foothills of the Crazy Mountains. However, only part of the viewshed was analyzed. [DEIS, p. 76.] Furthermore, the hilltop building discussed by Enerfin representatives was not discussed. The DEIS should have at least considered the viewshed from the east, that most visible from Big Timber. It is obvious from the terrain of the area that the wind turbines will be visible from the East. The affect on the entire area should have been considered, not just the lands to the South.

VI. FAILURE OT CONSIDER OIL AND GAS LEASE

Under MEPA, the DNRC is to consider all potential cumulative impacts of the Project. The DEIS, while noting that an oil and gas lease exists, totally failed to analyze the cumulative impacts should the lessee develop the oil and gas. [DEIS, p. E-6.] Given the fact that a private party paid for an oil and gas lease, it is conceivable that development could occur. Accordingly, the DEIS is deficient for failing to consider that potential development and the impacts therefrom.

VII. WETLANDS WILL BE NEGATIVELY AFFECTED

Table E-2 of the DEIS lists seasonal wetlands. The DEIS further states that the Project is planned to avoid infringement on those wetlands. [DEIS, p. 5.] However, the DEIS does not analyze the change in water flows caused by construction and the pouring of 8 foundations and road building and upgrading, nor the effect on the seepage and drainage in the area. The DEIS is also fails to address how the wetlands will be treated under the Montana Water Quality Act. The DEIS is, therefore, in violation of MEPA.

VIII. CONCLUSION

While Gordy supports the development of wind energy in Montana, he is believes that the DEIS is nonetheless totally deficient and does not comply with MEPA. Furthermore, there are an abundant of sites around the state better suited for this type of project. The DNRC should not, based on this DEIS, enter into the lease for the Project.

Gordy hereby incorporates the objections and concerns submitted by other neighboring landowners. If you should have any questions regarding this comments, do not hesitate to contact me. Thank you for your consideration.

Sincerely,



RENEE L. COPPOCK
Crowley Fleck PLLP

J. Bollman
Montana DNRC
Southern Land Office
Coyote Wind Farm
1371 Rintop Drive
Billings, Mt 59105

Dear Mr. Bollman

I am writing to comment on the proposed Coyote Wind Farm in section 36, T.1N., R.12E. I am the managing general partner of Rock Creek Ranch, the owner of section 35 to the west of and adjoining state section 36. Rock Creek Ranch also owns a contiguous 44000 acres west of state section 36. The ownership includes the historic Hunter Hot Springs in Section 9, T. 1N., R.12E only 3 miles to the Southwest of section 36. I do not believe that the close proximity of such a historic site has been accounted for in you analyses but that it definitely should be.

Hunter Hot Springs began as a resort in the late 1800's and functioned as that until it's ultimate destruction by fire in the 1930's. It was called the "Gateway to Yellowstone". It has been my intent since acquiring the property to restore it to its former glory. I have spent many months researching the old resort in prelude to a plan for development. The economic benefits to restoring a historic resort to its former glory greatly outweigh the benefits of a wind farm. Rock Creek has the capital to rebuild without financing.

A wind farm and a historic resort are mutually exclusive. Although in your draft EIS you try to address real estate valuations, it appears to be a glossed over attempt. Your analysis describes the area as rural farm country and does not take into account a historic resort. I believe it will be rather easy to prove that a wind farm will diminish the value of my property so as not to allow the development of Hunter Hot Springs and therefore decrease the economic benefits to the State of Montana. Please take my comments into consideration before agreeing to a wind farm development.

In a recent USA Today newspaper article concerning renewable energy David Myers, of the Wildlands Conservancy comments on another project but his statement is true here also "Sounds good in theory he says, but if they tear up pristine vistas, they're not green.

Russell D. Gordy
Managing Partner
Rock Creek Ranch
100 Waugh Suite 400
Houston, Texas 77007

From: Bollman, Jeff [jbollman@mt.gov]
Sent: Monday, September 14, 2009 3:14 PM
To: 'Pam Spinelli'
Subject: FW: Coyote Wind Project

From: Jim Krusemark [mailto:jkrusemark@parkelectric.coop]
Sent: Wednesday, September 09, 2009 1:34 PM
To: Bollman, Jeff
Subject: Coyote Wind Project

I would like to express my support for the location of wind turbines on the DNRC managed property located near Springdale. As you may know, the economic recession has hit rural America very hard. This project will provide temporary construction jobs to this hard hit area. It will also provide a small number of full-time positions for people in our area. The project provides much need additional tax revenues for Sweet Grass County and also will assist our local cooperative, Park Electric, with additional revenues that will aid to hold member rates down.

I am familiar with the site and generator locations. It is located in an area that has minimal aesthetic impact to people in the area. A project of this nature is also necessary to meet growing energy needs with clean renewable generation.

I appreciate the opportunity to provide you my opinion on this project and encourage you to allow siting of this facility.

From: Bollman, Jeff [jbollman@mt.gov]
Sent: Monday, September 14, 2009 7:57 AM
To: 'Pam Spinelli'
Subject: FW: Coyote Wind Farms Project

From: Shane Leland [mailto:sleland@gmail.com]
Sent: Friday, September 11, 2009 11:17 AM
To: Bollman, Jeff
Cc: sleland
Subject: Coyote Wind Farms Project

Jeff Bollman
Montana DNRC
Southern Land Office
Coyote Wind Farm
1371 Rimtop Drive
Billings, MT 59105

RE: Coyote Wind Farm

Dear Sir:

I am concerned with the proposed Coyote Wind Farm on State Lands. While the draft EIS has done a reasonable job of assessing the situation there are several points that I find lacking.

Tower Height – I can find nowhere in the document a listing of the height of the towers or type of towers being proposed to be installed on the state or private lands. The tower height on state lands is going to create a visual pollution that all citizens of Montana will have to endure for the foreseeable future. As the state lands are at a higher elevation than the majority of the privately owned lands the height of the towers being installed will create a greater visual impairment for those of us that value the view of the Crazy Mountains and the closer adjacent Kelly Hills. The view of the Crazy Mountains from all aspects of I-90 is something that all citizens of this state and from around the country enjoy. The destruction of this view is something that needs to be considered. The EIS only states that the view will not be significantly impacted. This assertion seems implausible.

View at Night – This section is in conjunction with the tower height. The beacon lights that will be installed on the towers will create another form of visual pollution. Anyone that has been near the wind farm by Shelby or Harlowton at night can attest to the impact these lights cause at night. The artist interpretation of this impact is not near as great as the actual impact will be. Again, the elevation of the state lands will increase this visual pollution.

State Land reclamation – Due to the structure of the soil in this area I do not believe that adequate restoration is possible to fully eliminate the damage that will come to the land from the tower installation and future removal. There will always be scars on the land where the towers stood and where the roads have been; this scarring will be significant.

Black tailed prairie dog – There is a significant prairie dog town located on the site. What will the impacts be to neighboring lands as the prairie dogs seek a less developed area? Will there be any compensation to the adjacent land owners as their land is destroyed by the further encroachment of the prairie dogs? The adjacent landowners will have increased costs for control of the prairie dogs and will experience the loss of production of grasslands for use in their cattle operations. Does the state not have to factor in the impact to its neighbors when exploiting natural resources?

Devaluation of adjacent lands – The neighboring lands to the proposed project are privately held. What compensation can the adjacent land owners expect to receive as their land values depreciate due to the states eagerness to install these wind towers? While there is little that can be done about the devaluation due to the private land owners development; the state should not be participating in devaluation of property for adjacent lands.

State land access – while there is limited access to the state lands due to the land being blocked in on all sides what does the future hold? Rather than close the state lands to public access the state should require that access be granted to all citizens if the project is developed so that the citizens of this state can enjoy their lands. As a condition of opening the lands it should be stipulated that should the project end; permanent easement will be granted through the adjacent landowner's property that is also participating in the development of the Coyote Wind project. By including this provision all citizens of this state can enjoy the lands that are held in trust for them by the State.

Thank you for taking the time to read and contemplate my opinions. I have had the chance to access this state parcel of land and I feel strongly that this project should not be allowed to take place on state lands. This parcel is unique in that the elevation and location will permanently (for the next 20 to 30 years at a minimum) alter the view of the Crazy Mountains and the Kelly Hills located just to the north of the project. The visual pollution that will be created by this project is beyond the net economic gain that the citizens of this state will receive.

Thank you,

Shane Leland
P.O. Box 653
Park City, MT 59063
406-581-3379



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

August 25, 2009

RECEIVED

AUG 26 2009

DNRC SLO

Montana DNRC
Southern Land Office
Coyote Wind Farm
1371 Rimtop Drive
Billings, MT 59105

Subject: Coyote Wind Farm – Springdale

To Whom It May Concern,

The Montana Department of Transportation (MDT) staff has received and reviewed the information regarding the subject development. This development does not appear to directly access any of the Montana Department of Transportation facilities. You will need to follow up with Motor Carrier Services (MCS) for any over height or oversize permits.

If you have any questions please contact me at (406) 444-9456 or email at jriley@mt.gov.

Sincerely,

Jean A. Riley, P.E.
Transportation Planning Engineer
Program and Policy Analysis
Rail, Transit & Planning Division

Copies: Stefan Streeter, Billings District Administrator
Stan Jonutis, Billings Traffic Engineer
Jim Skinner, Planning & Policy Analysis Bureau Chief
File



Montana Fish, Wildlife & Parks

2300 Lake Elmo Drive, Billings, MT 59105

September 11, 2009

Montana Department of Natural Resources and Conservation (DNRC)
Southern Land Office
Coyote Wind Farm
1371 Rimtop Drive
Billings, MT 59105
jbollman@mt.gov

Attention: Mr. Jeff Bollman

RE: Coyote Wind Project Draft EIS

Montana Fish, Wildlife and Parks (MFWP) received a copy of the draft Environmental Impact Statement (EIS) for the proposed Coyote Wind Project, LLC (August 2009). MFWP appreciates the opportunity to comment, and recognizes that there are generally few distinctions between the no action and proposed action alternatives. We do, however, have a few comments regarding the proposed wind project (and proposed alternative) that we submit for your consideration.

The Coyote Wind Project, with a Potential Impacts Index score of 162, could be considered moderate to high in comparison to other potential wind project sites in Montana. This reflects the areas' habitat diversity and proximity to the Yellowstone River. Overall, this is a poor location for a wind project from a wildlife resource perspective.

Wildlife – Golden Eagles

The DEIS identifies golden eagles as one of the most common bird species observed in the area during bird surveys. However, the DEIS does not reflect the new status of golden eagle as a Montana Species of Concern (Section 3.8.3.6) or its protection under the Bald and Golden Eagle Protection Act (BGEPA) and Migratory Bird Treaty Act. Under the newest amendments to BGEPA actions that are known to “disturb” golden eagles are also prohibited. Lou Hanebury (U.S. Fish and Wildlife Service, 406-247-2966) should be contacted to discuss the project and potential mitigation for golden eagles.

Wildlife – Migrating Bats

The DEIS possibly underestimates the potential impact of the proposed project on migrating or resident bats. We believe that a rate of 13.4 bats/turbine/year killed could have impact on migratory populations. Hoary bats have been added to the Species of Concern list, and silver-haired bats have been identified as a Potential Species of Concern. Both these bats species are tree-dwelling bats that have been identified as common fatalities at wind turbines during fall

migration. A rate of 13.4 bats/turbine/year is high in comparison to other projects in the Western U.S, but comparable to Judith Gap Energy Center (draft report January 2008) and southern Alberta (e.g. 0->30 bats/turbine/year, Erin Baerwald, University of Calgary, personal communication, March 2009). Given the pulse of bat activity identified during fall migration in the Wildlife Assessment, the Wind Project should identify potential mitigation if fatality estimates suggest that this rate is occurring. Mitigation measures should include increasing the cut-in speed of turbines during the migration period. Although we do not currently have data showing the size of migrating (or resident) bat populations, the potential number of mortalities of bats (e.g. >1600 animals per year, including those identified as Species of Concern) indicates the need for close monitoring.

With respect to bat surveys, consideration should be given to initiating surveys at the end of July or beginning of August rather than the end of August (p. 54) to ensure that migration pulses are captured.

Cumulative Impacts

The potential number of wind energy projects in the area, but not identified in the DEIS, suggests that we should continue to be alert to potential cumulative impacts of multiple industrial wind parks on grassland birds. The studies that have been conducted on grassland bird displacement have not been conducted in areas with greater than 40 turbines, and extrapolating these data to an area of Montana with potential for greater than 400 turbines may not be appropriate (J. Shaffer, USGS, Jamestown, ND, personal communication, March 2009).

Public Access

Access to public lands is an issue of great importance to MFWP. We are concerned with the loss of recreational opportunity by the closure of these lands, even if those lands are not currently accessible by public right-of-way. Given the potential number of wind projects in the vicinity, the cumulative impacts on public access to hunting and other outdoor recreation may be substantial.

Recommended Mitigation

Maps appear to identify turbines placed adjacent to riparian draws, including ephemeral streams. We recommend that turbines be placed a minimum of 300 ft from riparian habitats (Ellis 2008). The wetland identified with high levels of foraging bats (p. 114) may be important to both bats and birds. It should be closely monitored and avoided where possible.

Ellis, J.H. 2008. Scientific Recommendations on the Size of Stream Vegetated Buffers Needed to Protect Wildlife and Wildlife Habitat, Part Three, The Need for Stream Vegetated Buffers: What Does the Science Say? Report to Montana Department of Environmental Quality, EPA/DEQ Wetland Development Grant. Montana Audubon, Helena, MT. 24 pp.

MFWP recommends reseeding disturbed areas to regionally native species to reduce the overall impacts of disturbed areas.

Ferruginous hawks can be extremely sensitive to disturbance, and construction activities in the vicinity of nesting ferruginous hawks should be avoided during the nesting season (April – July).

The Wildlife Assessment identifies black-tailed prairie dog colonies in the project area. It appears that turbines are not adjacent to these colonies. It should be noted that many of the raptors in the area, in particular golden eagles and ferruginous hawks will be drawn to forage in these areas, and post-construction monitoring should include tracking this activity.

The mitigation measures identified in the Wildlife Assessment should be employed, including the application of Avian Power Line Interaction Committee (APLIC, 1994) guidelines.

The proposed monitoring plan reflects many of the newest understandings in the attempt to determine fatality estimates at wind energy facilities, and we appreciate the effort to propose current survey methodology. MFWP encourages carcass searches be conducted no less frequently than once per week. As part of the scavenger removal trials, we encourage the use of bat carcasses as often as possible. It has been suggested that small birds (e.g. house sparrows) do not accurately represent a bat carcass to scavengers. In the event that scavenger removal trials suggest that removal rates are high, MFWP would recommend that carcass search intervals be reduced.

The proposal to establish a Technical Advisory Committee to assess post-construction monitoring survey results is appreciated.

Future Research

MFWP strongly recommends pursuing a grassland bird displacement study, and conducting pre-construction grassland bird surveys at least on School State Trust lands in the project area. Grasshopper sparrows, a Species of Concern, are known to avoid grasslands post-construction of wind farms, as identified in the EIS (p. 55, J. Shaffer, USGS, Jamestown, ND, personal communication, March 2009).

Monitoring efforts should also consider addressing the impacts of the wind project on mountain plover, burrowing owl and long-billed curlew. All three species are Species of Concern and are likely (or documented) to occur in the area.

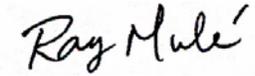
Questions

Would DNRC consider submitting the wildlife data collected to the Natural Heritage Program point observation database? Some of the findings in the Wildlife Assessment (bat data in particular) would be a valuable addition to the database for all state agencies and organizations that call on NHP for data requests.

Thank you again for the opportunity to provide comments. MFWP realizes that most of the project occurs on private land, and we appreciate the time and effort that was taken with the EIS to include State School Trust lands for which we can offer our input. We look forward to continued cooperation through participation in the Technical Advisory Committee. If you have

any questions or clarifications on our comments, please contact Allison Begley at (406) 247-2966 or abegley@mt.gov.

Sincerely,

A handwritten signature in black ink that reads "Ray Mulé". The signature is written in a cursive, slightly slanted style.

Ray Mulé
MFWP Region 5 Wildlife Program Manager
Billings

Cc: Gary Hammond, Region 5 Regional Supervisor
Justin Paugh, MFWP Wildlife Biologist, Roundup
Allison Puchniak Begley, MFWP Wildlife Biologist, Billings

From: Bollman, Jeff [jbollman@mt.gov]
Sent: Monday, September 14, 2009 3:15 PM
To: 'Pam Spinelli'
Subject: FW: Coyote Wind

From: Bert Otis [mailto:otisranch@wispwest.net]
Sent: Wednesday, September 09, 2009 7:23 AM
To: Bollman, Jeff
Subject: Coyote Wind

Dear Montana DNRC,

Just a short note of support for the lease of State Lands to Coyote Wind, LLC. In reviewing the draft EIN I see very few negatives compared to the positives this project will provide.

Just the economic benefits this project will provide are going to be a great benefit for our area. Construction jobs and then maintenance jobs will help our area for many years into the future.

Again please support this project with the lease of the State Land that Coyote Wind needs to make this project a reality. If you have any questions please give me a call. 406-333-4802

Thank You
Bert Otis
PO Box 60
Emigrant, MT 59027
otisranch@wispwest.net

I am using the Free version of [SPAMfighter](#).
We are a community of 6 million users fighting spam.
SPAMfighter has removed 63354 of my spam emails to date.
The Professional version does not have this message.

From: Bollman, Jeff [jbollman@mt.gov]
Sent: Monday, September 14, 2009 7:52 AM
To: 'Pam Spinelli'
Subject: FW: Springdale/Coyote Wind Farm Project comments

From: Cindy Hogemark [mailto:deedee_cmh@yahoo.com]
Sent: Thursday, September 10, 2009 4:11 PM
To: Bollman, Jeff
Subject: Springdale/Coyote Wind Farm Project comments

Hi, I have a few comments to add about the Springdale/Coyote Wind Farm.

- 1) Who is "They" referred to on page 15, 3rd paragraph, Last sentence.
- 2a) Vegetation community type (pg 45); I seriously have my doubts that Rough Fescue is found on the state section, especially if it has been heavily grazed.
- 2b) I do not think that there is ANY Rough Fescue on the South Side of the Crazy Mountains let, alone in the Kelly Hills- I do not think that there is enough precipitation to support this species. (I have professional Range experience, as well as knowledge of the area, as having grown up/work on the neighboring property (in 27 years, I have NEVER seen either of these Species in the Kelly Hills.)
- 2c) I also do not think there is any Idaho Fescue on this section either, based on the precipitation and grazing history.
- 2d) The Scientific name of Rough Fescue is NOT Festuca altaica, But Festuca scabrella instead.
- 2e) There is a grazing management plan (rotation) (pg 45 Grassland/Sagebrush Community- 4th sentence) incorporating the state section as the Trustee of the state section is a "Certified Undaunted Steward" and should be maintaining a written grazing plan for his entire operation.
- 3) Page 114: Big Game and General Wildlife paragraph. Why does signing a Wind lease, automatically close it for recreational/public use? Are the People of Montana aware of this?
- 4) Why is this area a good candidate for the project if the average wind speed is near the speed in which the turbines shut off automatically for safety? This means that the turbines will not be producing energy approximately 1/2 of the time that the wind blows. This doesn't seem very sustainable to me.
- 5) I did not see anywhere in the draft EIS mentioning a Fire fighting Plan. I believe that if even 1/4 of the construction workers up there smoke, that there is an increased risk of fires. There is Not a locally maintained Fire department in Springdale, and it takes at least 20-30 minutes for the Big Timber Fire Department (No Less than 40 mins from Livingston or adjacent landowners) to access the section. With the high winds, and the dry conditions of the upland vegetation during the summer months, in the area, the proximity to neighboring properties, the potential for a fire to expand significantly within 20-30 minutes is exponential. I feel it is

Imperative to have a fire plan, including who will pay for fire fighting expenses, if a fire should break out, because of the Wind Project or workers on the project.

Thanks For your Time,

Cindy Selensky
P.O. Box 118
Springdale MT 59082

~ *Cindy Selensky* ~

**LAW OFFICES
HUPPERT, SWINDLEHURST & WOODRUFF, P.C.**

ARNOLD HUPPERT, JR., RETIRED
JOSEPH T. SWINDLEHURST
STEPHEN E. WOODRUFF

420 SOUTH SECOND STREET
P.O. BOX 523
LIVINGSTON MONTANA 59047

TELEPHONE: 406-222-2023
FACSIMILE: 406-222-7944
joe@hswlegal.com
steve@hswlegal.com

September 10, 2009

Jeff Bollman, AICP
DNRC Southern Lands Office
1371 Rimtop Drive
Billings, MT 59105

Fax: 406-247-4410; jbollman@mt.gov
Original by mail/FedEx

**RE: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT
("EIS") FOR COYOTE WIND DEVELOPMENT, SPRINGDALE, MT**

Dear Jeff:

As you are aware, I represent Engwis Investment Company, Ltd., the R. F. Building Company, Jan Engwis, and Karen Engwis (collectively, "Engwis"). As stated in my scoping comment letter to you dated June 13, 2008 (herein, the "scoping letter"), Engwis unequivocally opposes the wind energy project proposed on Section 36, T1N, R12E (herein, the "State Section" or the "State parcel"). They believe it is inconsistent with the rural nature of the area surrounding the development, and will cause a direct and substantial negative impact to the Engwis property in particular and to the citizens of Park and Sweet Grass Counties generally.

I. INTRODUCTION

It is an old legal adage that an agreement is only as good as the parties to that agreement. Through the EIS, DNRC proposes to enter a twenty year lease agreement with the project developers, Enerfin Energy Company (95% stakeholder) and Alternity Wind Power (5% stakeholder). Several Enerfin representatives attended the 9/2/2009 EIS public meeting (herein, "public meeting"); there did not appear to be any Alternity representatives at the public meeting.

DNRC's entry into the proposed lease agreement would appear, from a citizen's perspective, to be an ill-advised venture due to the disingenuousness of the information presented to the public by Enerfin at the public meeting. A sampling of deceptive or downright false information that was presented at the public meeting by Enerfin is as follows:

1. Enerfin is a wholly-owned subsidiary of a larger Spanish company called "Elecnor". Unless DNRC receives additional guarantees from Elecnor, its only remedy in the event of default upon the proposed lease will be against Enerfin. If Enerfin goes bankrupt, DNRC will have no legal remedies. If Elecnor guarantees performance of the proposed lease, it would also need to consent to jurisdiction in the Montana courts (something which it is unlikely to agree to), or else the State of Montana would be left to pursue its remedies in the Spanish Court System.
2. Enerfin repeatedly claimed that the project will benefit the local economy, and implied that Montanans would directly benefit from a local source of renewable energy. What Enerfin failed to make clear, however, is that all profits from the project will flow back to Spain, and that the energy generated by the proposed project will not be used in Montana. At this point, Northwestern Energy, the utility which services Montana, has already achieved its State-mandated 15% energy from renewable sources, so it will not be compelled to acquire a higher percentage of more expensive renewable energy until 2015 under current laws. So, in effect, the citizens of Montana are being asked to sacrifice their natural resources to generate electricity for use outside of Montana, and to generate profits for a Spanish company.
3. After sorting through the smokescreen of who will benefit from the project (i.e. not Montanans), Enerfin nonetheless claimed that it will use "local" labor, services, and industry "whenever possible" to complete the development project. This is a forward looking statement that can only be substantiated, at this point, by past performance. To date, the undersigned has had communication with, and received information from, two professional groups acting on behalf of Enerfin:

Attorney: STOEL RIVES, LLP
Howard E. Susman, Esq.
12707 High Bluff Drive, Suite 200
San Diego CA 92130

Engineer: Somerset Planning and Engineering Services
222 West Main Street, Suite 200
Somerset, PA 15501

How can the people be expected to believe Enerfin's claim that it intends to support local business when its attorneys are from California and its engineers are from Pennsylvania?

Furthermore, given the scale of wind-development construction work, it is unlikely that local contractors from Sweet Grass and Park Counties will derive any significant

employment during the construction phase of the project. Attached hereto as Exhibit "A" are color photos taken during the construction phase of the Judith Gap wind project which show the massive trucks, cranes, and other equipment necessary to install wind turbines. This is not the type of equipment generally used by or available to local contractors.

Enerfin's claim that it will use local labor and services must be viewed with a great deal of suspicion based on history (use of out-of-state attorneys and engineers), and the reality of the type of construction being performed.

In terms of the end result, the draft EIS states that the projected number of daily onsite workers will be **four**. This can hardly be considered a substantial beneficial impact on long-term local employment, particularly when weighed against the irrevocable damage that will be inflicted on the local environment and community by the project.

4. In response to a question from a resident who lives across the County Road from the proposed development, Enerfin claimed that traffic during the construction phase of the project will consist of "one to two trucks per day". This is a patently ridiculous statement. The draft EIS itself indicates that there will, on average, be 75 vehicles and 400 workers on site daily during construction. The number of vehicles in this calculation would appear artificially low, since this would require roughly 4.5 workers to arrive on-site per vehicle, a figure which is hard to believe. A more likely figure for daily traffic is probably in the range of 200 to 300 vehicles. Examples of the sizes of some of these vehicles are shown in the photos attached as Exhibits "A" and "B". These are massive, industrial-sized machines that will create substantial dust, noise, road damage, and, most significantly, a clear and present threat to the safety of local residents.
5. Enerfin repeated throughout the public meeting that the project development was totally transparent and that Enerfin had "nothing to hide". Contrary to this statement are two letters attached and marked as Exhibits "C" and "D". In Exhibit "C", Enerfin's California attorney demanded recovery of a map prepared by Enerfin's Pennsylvania engineer on the theory that the map constituted a "trade secret". In the response written by undersigned counsel (Exhibit "D"), it is pointed out that the map does not qualify as a trade secret under Montana law. This exchange shows the disingenuousness of Enerfin's assertion of transparency, and shows the inevitable result of trying to use out-of-state representatives to solve Montana problems.
6. Enerfin claimed throughout the public meeting that it planned to be a good neighbor that would respect local "historic, cultural, and artistic values". While these are inherently subjective categories, it would appear that virtually all Montana citizens would consider certain aspects of the proposed project to be antithetical to these values, including:

- a. Enerfin described its “wind ranch” (as opposed to wind farm) concept for the development, which included locating the control building on TOP OF A HILL. While aesthetic sensibilities vary by individual, it is probably safe to say that Montanans uniformly despise the placement of large structures on hill and ridge tops for obvious aesthetic reasons. Enerfin’s plan shows that it shares the same mindset of so many individuals who have moved to Montana in recent years and built unsightly “statement homes” on hills and ridges, putting their own view and their own interests ahead of their neighbors.
 - b. Enerfin described its plans to use the wind ranch as a sort of tourist destination where large numbers of people would visit the site to be educated about wind power. While education is generally a laudable objective, this proposal would increase local traffic, promote greater vehicle use (thereby increasing carbon production), and be detrimental to the peace and safety surrounding residents.
 - c. In terms of historic values, the draft EIS notes in passing that the Lewis and Clark Trail and the Bozeman Trail pass within a stone’s throw of the proposed development. The Lewis and Clark Trail in particular must be considered a sacred part of America’s history that undoubtedly has little resonance for a Spanish energy company. During the scoping process, The Lewis and Clark Trail Heritage Foundation, Inc., provided a comment letter that is attached as Exhibit “E”, which comes to the inevitable conclusion that: “Industrial development and an increase in traffic and noise along this peaceful stretch of the Lewis and Clark National Historic Trail would adversely impact this stretch of an important national treasure.” Enerfin proposes nothing to protect the historical sanctity of the Lewis and Clark and Bozeman Trails.
7. The most preposterous misrepresentation made by Enerfin at the public meeting was the assertion that people driving by on the Interstate, and indeed the neighbor across the County Road, would somehow be unable to see the wind turbines. According to the draft EIS, the tops of the towers will be 262’ in height, and the blade at the top of its rotation will be over 400’ high. As anyone who has driven near Judith Gap is aware, the turbines there are visible from twenty or more miles away. Enerfin’s assertion that the turbines will not be visible from across the County Road at best shows a sense of denial, or at worst outright dishonesty.

The bottom line question is how can the people of Montana, as represented by DNRC, trust a foreign company that has no interest in the well-being of Montanans to conduct industrial operations on State land when the company shows itself to be deeply disingenuous and totally oblivious to the values of Montanans? The answer is that DNRC should not and must not abuse the public trust by entering an agreement with this company, and therefore the only acceptable approach is to adopt the “No-Action Alternative” outlined in the draft EIS.

II. THE DRAFT EIS IS INCOMPLETE AND VIOLATES MEPA

A. The draft EIS fails to address road impacts.

The draft EIS submitted on behalf of Enerfin omits any specific discussion of road impacts which will result from the proposed project. Daniel Abelson, project manager for Enerfin was quoted in the *Big Timber Pioneer* stating:

“I know we are missing the roads from the draft EIS,” he said. “We are waiting on a contract with the supplier of the turbines and don’t know what the road specs for them will be.”

“Wind farm eyed at west end of County”, *Big Timber Pioneer*, September 3, 2009. The Enerfin representative alluded to this omission during the public hearing, but stated that road/bridge issues would be addressed, and told the audience, “Don’t worry about it.”

Section 2.2-1 of the draft EIS claims that the site will be accessed via Interstate 90 and County Roads shown on Figure 2.2-1. Figure 2.2-1 shows nothing of the sort; it only shows internal roads within the State Section, and gives no information about roads connecting the site to the Interstate.

Given the credibility gaps identified in the Introductory section of this letter, Enerfin’s response to the road issue is hardly comforting. Enerfin is a totally unknown entity to the people of Park and Sweet Grass Counties, yet the citizens are being asked to proceed on blind trust rather than hard facts about road impacts. Frankly, in undersigned counsel’s experience, a local developer who made an omission of this magnitude in a proposed development plan, and then told the planning authority not to worry about it, would be figuratively, if not literally, laughed out of the room.

The reconstruction of bridges and roads between the Springdale I-90 exit and the project site is one of the most direct and significant impacts the project will have on local citizens. The people of Springdale need to know if the main street through town will need to be widened or if the corner radius of curves will need to be increased. Citizens along the County Roads need to know how the roads will be altered, and how this will affect their surrounding properties. Citizens need to know if their private lands will be condemned in order to accommodate large radius curves and/or road widening. An honest assessment of travel delays needs to be made. And most of all, citizens need to know that all construction activities and use of the roads during and after development will occur in a safe manner.

An environmental impact statement that fails to consider all material impacts of a proposed project that is subject to MEPA review is legally deficient. *Friends of the Wild Swan v. DNRC*, 6 P.3d 972 (Mont. 2000). In the *Wild Swan* case, DNRC prepared an EIS analyzing the

environmental impacts of the proposed Middle Soup Creek timber sale. The EIS neglected to specifically address cumulative impacts. The Supreme Court noted that:

The public is not benefitted by reviewing an EIS which does not explicitly set forth the actual cumulative impacts analysis and the facts which form the basis for the analysis.

Wild Swan at Para. 35.

Similarly, in this case the draft EIS is incomplete, and does not provide adequate basis for public comment due to the omission of a road impacts analysis.

B. The draft EIS fails to address federal lighting requirements.

The FAA lighting plans in the draft EIS illustrate the lighting required for FAA compliance, however the developer apparently has not prepared the required notices and cannot therefore know the final requirements for lighting and marking.

The blinking aerial lights affixed at the top of the 262' high towers must undoubtedly be one of the most offensive aspects of the proposed project. The EIS describes the FAA lighting requirements as follows:

FAA rules require lights that flash white during the day and twilight, and red at night to be mounted as high as possible on wind turbine nacelles. Lights should flash simultaneously and be placed so they are visible from 360 degrees. The FAA's obstruction marking and recommendations on marking and/or lighting structures to facilitate aircraft safety can vary depending on the terrain, number and layout of turbines, weather patterns, and geographic location. Lighting recommendations recognize that not all of the turbines within an installation would require illumination. Instead, the advisory circular specifies the importance of defining the periphery of turbine array, and not within the array no unlighted gap greater than one-half statute mile should be present (FAA, 2007).

While the draft EIS identifies the need to meet FAA requirements, it does not provide a detailed explanation of the actual lighting plan for the project.

The omission of detailed explanation of FAA lighting requirements from the draft EIS renders the document incomplete in that it does not provide adequate information for informed public comment. *Wild Swan*, supra.

C. The draft EIS fails to specify bonding/reclamation procedures.

The draft EIS states that at the conclusion of the project, the Developer will, “decommission the project, remove the turbines and the associated infrastructure, and reclaim and restore the site as closely to its original state.” The draft EIS gives no apparent mechanism by which this promise might be enforced by DNRC. The most obvious approach would be to require the Developer to post a reclamation bond. However, no information about bonding, or other methods to enforce reclamation, are given in the draft EIS.

The decommissioning and reclamation of the site is of utmost interest and importance to the public, yet no information is presented in the draft EIS as to how decommission/reclamation will occur. The draft EIS is therefore deficient, and should be amended and resubmitted in a completed form for further public review with the inclusion of decommission/reclamation information.

D. The draft EIS fails to adequately analyze Cumulative Effects.

The cumulative impact section of the draft EIS (Section 4.2.2.3) essentially states that cumulative effects under the proposed action alternative will be the same as those under the no action alternative. This cumulative effects analysis is inadequate.

First, there is the obvious fact that the proposed action would effectively double the width footprint of the project under the no action alternative when measured from north to south. The proposed action alternative effectively exposes twice as much of the local environment to the east to all of the negative impacts being assessed, including, without limitation, dust, spread of noxious weeds, noise pollution, light pollution, and visual interference. The widening of the combined project to double its eastern boundary warrants further assessment under the cumulative impacts section of the draft EIS.

Second, the draft EIS fails to consider the cumulative impacts which would result if the mineral lessee on the State Section began active exploration. The wind development, when combined with mineral exploration, would turn the State Section into a veritable industrial beehive of activity, yet no cumulative impact analysis is made of the effect of these combined industrial activities. The failure to adequately consider cumulative effects renders EIS legally deficient under MEPA. *Wild Swan, supra.*

A further discussion of the failure to adequately address cumulative effect in the draft EIS is set forth later in this letter.

E. The Draft EIS fails to present a meaningful No-Action Alternative.

The draft EIS repeatedly states that even if DNRC adopts the No-Action Alternative that the wind project on adjacent private land *will* continue regardless. The drafters of the EIS of course have no ability to predict the future in this manner. A number of factors could prevent the wind project from occurring on private land. For instance, it may not be economical for the developer to complete the project without the State Section being included, or a court may hold that the proposed development on private land would constitute a nuisance.

The implication in the draft EIS is that since the private development is inevitable, a little more development on the State property will not have a negative impact, and the development should therefore be approved (the Proposed Action Alternative). As defined by DNRC, the no action alternative has become an endorsement and acceptance of the industrial wind development on the private land, and a proclamation that the private project cannot be opposed and is therefore acceptable. This, of course, is not a proclamation that an administrative agency has jurisdiction to make. Only the judicial branch of government can interpret and apply laws, and ultimately render a decision as to whether a proposed land use is lawful.

MCA Section 75-1-201 requires that an agency EIS must include, “a meaningful no-action alternative analysis”. By arbitrarily asserting a legally unsupportable position (i.e. that development on the private land *will* occur even in the event DNRC adopts the no-action alternative), DNRC is acting in violation of MEPA. A meaningful discussion of the no-action alternative must certainly include a discussion that if the no-action alternative is adopted, that the private development might be abandoned by the developer.

DNRC must not use the no-action alternative as a method for endorsing development on adjacent private land, and as a surreptitious attempt to suppress public interest by presenting development on the private lands as inevitable. DNRC has also framed the no-action alternative in such a way that it suggests that the commercial development on State land should proceed, since the development on adjacent private land is (in DNRC’s estimation) inevitable. DNRC’s presentation of the no-action alternative in this manner is improper and is prohibited by MEPA.

DNRC must present a complete EIS that addresses all aspects of the project as required by MCA Section 75-1-201, after which time the draft EIS could be re-released and a public hearing could be held during which the public would have a complete document to consider. If a complete document is not prepared by DNRC and submitted for public review, the Court system will undoubtedly strike down the incomplete EIS as occurred in the *Wild Swan* case. The current draft EIS violates MEPA.

III. THE CONTENTS OF THE DRAFT EIS ARE INSUFFICIENT TO SATISFY MEPA

Introduction, Engwis comments on draft EIS:

The draft EIS now incorporates the private development on the adjoining land. This is a complete reversal from the limitations imposed by the scoping process conducted in 2008. At the scoping meeting the DNRC, the developer, the developer's consultant, and the private landowners involved remained silent as to the private component of this project. As a matter of fact, they refused any inquiry or questions regarding the actual immensity of the proposed development. The scoping meeting was shrouded in secrecy with inquiries denied as to the actual size or even the existence of cooperative wind development between the State and the private property owners. Now, having used the scoping process as a "Trojan Horse" effectively limiting and suppressing public input, the DNRC attempts to apply the subsequent MEPA/EIS process to the entire project (even though DNRC claims no authority over the use of the private lands). Input solicited at the scoping meeting for the State Section and its 8 turbines has now been conferred upon the private lands with 36 turbines, and at the same time is being used to whipsaw the state project into acceptance as well, the project now totaling 44 turbines.

As discussed in Section II.B., above, the DNRC is now taking the position that since the private development is going to take place anyway a little more development on the State property won't much matter (the Proposed Action Alternative). Further, based upon an arbitrary redefinition, the no action alternative has become an endorsement and acceptance of the industrial Wind Park on the private land, and a proclamation that it cannot be opposed and is therefore acceptable. There is the unfortunate appearance of a *quid pro quo* between the private parties and the State: the private development probably would not occur without the State project and legitimizing process, and conversely the State is now substantiating its project based upon the adjacent private development.

The public process required by MEPA has been degraded to fit the general boundaries of the statute for political expediency while ignoring its spirit and intent. It is hard for any objective observer not to conclude that the DNRC has manipulated and constricted the process to achieve the predetermined goal of meeting their "stated objectives in issuing RFPs for wind development on school trust lands". Notice for public input to the draft EIS was apparently restricted to announcements mailed to limited pre-selected individuals. No legal notice for public input on the draft EIS was posted in the local Big Timber Pioneer newspaper. (A short article discussing comment on the EIS did appear in the paper about twenty days before the public meeting.) As a result, only a few citizens (other than public officials or those with a beneficial financial interest) attended the draft EIS meeting (perhaps 20 citizens of approximately 50 attendees combined in both meetings). Certainly the affected residents of Sweet Grass County far outnumber those notified, and they have been disenfranchised of the

opportunity to evaluate and respond to this large-scale industrial development in a rural area of the County.

The limited notice calls the process for public participation into question. Article II, Section 9 of the Montana Constitution states:

No person shall be deprived of the right to examine documents or to observe
The deliberations of all public bodies or agencies of state government and its
Subdivisions, except in cases in which the demand of individual privacy clearly
exceeds the merits of public disclosure.

The limited notice given to the citizens of Sweet Grass County is contrary to the public's right to know, as mandated in Montana's Constitution.

The draft EIS gives the appearance of being purely the developer's doing, and raises concerns regarding lack of objectivity and bias in many areas. It appears that Garcia and Associates has worked closely with the Developer in preparing the draft EIS, and it is believed that Somerset Planning & Engineering (who also screened the scoping responses) is an agent of the Developer Enerfin.

In terms of accuracy, it is represented that Crazy Mountain Cattle Company exclusively owns the private land. This is not the case and it should be noted county records indicate that Alfred Anderson owns a portion of the private development. The number of turbines on the Anderson property would be approximately 12 of the 36 towers indicated in the study for placement on private property.

Many aspects of the draft EIS are so incomplete or sufficiently vague that they are inadequate to allow reasonable public evaluation and comment regarding the Alternatives. Specific areas of concern are noted in detailed comments provided below.

Executive Summary Reviews-pages E1-E14 and subsequent pages 1-169

Chapter 1: Purposes and Benefits Of Proposed Action

1.1 Introduction-page 1. DNRC is evaluating whether to lease the school trust land for the placement of "approximately 8 wind turbines". What does "approximately 8 wind turbines" mean? Is it less than 8, or more than 8? It is hard to evaluate approximations. The same approximate terminology is used regarding the private component.

1.3 Purposes and Benefits-page 2, E1. The purposes as stated on pages E2 and 2 respectively seem to be conflicted. MCA §77-1-202 does not mandate DNRC's stated objectives (predeterminations) of mandatory wind development on school trust lands. Yet, the

implication on page 2 is that the Wind Project is the only way to fulfill the school trust land management mandate. The statutory citations referenced on page E1 however also prescribe other actions and dispositions of state owned lands, including “selecting, exchange, classification, appraisal, leasing, management, sale, or other disposition of state lands.” Additionally, also cited on E1 in part “The board shall administer this trust to secure the largest measure of legitimate and reasonable advantage to the state and provide for the long-term financial support of education.” Obviously no other alternatives other than the wind project has been or will be considered despite empirical assessment set forth below that a land sale option would provide greater return with no long term management costs and with no destruction of the property.

1.4 Applicable Laws and Regulations-pages 2-6. Although more detailed comment is made in later sections some comments are made here.

Airborne particulates (dust) are a certainty. Any existing or pending Federal EPA regulations or considerations affecting these sites should be evaluated.

On site quarrying activity, if any, would require additional permitting, and should be disclosed.

DNRC asserts that no infringement will be made upon streams, or their floodplains or wetlands. This must be construed to mean that there will be no water taken from Duck Creek and no access routes constructed across the drainage.

The FAA lighting plans illustrate the lighting required for FAA compliance, however the developer apparently has not prepared the required notices and cannot therefore know the finally required lighting and marking.

1.5 Other Related Environmental and Planning Documents-page 6. These items are addressed in detail later however it should be noted here that any proposal presented to the Sweet Grass County Commissioners in 2006 could not have revealed the massive scope of what is now known to be a very large and comprehensive industrial development. Further, the makeup of the board changed with the 2008 elections. Regardless of the support or lack thereof for the project on behalf of the Commissioners, there has been no public forum for specific input to them regarding such a pervasive project that would forever change the landscape, not to mention the very essence of the county lifestyle of Sweet Grass County.

1.6/1.7/1.8 DNRC's Responsibilities and Decisions-page 6. The open disclosure requirement and process is fatally flawed. As mentioned above, information regarding the actual size and immensity of the project was withheld from the public during the scoping portion of the EIS process. Additionally, knowing the extensive ramifications of the intended project, DNRC did not notify the affected public outside the immediate vicinity of the development. Draft EIS review by the public has also been narrowly construed, with no public

notification outside residents of the immediate vicinity of the project, together with minimal public notice in the local newspaper. Confusion still remains as to whose EIS is in review-the State's, the private landowners, or both? Apparently the answer is that it is both, encompassing 3000 acres and 44 wind turbines. What could not be discussed in the scoping meeting now is presented as having been a matter of fact all along.

Chapter 2: Description of Alternatives

2.1 Overview-pages 11, E2. The statement is made under the No Action Alternative that if DNRC does not lease the state parcel to the developer then: a) the wind project on the private land would still be developed, although not necessarily true or relevant; b) Land use revenue for the State parcel would continue in its current state, which presumes that: c) other options presented during the scoping process, while guiding the analysis conducted in the EIS, did not require development of another alternative. What this apparently means is that DNRC is summarily dismissing any other alternative including at least one other perfectly viable option i.e. re-appraising and selling the land. This alternative is eliminated without consideration or objective analysis. Apparently it is the intention that the public be restricted to choosing between a wind development and a miniscule return to the Trust. This miniscule return was actually the product of DNRC management to begin with and has had the intentional or unintentional consequence of diminishing the value of the property in support of the Proposed Action Alternative. This issue is covered more specifically in later sections.

2.2 Proposed Action Alternative-pages 11, E2 . It is asserted that the state parcel has all the key elements required for the development of a successful wind power project including good transportation access, compatible land use and supportive county government. We contend first of all that heavy industrial development is completely incompatible with agricultural and recreational-agricultural uses. The claim that there is good transportation access is not supported by analysis within the study. In reality, the project will require extensive improvements and modifications to the roadways accessing the site. The claim of supportive county government may or may not be factual, but no documentation of that fact is presented. There has not been an opportunity for an informed meeting between Commissioners and Sweet Grass County citizens on such a large and significant project. See further sections for details.

2.2.1 Project Site Description-page 12. The locations of private residences in relationship to the project are presented in Figure 2.2.-1. The Engwis residences are, however, omitted, perhaps due to imposition of an arbitrary distance limit for acknowledgement and inclusion. While outside arbitrary study limits, the negative consequences of visual effects and of prevalent wind patterns exacerbating other adverse consequences of the Proposed Action Alternative should not be summarily dismissed.

2.2.2 Site Control-page 12. DNRC acknowledges "discussing the final form and substance of the long term lease among the parties". This would imply to a reasonable person that the

decision to proceed with the development is certain, and that the present review is simply a formality to comply with the outer boundaries of MEPA, and to rubber stamp the proposed project. This statement exhibits bias, and has the effect of suppressing public input because the development is presented as a foregone conclusion.

2.2.4.1 Roads and Civil Construction Work-page 15. Figure 2.2-1 is provided to illustrate access to the state parcel from Interstate 90 and county roads, however neither is shown on the illustration (See Section 11.A concerning omission of road information). Figure 2.2-1 does show proposed access roads on site. Of particular concern are several access roads leading to several other parts of the State Section which have no proposed towers. It could be construed that the roads are being constructed for future additional towers not revealed in this EIS. If they serve no purpose, construction and commensurate adverse impacts are unnecessary. Figure 2.2-2 (proposed roads for cut and fill) does not appear to show the same access roads but does seem to indicate a roadway traversing most of the West side of the state parcel connected to the roadways depicted in Figure 2.2-1. It could be concluded that these roads have an as yet undisclosed future purpose.

Specific to the cut and fill, there is no indication of whether they are balanced or if there will be removal of otherwise unaffected areas to provide suitable fill.

The draft EIS states that the Developer will be responsible for controlling noxious weeds in accordance with the Montana County Noxious Weed Management Act. The substantial spread of noxious weeds due to construction activity is one of the most direct and substantial effects presented by this project. Sweet Grass County planning documents emphasize that controlling the spread of noxious weeds is one of the most pressing public policy issues facing the residents of Sweet Grass County. Due to the magnitude of this project, which will include several miles of roadway construction and the excavation of the tower sites, the project presents an extreme risk for spreading noxious weeds. In addition, access to the sites by dozens if not hundreds of vehicles per day during the construction phase of the project presents an unacceptable risk for the spread of noxious weeds. A concrete proposal for controlling weeds through checkpoints to analyze vehicle cleanliness, and similar control mechanisms should be included in the draft EIS. Furthermore, it would appear that bonding should be required on this issue due to the great likelihood of substantial damage to surrounding county residents in the event that noxious weeds spread as a result of the project.

Finally, no mention is made of the significant improvements and upgrades that will be required to the Park Electric Substation (as disclosed by Jim Krusemark at the EIS meeting) and the commensurate secondary and cumulative impact of this on the environment.

2.2.4.2 Turbine Foundations-page 15, E5. Massive quantities of steel re-enforced high psi concrete will be required and will be placed above and below ground as part of either alternative. It is asserted that the developer “would decommission the Project, remove the

turbines and the associated infrastructure, and reclaim and restore the site as closely to its original state". There is however no specific mention of whether it is required that the foundations be removed on this occurrence. Information is not given for the instigation of and procedure for removal and clean up, including where the debris will be placed or by what process. No information is given as to how the State will assure that the clean up and remediation will be completed without financial responsibility to the taxpayers in the event of default by this or a future developer/operators. Pertinent to this item is a bonding provision. Specifics as to how the lease agreements address these matters, or whether they require bonding, was not disclosed by DNRC at the EIS meeting. This deficiency is also discussed at Section II.C., above.

2.2.4.2 Electrical Collection System Infrastructure-page 16. This section states in part that "Depending on the geotechnical analysis of the parcel's soil, native material or a clean fill material such as sand or fine gravel would be used to cover the collector cable before the native soil and rock are backfilled to close the cable trench". There is no mention as to where these bedding materials are going to be acquired or whether if they will be a product of on site quarrying and/or screening.

2.2.5 Power Produced-page 16,17. The DNRC cover letter to the draft EIS states that a 81.2 MW wind energy farm is proposed on private land owned by Crazy Mountain Cattle Company (even though it does not own all the private land) and an adjoining state school Trust land section containing 66.8 MW on private land and 14.4 MW on the school trust land. Concerning the analysis the MW's are stated as 64.8 on private land and 14.4 on state land for a total of 79.2 MW (page 20 and E-5). However, they revert to 66.8 and 14.4 for a total of 81.2 MW when calculating property tax revenue. (page 98)

No reference is made in any event as to whether after having met the State and national goals whether the power generated would be available for utilization by consumers in Montana or reduce the impacts of producing energy for Montanans from present sources. No mention is made to any contractual agreement with Northwestern Energy to accept the rated capacity power, thereby substantiating the capacity estimates stated in this section i.e. 79.2 MW. Assuming that 79.2 MW is the maximum capacity, actual average production projections are not mentioned.

2.2.6 Project Schedule- page 19. The construction schedule seems purely speculative and totally nebulous, especially considering the expectation that the project would come on line in 2010. This was made particularly clear during the public meeting when the developer revealed that construction would only occur during the summer months, generally April to October. There is no scheduling documentation to even allow assessment of the impact of construction traffic in relation to ranching activity. This section and the following section **2.2.7 Project Construction** are totally void of substance and specificity that would even remotely allow public interpretation and comment leaving only more questions such as what does "public roads

would be upgraded first” mean? What are the upgrades? Who is the Civil Engineer for these upgrades? How long is the construction schedule for the upgrades and what is the sequencing of the upgrades? Are any acquisitions of private property anticipated to accommodate the unique size, length and load demands of the project? The public in general and the local residents specifically are completely denied the information to assess impact and therefore the ability to provide legitimate input into this critical component of this draft EIS. The public roads in question are absolutely critical to the business operations and livelihood of the affected residents and there is no indication in this document that the developer has any clue of what they are going to do or how or when they are going to do it. For the deficiencies in this section alone, if none other, further action on the EIS should be held in abeyance until adequate information can be provided for public review and comment on a draft EIS that is not vague beyond comprehension.

2.3 No Action Alternative-pages 20, E5 The No Action Alternative reflects DNRC’s predetermination that the only acceptable way to derive income from the state parcel is through wind development. If this is the only alternative being considered by DNRC for this site regardless of consequences then further public input is moot. The “school trust land management mandate”, the “Montana Wind Working Group goal, and the “DNRC’s stated objectives for wind development on school trust lands” become public dictates precluding other alternatives with the same or better return, but with none of the negative consequences. Practical options are addressed further in later sections.

The comparison tables 2.3.1 and E-1 are presented in “approximations”. The public should at least be informed in specific terms as to the exact number of turbines. The DNRC and the other parties to the development know what they are building at this point and the actual number of turbines (and therefore the size of the development and commensurate impacts) should be clearly stated. The present status of the study leaves both Alternatives open to arbitrary increases in the project without limit. Public comments by the developer at the DEIS public meeting substantiate these concerns. The Developer’s representative stated that they hope to expand in the future and will be asking neighboring property owners to consider contracts under the same terms and conditions as those in the present instance.

2.5 Summary of Potential Impacts by Alternative-pages 21-26 Comments on the potential individual impacts are provided in Chapter 3 and Chapter 4 review as applicable.

Chapter 3: Affected Environment

3.4.2.3 Relevant Land Use Plans and Regulations-page 38 The Economic Development Goal provided herein is not correct and is apparently a convenient extrapolation. The DEIS definition of the Sweet Grass County Economic Development Goal is “*To pursue diverse employment opportunities with the objective of supporting economic development that would create more jobs*”. This is not what the goal says.

The actual Goal listed in the Sweet Grass County 2003-2008 Growth Policy is: *“To stabilize existing employment areas and pursue diverse employment opportunities in order to achieve full employment within the available county labor force”*. An Objective listed under this goal is *“To encourage and support economic development that would create more jobs, enhance community commerce, and improve the quality of life that residents now enjoy”*. Perhaps that is the Economic Goal to which the DEIS is referring. In any case, the reference to the County’s Growth Policy is inaccurate.

Furthermore, the draft EIS ignores portions of the Sweet Grass County Growth Policy which do not conform with DNRC’s agenda. For instance, a land use objective set forth at Section 4.2.1 of the Growth Policy is to, “maintain the pleasant environment of the area by assuring future open space and development to enhance the beauty of the area.” The Growth Policy then goes on to define open space as follows:

Open space land means any land that is essentially free of significant manmade structures, and that possesses an intrinsic esthetic, agricultural, historic, nature resource, recreational or scenic value.

The State and private lands encompassed within the proposed project currently meet the definition of open space taken from the Growth Policy. By approving the project (thereby supporting the private development project), 3040 acres of open space land will be destroyed in Sweet Grass County. This result is contrary to the express goals of the Sweet Grass County Growth Policy.

3.6.3.3 Personal Income and Employment/Housing and Housing Affordability-page 43

This section makes passing reference to impacts of wind energy on adjacent property values. The potential if not the probability for devaluation of highly valued recreational ranch properties (often referred to as amenity ranches) warrants a good faith effort at assessment of impact in the EIS. A simple review of available property listings in the area, along with realtor contact would indicate the potential magnitude of the concern to be in the many millions of dollars. The “ripple effect” of other ancillary income losses to the county should be considered, including the possible decrease in property values and taxes, and other economic losses that might occur when “lifestyle” buyers leave or avoid the county in the future. Engwis reserves all rights to assert damages claims against the Developer, the State of Montana, and the private landowners for all devaluation of property which may result from the proposed development.

3.6.3.4 Revenue Generated by State Parcel-page 44 This presents as factual an appraised value of the State section is shown as \$20,678. Therein lies the faulty logic of the arguments for the Proposed Action Proposal and against the No Action Proposal or viable other alternatives being denied consideration. The true value of the State parcel could be realistically estimated at a value of 25 to 30 times that amount. A sale price in the range of \$500,000 to \$600,000 would

not be unexpected, even considering the devaluation effects of the various leases (excluding implications of the wind project on this parcel). Six parcels of State School Trust Land were nominated for sale in Sweet Grass County in 2009, 3 were noticed legally during March and April of 2009. The appraised values ranged from \$2656 to \$5010 per acre. (Document available upon request.)

The present undervaluing of the state parcel in particular and the surrounding properties in general has in large part led to the faulty analysis that industrialization must be a higher and better use. In the interest of fair and honest public disclosure and comment it would be appropriate to obtain a timely appraisal on this property, and include this information in the draft EIS.

3.8 Wildlife-pages 51-55 The wildlife inventory and analysis methods outlined in the draft EIS do not comport with the recommendations made by Montana Audubon in their scoping comment letter. A copy of the Audubon scoping letter is attached hereto and incorporated herein as Exhibit "F".

3.8.3.1 Review of Existing Information The draft EIS states that the PII score in Appendix A ranks the project area as moderate in terms of potential risk to aerial wildlife. This statement is false. A PII score above 160 is in the "High" category. The PII score for this project area is 162.

3.10.1 Noise Overview-page 73 There is no acknowledgement of the Engwis residences to the East of the sites even though the prevailing winds are from the West. There are no natural buffers or barriers between some of the turbines (particularly those on the state section) and the residence. The noise study area is limited to a one-mile radius and is limited to turbine noise. This would infer that no objectionable turbine noise would occur outside the one-mile radius. Such a conclusion is hard to believe and warrants more information. There is also no mention or assessment of low frequency turbine noise, which has been documented and reported at two miles distant. (Document available upon request).

3.11.1 Visual Resources Overview-page 76 Only the viewshed from the South was analyzed, and at that the control building/tourist center was not illustrated. The view from the east is the most visible to those residents on adjoining properties to the east as well as from Big Timber. Even the present meteorological tower on the state property at 160 feet high is obvious from a distance of two miles. The proposed towers are almost twice as high, at 260 feet, and at the top rotation of the turbine height exceeds 400 feet. Wind turbines will be clearly visible for miles around. Most significantly and adversely impacted would be the Engwis properties to the East.

Chapter 4: Alternatives Analysis

4.1 Introduction-page 83 The legal basis or at least the appropriateness of redefining a statutorily prescribed meaning or interpretation should be presented. In this case the meaning of No Action Alternative has been changed to include a proposition which in effect supports, endorses and furthers a private project. Therefore, if a position is taken against the construction of the wind turbines on the state land it also must acknowledge and support the proposition that the private component still moves ahead without question or challenge.

Specifically, the mandatory juxtaposition imposed by the draft EIS is stated as follows: “Therefore, Chapter 4 discusses impacts from wind project development on the adjacent private land under the No Action Alternative, and wind development on both the private land and state parcel under the Proposed Action Alternative”.

This Alternatives Analysis procedure confuses and obfuscates the very implication of No Action Alternative. The public is forced to accept that no action means development on private property and in effect endorses and forces the public to accept the private project carte blanche. Likewise, the Proposed Action Alternative ensures that the public not only accepts the wind project on the state school land, but on the private parcel as well.

The No Action Alternative should retain its statutory definition as: “An alternative, required by the MEPA Model Rules for purposes of analysis, that describes the agency action that would result in the least change to the human environment”.

The argument is presented that under the No Action Alternative DNRC would have no authority to require mitigation to the private component. The deduction is that either 8 additional turbines and commensurate environmental impacts be allowed or the private development would proceed in unabated fashion at the discretion of the developer. However in the DEIS cover letter and elsewhere in the document, DNRC asserts that they have “no authority to make any decision regarding the use of private lands, so wind energy development on the private land can occur regardless of the decision made for the use of the state land”. An explanation as to how the State has authority to require mitigation over the entire project, but has no authority over the private project with the Proposed Action Alternative is not disclosed.

It appears the Coyote Wind Project has become a “Public-Private Partnership” with public resources being used to influence, promote, authorize and build an industrial project that would benefit two private landowners. The public deserves full disclosure as to the co-mingling of public and private funds and resources regarding this entire project.

4.2 Geology and Soils-pages 83-86 The study area leading to the analysis appears to be only the state section. 3.2.1 states “The study area for geology is defined as the state parcel”. 3.2.2

Soils states "This section outlines the soil types and associated soil characteristics within the study area. The study area for soils is defined as the state parcel".

Despite generalized regional applications of the geology and soil, even a cursory visual overview of the private land component reveals that they are in large part different from the State parcel. In order to more accurately evaluate the alternatives, additional analysis and assessment of impact and should be studied separately. For example, a predominant geological feature of the private lands are rock outcroppings and bluffs (See CT12 and CT13 for example) situated high above the state land. Infrastructure and turbine placement in these and similar areas should be evaluated separately as to the effects on the rock outcropping and formations caused by rock excavation and possible use of explosives to facilitate excavation. It was also indicated that the location of the control building would probably be in these outcroppings as well.

Neither the direct impact statement in this section nor the DEIS in general address the source of aggregate for the construction needs of the project including cement production at the 30 batch plants. Quarrying activity on site or in the proximity of the project, if any, should be disclosed. If from a private source, that should be disclosed. Either response should include quantities involved to assist in impact assessment in the transportation section.

It should also be noted that the Sweet Grass Soil Conservation District has not been included in the analysis.

4.2.1.3 Cumulative Impacts (No Action Alternative) By anyone's assessment, the geological impact of allowing continued use of the state land as it is currently being used, while unacceptable, is insignificant under either alternative, compared to the potential damage caused by the proposed alternative. All of the potential negative impacts would likely be eliminated if DNRC would allow the far more reasonable alternative of nominating the property for sale.

4.2.2.3 Cumulative Impacts (Proposed Action Alternative) The obvious fact that this alternative would effectively **double** the width footprint of the No Action Alternative from the eastern boundary of the No Action Alternative has not been considered. This alternative effectively exposes twice as much of the local environment to the east to all of the impacts being assessed. The widening of the combined project to double its eastern boundary and the myriad of actual cumulative impacts warrants significant further assessment.

Furthermore, the draft EIS fails to consider the cumulative impacts which would result if the mineral lessee on the State Section began active exploration. These items are discussed further at Section II.

4.3 Hydrology and Water Quality-pages 87,88

4.3.1.1 Direct Impacts (applies to both alternatives) Neither the direct impact statement in this section nor DEIS in general address the source of water for any component of the project. The project will certainly require massive quantities of water for such things as dust suppression, compaction, concrete plant production, and human needs to name a few. The intended source of water supply to the project should be identified. It would be important to note that Duck Creek water has been adjudicated for crop irrigation uses. Engwis Investment Company Ltd. is one of the shareholders of those water rights and has legal rights and interests regarding any consequential use or impairment of the use of the water flowing from Duck Creek.

4.3.1.2 Secondary Impacts The modification of the roadway over Duck Creek and the construction of alternative methods for the stream to flow under the road is both a secondary and possibly a cumulative impact. The notations above in 4.3.1.1 are applicable in and of themselves. However, should simultaneous interruptions of the water supply occur the impact would be compounded. It should also be noted here that other owners of the Hunters Hot Spring Canal Company derive beneficial use of the Engwis water shares as waste water as it flows to the re-entry point of the Yellowstone River via the Canal. Additionally, any reconstruction of Duck Creek at the county road could effect the Hunters Hot Springs Canal located just south of the county road and therefore, potentially, those local residents who's livelihoods depend on irrigation water.

4.4 Land Use and Recreation-pages 88-92

4.4.1.1 Relevant Land Use Plans and Regulations Regarding the State plans for the site: The project is no longer the same project as the scoping process contemplated and therefore not fully consistent with State plans for the site as claimed. It is now, by any measure, a massive industrial project that encompasses a private land owner-public partnership either tacit or implicit. If the various state plans, directives and mandates included a private component, particularly of the size and magnitude of the present instance it was never made public. It is hard for the public to provide cogent review and comment on a "moving target" of the size and volume reflected here.

Regarding the Sweet Grass County Growth Policy: It is the conclusion of the DEIS that the Proposed Action Alternative is consistent with the Policy and their review "validates this conclusion". That conclusion is simply a conclusion of convenience and without substantive basis. In the first instance, the sheer magnitude of the project and the commensurate impacts to the county beg a much more in depth assessment of compatibility. Further, the assertion of the DEIS that "Maintenance of a 'pleasant environment' should not be significantly affected by implementing the Proposed Action" is entirely baseless. It is a biased opinion that is in no

fashion supported by any factual investigation or analysis presented in the DEIS or elsewhere and has no place in even a “semi-empirical” report such as the draft EIS.

The more important issue related to the Sweet Grass County Growth Policy is that it is a policy of guidelines and not adopted rules or regulations carrying the weight of law. Therefore, regardless of one’s interpretation as to “relevant goals, objectives and policy/action statements”, the policy cannot be enforced as a rule of law to prohibit a private property action, nor conversely, can it be used in the same manner to entitle a private property action without scrutiny or recourse.

As a basis for a constructive approach to this section the following excerpt from the Policy is provided. “The Board of County Commissioners shall be *guided by and give consideration to* the general policy expressed by these goals and objectives in all decisions and in adoption of regulations affecting county residents and resources.” (Emphasis added). Given the magnitude and extensive impacts to the County of either Alternative as they presently exist, it should not be automatically conferred to the Policy or the Commissioners that there is unequivocal validation at this point. The extensive scope and size of the project has only been realized as of the release of this draft EIS. The only prior public release of any information regarding this project was at the scoping meeting in May, 2008, when it was asserted that the project consisted only of 6 to 10 turbines and only on school trust land. Before proceeding, it would seem appropriate for further review by the commissioners, including an opportunity for input from the citizens of the county, in order that the policy is reconciled with the now known magnitude of the project and its impacts. Only after formal documentation of the policy interpretation by the commissioner’s should it be entered as a legitimate part of this draft EIS.

4.5 Transportation-pages 92-95

The generalized and non-specific information presented does not allow for a reasonable assessment of impact, nor informed comment from the public. For example the DEIS states “It is unknown at this time whether any substantial road section realignments would be necessary for transport of large equipment using the two available routes to the area that could be developed under the No Action Alternative”. Also, “It is unknown if any improvements (temporary or permanent) would be required to I 90 facilities (e.g. off ramps) to address these concerns” Further, “Improvements would be necessary to the county roads leading to the development site. The exact location, nature and extent of these improvements have not been defined”. The DEIS also speculates that “The short term level of traffic volume during construction and the small increase in traffic volume during operation does not represent a significant impact on the local or regional roadway system capacity”, yet nowhere is “short term” or any reference to duration provided. The term “significant” is undefined and obviously relative. Consider the above statements in relation to the **2.2.6 Project Schedule** that specifies the project to both begin and come on line in **2010**. This issue is further discussed at Section II.A., above.

4.5.1 and 4.5.2 Impacts, No Action Alternative and Proposed Action Alternative

Comments applicable to both the No Action and Proposed Action Alternatives follow.

Impact upon the limited resources of the County road department is not considered. Certainly extensive demands will be placed upon the road department as outlined in the draft EIS. Presently unavailable resources would be consumed during initial design determinations, civil engineering services coordination, rights of way determinations, construction compliance inspection and subsequent maintenance inspections to assess ongoing damages, just to name a few.

Impacts upon the County Attorney's office may occur and should be considered.

Impacts upon the limited resources of the Sheriff's department and other emergency responders should be evaluated in depth considering the unavoidable demands created by hundreds of workers, hundreds of construction vehicles, and hundreds of oversize, overweight haul trucks. The demands of this project are all in addition to present responsibilities to the other citizens in the County.

Impacts upon County Social Services are possible due to family related needs of transitory workers.

Impacts upon the carriers of utilities located within the roadway right of way should be analyzed. Significant is the fiber optic transmission line owned by AT&T.

Impacts upon the local residents is minimized in the draft EIS. While certainly low in volume the use of the county roadway is essential and often "time critical" to the business operations of the local ranchers. Use of the roadway by local ranches would be seriously curtailed or eliminated at times during construction, especially considering that construction traffic would take priority.

Impacts regarding the State Department of Transportation has not been considered other than possible changes to Interstate 90. The demands upon motor carrier safety inspectors and State Patrol law enforcement personnel required by a project of this magnitude should be considered.

Cumulative Impact: The DEIS identifies no cumulative impacts. This conclusion infers that each activity is an isolated event and occurs independently. This is not realistic. Analysis should be made considering all of the **Transportation** considerations that are likely to overlap or occur simultaneously at some point, or as a continuing process for that matter. For example, it is not unrealistic to believe, and it is probable, that roadway improvements, roadway maintenance, construction worker traffic, construction delivery traffic, overweight/oversize vehicle traffic and local resident transportation requirements would occur simultaneously, not to

mention an emergency response. This concern is even more warranted given the limited and constrained county road access to the site and the previously noted project schedule. The cumulative impact should be analyzed and mitigation plans developed for inclusion in the DEIS for public review and comment.

4.6 Socioeconomics-pages 95-102

Comments applicable to both the No Action Alternative and the Proposed Action Alternative follow.

Employment

The draft EIS claims that 400 new jobs would be created during the construction phase is qualified by “hire locally to the extent practicable” and “attempt to maximize local engagement”. These conditions require a realistic projection of new jobs, especially for the local communities and should be presented for public evaluation. For example, since Federal and State tax incentive and tax reduction programs will be involved, most of the jobs will directly or indirectly require union workers being paid Davis Bacon wages. It can reasonably be assumed that the majority of these positions will be filled by qualified workers migrating from throughout the United States and beyond, or at least this assumption should be reviewed (perhaps from the Judith Gap project) and presented for accuracy of employment inferences. Further, it is also noted from the draft EIS that a construction firm would be hired to construct the wind farm and perform all of the ancillary county roadway work necessary. The volume of work and the aggressive time line will likely require a major civil construction company and will likely disqualify smaller local contractors from consideration. It would be helpful for local public evaluation to be able to get an overview of the developer’s selection and recruiting criteria (RFP process) for the major facets of the work in order to gain perspective on the local employment probabilities.

The secondary impact of employment is acknowledged to be minimal. What is not mentioned is the secondary impact of unemployment after the construction is complete. Assuming personnel are added at local businesses to accommodate the influx of the construction demands, it must also be assumed they will be terminated when construction is complete.

Revenue Items-Comments

It is noted in the DEIS that the property tax revenues are “without factoring in any tax incentive and tax reduction programs in Montana”. Since the revenues are projected without the programs it would be enlightening to project them with the programs factored in as well.

All revenue projections appear to assume that the wind turbines function to full capacity. Some estimates indicate that as little as a 30% capacity utilization can be expected. A realistic projection and disclosure of the impacts of capacity utilization estimates as it relates to income and revenues would be important for public review and comment.

Regardless of the actual accuracy or viability of any or all of the revenue projections, the **expense** side of the equation is missing. No matter how the expense projections are derived it is critical to public review and comment that some estimate of real costs be included. It should be considered whether or not expenses to the County, both short and long term will exceed, be equal to or less than realistic projections of income. It would be reasonable to say that the costs of expanding county services for the “short duration” of the construction phase will be significant. Most importantly, all of the county expenditures are “**front end loaded**”. They must be invested long before any possible return via taxation can materialize. In effect the taxpayers would be further subsidizing the wind project (to both the private landowners and the State). They would in part be paying the start-up costs. Also, they would be paying those “front end costs” with money that has not been earmarked through the formal public budgeting process, therefore compromising those same dollars for ongoing projects and activities formally authorized in the official budget.

Mitigation has not been contemplated since this portion of the analysis was not addressed. If direct or indirect offsets to the initial financial burden to the County are to be provided by the State, the developer, or the private landowners, those provisions should be disclosed.

The secondary impact of the “Boom to Bust” component of the construction phase should also be given public consideration. The process of gearing up support services for the boom period and the subsequent process of tearing down those services after time (a year or two or more?) will have consequences warranting consideration

Proposed Action Revenue

Revenue to the state under the Proposed action is projected based upon installed capacity fees and is projected to be a “minimum” of \$36000 the first year and 21,600 each subsequent year. Assuming a 20-year arrangement the total return would be approximately \$446,400. Leaving aside the question of how they could derive any more than the minimum amounts without adding more turbines, consider the following:

Simply selling the parcel for what can be considered a guaranteed minimum price of \$500,000 and reinvesting those proceeds at even a nominal 5% interest rate compounded monthly for 20 years (which can be easily and safely done), the State would derive a total of \$1,356,320. Of that amount \$856,320 would be interest, which if averaged over the 20-year term would be \$42,816 per month or approximately double the amount of return from the Proposed Action Alternative. This would be accomplished without any environmental considerations or impacts whatsoever.

Regional Property Values.

The draft EIS commentary on land values is premised upon an unformed, un-researched and patently erroneous conclusion. The draft EIS asserts that the sites for both alternatives and therefore also the adjacent land are “not of high recreation amenity value; they are primarily

used for grazing and as such the majority of value expressed in property prices relates to the agricultural production value of the land". A simple inquiry to local and regional and major nationwide realtors and/or their listings would have revealed that the lands in question are indeed classified for sales purpose as recreational ranch and amenity properties. These properties have historically sold and continue to sell for many multiples of agricultural values. In particular, multi purpose properties that combine the recreational opportunities of both river frontage and upland range bring even greater multiples. The sales data for these properties, including those surrounding the "Alternatives" properties show prices from \$1000 to \$10,000 per acre.

An appraisal for the property holdings adjacent to the proposed Alternatives sites on the east and south boundaries was conducted by a licensed by a licensed Montana appraiser in 2001. The Analysis/Comments section of that appraisal reads:

"The subject lies in the upper Yellowstone River Valley. The area has historically been a ranching area with many families having been in the locale for several generations. The area produces cattle, sheep, hay, pasture and some grain. The current pattern is many outside buyers in the market, in fact making up the majority of the market. Most are interested in the good recreational amenities of the area- the views of the mountain ranges, access to streams, and national forest lands. Hunting and fishing are popular in the area. Agricultural productivity is far less a determinant to values as recreational features. The area has retained a rural nature and more individuals are seeking rural lifestyles. Many own ranch properties as a vacation spot. Purchasing power is far greater with out-of -area buyers than local agriculturalists at current prices".

Nothing has changed except the values and sales prices have dramatically increased since 2001. Documentation abounds as to present comparable land values including those from the State's own appraisals (see 3.3.6.4 above). Additionally, data from USDA's National Agricultural Statistic Service in 2008 indicates average farm real estate prices in Montana to be \$1100 per acre; an increase of 163% since 2004.

In the present context of recreational ranch values and the motivation of buyers who acquire them, any inference that an industrial wind development will have "minimal impact" is unfounded.

4.7 Terrestrial Vegetation and Habitats-pages 102-105, E11-E12

Comments applicable to both the No Action and the Proposed Action Alternatives follow.

Permanent loss of vegetation/Habitat Fragmentation/Noxious weeds

The draft EIS analysis minimizes the obvious. The intent is to build a massive, high density industrial park complete with a system of extensive roadways, utility trenches, and related infrastructure and buildings on a site that is over 2 miles wide and over 2 miles in length. Yet,

the study and analysis amounts to a few paragraphs on species identification conducted only in the “study area”, which is defined as “The study area for terrestrial vegetation and habitat is defined as the state parcel”. No study whatsoever was conducted on the private land component. No site layout information is provided for private land, with the caveat that “The specific location of all of these areas has not yet been determined”.

Given that the draft EIS is to analyze the impact of extensive earthmoving including hundreds of vehicles entering, exiting and trafficking on over four square miles of susceptible property, the mitigation plan only refers to “re-vegetation”. The study states: “Mitigation factors are required for the re-establishment of vegetation, including a plan that would comply with the Montana County Noxious Weed Management Act and the Sweet Grass County Weed Board that addresses reseeding, fertilization, recommended native plant species, use of weed-free seed, and a weed management plan”. The study does acknowledge that during the period between soil dislocation and re-establishment of vegetation, colonization of non-native species including weeds would occur. No mitigation whatsoever is apparently being considered however.

4.7.1.1 Direct Impacts declares that “There would be no direct impacts to the vegetation on the state parcel as a result of the No Action Alternative since no activities would take place there”.

However, Section 3.7.2.2 Noxious Weeds states on page 48 that “In addition to the species outlined above, there was one very small patch of Dyer’s woad (*Isatis tinctoria*) observed directly adjacent to the southern boundary of the state parcel near the substation. Dyer’s woad is considered to be a Category Two noxious weed in Montana (Zero Spread 2007). While this infestation is currently outside of the study area, it is mentioned here due to the proximity and probability of further infestation that could include the state parcel”. These two statements cannot be reconciled and clearly illustrate the danger of selective inclusion, exclusion and analysis in such an important area as control of noxious weeds.

No mention is made of the impact of weed contamination to adjacent properties, particularly to the east, most often impacted by the prevailing winds. Clearly, the site has been selected for wind development because the wind is sufficiently prevalent and of sufficient intensity. It is therefore also probable that wind born weeds will contaminate adjacent properties as part of the airborne particulates caused by intensive onsite activities during wind intensive periods. This secondary and cumulative impact is particularly significant to the state land because it compounds the exposure to all adjacent properties and more significantly, in this instance, more than doubles exposure to the most vulnerable property to the east. Since this impact has not been recognized, neither has mitigation.

The potential import of noxious weeds is acknowledged as a secondary impact of heavy machinery, but to mention is made of the hundreds of other vehicles entering the property on a continuous basis. Mitigation only makes reference to BMP’s and the weed control plan without any ability for public evaluation or comment. It would be important to know for example that

vehicle-washing procedures typical to environmentally sensitive construction areas would be required by the plan.

4.8 Wildlife Resources-pages 105-115, E12-E13

Additional secondary and cumulative impact upon big game has not been considered, but is significant.

It is inevitable that scores of **road kill fatalities** will occur along the county roadways accessing the project site. Mule deer will be most impacted, but Whitetail deer will also be killed. These fatalities will be primarily caused by the hundreds of vehicles accessing and leaving the site each day, primarily in the mornings and evenings at speeds up to and in some cases exceeding the present 40mph limit. Significant losses are easily predictable by understanding the game patterns and populations in relation to the county roadway, particularly to the south east of the project access. The county roadway throughout this area divides the habitat of most notably, the mule deer herds. The primary food sources are located in the irrigated fields south of the roadway, while the primary refuge areas are located in the foothills and steep range lands to the North of the county road. Crossings occur continuously, but are predominant in mornings and evenings, more in the fall and winter. Factually, hundreds of animal crossings can occur during each daily cycle. Wildlife food plot and sanctuary areas, established for the benefit of both species of deer (as well as other game and non-game species) have been part of the ranch management plan and the food availability has further strengthened the transitory patterns described and also accounts for increases in population densities.

It is also inevitable based upon annual experiences on the ranches along the county roadway accessing the site that poaching and indiscriminant killing of deer and other game animals will occur. Considering the influx of over 400 workers entering and exiting the work site by driving the roadway each day and considering the larger populations and sizes of the deer in the pastures along the route this outcome is easily predictable. No indictment of the vast majority of workers or anyone else is intended.

A minor additional secondary and cumulative impact is that oftentimes the landowner assumes the duty of dispatching the injured or wounded animal and removing the carcass if necessary.

Mitigation can be considered once the impact is recognized. Objective and factual quantitative and qualitative analysis can be obtained from local FWP enforcement and research officials.

4.9 Cultural Resources-pages 115-118, E13

Analysis (and therefore public information) is once again limited to the state land, with the inference that "...the analysis includes a discussion of a larger geographic area in order to

present a cultural context on which to place findings”. Analysis thereafter indicates that no cultural resource of significance exists.

Awareness should be made however that there are credible reports of a “pioneer memorial and cemetery” existing or having existed west of Duck Creek and North of the county road on the private land portion.

4.10 Noise-pages 118-130,E13

Noise analysis for No Action Alternative and Proposed Action Alternative does not include the Engwis residences directly on the windward (east) side of projects. The study apparently concludes that noise from the construction and operational phases would not be perceptible or objectionable beyond a one-mile radius. Considering the aggregation of the noise sources, the acoustical characteristics of the terrain, and prevailing wind and weather patterns, and practical day to day and season to season on site experience at the residences and surrounding property the one-mile limitation is doubtful. Further study and analysis should be conducted.

Construction Noise

The study concludes that the “construction noise may still be audible but faint at locations up to one mile from the equipment” (pg123). Again the inference is that no perceptible noise will occur beyond that limit. Practical experience brings that conclusion into question and warrants further study. Particular focus should be placed on the likelihood that most of the equipment would be running most of the time, particularly at the beginning of construction.

The study does not acknowledge the roadway noise from construction traffic. These impacts are both secondary and cumulative. Based upon the projections given, hundreds of vehicles will pass in close proximity to residential housing at least twice a day. It can be presumed that this traffic will be concentrated in the mornings and evenings and will therefore be of high intensity for long enough duration to cause distress. Additionally, it can be projected that many trips will be made by heavy haul trucks at any time of the day or night. These vehicles are generally noisier, even if frequency and duration are less than the personal vehicle traffic. These impacts should be acknowledged and mitigation developed.

Operational Noise

Operational noise analysis also leads to the conclusion that no impact needs to be considered beyond 0.75 miles downwind and crosswind from the turbines. That assertion is doubtful and warrants independent review. Without going into detail here, much of the research available to date is not in concurrence with the present analysis. For example it is commonly acknowledged that low frequency noise produced by turbines travels farther than audible noise and up to several miles (excerpted and paraphrased). The following excerpts from a report (by the same

Fritz van den Berg relied on in part in the draft EIS) may fairly summarize concerns which are being expressed here:

“When compared to other noise sources the degree of annoyance of sound from wind turbines is surprisingly high. Major noise sources (road, rail and air traffic, industry) in general do not cause severe annoyance below 42 dB(A). At 50 dB(A) 6% or less of the exposed residents are highly annoyed, whereas for wind turbines, severe annoyance (indoors) occurs at lower levels below 40 dB(A) and at 50 dB(A) has risen to 14.5% of the exposed and non-benefiting population”

“It can be concluded that the research in the last half decade has given a new perspective on the impact of wind turbines. This is especially true at night, a time at which measurements usually were not performed. Sound from modern, tall wind turbines does not abate at night and it is not always a soft, noisy sound (as it may be in daytime), but at night can attract attention because of its rhythm and the contrast with a quiet environment. Proponents tend to present wind turbines as they are heard in daytime, opponents mostly use the impact they cause during the evening and night. It seems wise to me to acknowledge the visual and aural intrusion, not deny it with NIMBY (“not in my backyard”) arguments that only reinforce opposition. An improvement in the assessment of the sound level would be to take into account a realistic atmosphere and a possible penalty for the amplitude modulation. A significant non-acoustical measure to reduce noise annoyance may be to involve neighboring residents in the planning of a wind farm: instead of giving them the burden of nuisance, they could share in the benefits”

Source: Echoes, the newsletter of the Acoustical Society of America; Summer 2009

The addition of the turbines on the state land only is more cause for concern. The Proposed Action Alternative assessment only acknowledges residences within 0.75 miles or along the Yellowstone River.

Mitigation

No mitigation measures are considered. Subsequent monitoring for compliance with initial noise analysis limits and operational modifications as available thereafter should be included under either Alternative.

4.1.1 Visual Resources-pages 131-144, E13

Analysis of both alternatives ignores the visual impact from the east. The Proposed Alternative in particular widens the view shed from the east by **double**, even considering its fewer towers. To prove this point, the present meteorological tower on the state site is approximately 161’ tall and is visible to the naked eye over two miles to the east. The replacement is specified as 263’ tall. The turbines will in all likelihood be visible from Big Timber.

Assuming the view shed from private land component as viewed from the east, the Proposed Alternative would be nearly solely responsible for adversely impacting the view from the adjacent properties to the east and southeast. Likewise, the required night lighting would also be doubled.

Based upon personal observations of the Judith Gap project the visual simulations do not come close to representing the truly overwhelming visual impact resulting from the development of either alternative. An easy illustration of this concern is the predominant visibility of the presently existing substation. It can be seen from miles in any direction and is less tall than some of the turbines even considering an elevation difference.

Mention is made in the report that one new "control" building would be constructed to support the project. No mention was made as to size or location. In the draft EIS presentation however it was disclosed that the building would be a large modern office building placed on top of a hill, and must be placed so as to be able to see all of the wind turbines. It is also to serve as a tourist center resplendent with observation decks for kids. It presumably would be lighted at night. No information is provided however in the draft EIS document as to the visual impact of this building or its impact in any area of evaluation for that matter.

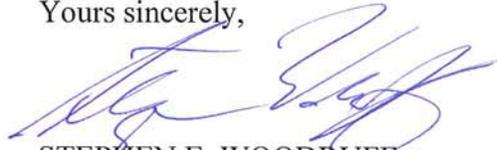
In large part the present **views** define the county economy. High dollar buyers are attracted to the area and contribute much to the economy in terms of property values as well as procurement of labor, goods, and services. The county has in large part been defined by high value properties that have changed the tax base because of purchases by those who value the visual esthetics, the non-industrial lifestyle to which the views are integral, and the recreational aspects of the area.

IV. CONCLUSION

The contents of the scoping letters submitted by Engwis and by Russell Gordy dated June 13, 2008, are hereby incorporated by reference.

DNRC needs to maintain a healthy degree of skepticism when analyzing proposed business arrangements on State lands which the Land Board holds in trust for the benefit of Montanans. As discussed in Section I of this letter, Enerfin lacks the credibility that should be a pre-requisite to constructing a large scale industrial project on State land. It is important to note that Enerfin has **never completed a project in the U.S.** DNRC should be hesitant to act as a testing ground for an unproven foreign company. The draft EIS is incomplete and violates MEPA (See Section II, above). Before proceeding to a final EIS, a completed draft EIS must be reissued, with ample public notice, to permit full public participation in this process. Finally, the contents of the draft EIS are so vague and biased (See Section III, above), that it appears the document as written will not withstand judicial scrutiny.

Yours sincerely,



STEPHEN E. WOODRUFF

SEW/bb



EXHIBIT
"A"
tabbles



tabbles®
EXHIBIT
"B"

Stephen Woodruff

From: Susman, Howard [HESUSMAN@stoel.com]
Sent: Wednesday, November 26, 2008 1:35 PM
To: steve@hswlegal.com
Cc: Quinby, David T.; Jyothish Daniel; James Ansell
Subject: Crazy Mountain Cattle Co; Engwis Investment Co.; Alternity Wind Power

Dear Mr. Woodruff,

This will respond to your Nov. 25 email to my partner, Dave Quinby. We appreciate your frank discussion of the matter.

As I believe you are aware, our client, Alternity Wind Power, is working with Enerfin, S.A., on the development of a wind energy generating project. A portion of the project may be sited on the land of Crazy Mountain Cattle Co. On Nov. 1, contractors for Alternity were gathering necessary geotechnical data. They were in possession of maps containing information which Alternity considers a trade secret and otherwise confidential and proprietary. The information was provided to the contractor subject to a confidentiality provision in its agreement with Alternity. Under that provision, the contractor is and was prohibited to disclose the information. Therefore, notwithstanding the improper disclosure of the information to Engwis Investment Co. and those to whom Engwis disclosed it, the information remains the confidential property of Alternity and retains its character as a trade secret.

Under these circumstances, I believe it is appropriate and I hereby request, that you and Engwis Investment Co. immediately (1) return all copies of the maps in its possession or yours, (2) seek to recover the maps or copies or other communications of the information which you have disseminated to others, and (3) cease and refrain from any further disclosure of the maps and the confidential information contained therein. You may direct all further communications on this issue to my attention.

With respect to the questions you have raised regarding the use and control of certain areas of the Engwis Investment Co. and Crazy Mountain Cattle Co. lands, we will indeed be talking with Mr. Jarrett. We will convey your request that an appropriate person timely contact you on the subject.

Please let me know if you have any questions regarding Alternity's position in this matter.

Sincerely,

Howard E. Susman
STOEL RIVES LLP

12707 High Bluff Drive, Suite 200
San Diego, CA 92130

858.794.1462 Office
858.354.2622 Mobile



LAW OFFICES
HUPPERT, SWINDLEHURST & WOODRUFF, P.C.

420 SOUTH SECOND STREET
POST OFFICE BOX 523
LIVINGSTON, MONTANA 59047

ARNOLD HUPPERT, JR., RETIRED
JOSEPH T. SWINDLEHURST
STEPHEN E. WOODRUFF

TELEPHONE: 406-222-2023
FACSIMILE: 406-222-7944
Email: joe@hswlegal.com
Email: steve@hswlegal.com

December 9, 2008

Howard Susman, Esq.
12707 High Bluff Drive, Suite 200
San Diego, CA 92130

Sent by email: HESUSMAN@Stoel.com

RE: ALTERNITY WIND POWER MAP

Dear Mr. Susman:

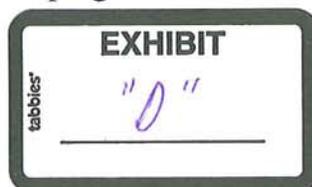
Thank you for your email correspondence dated November 26, 2008. I forwarded your email to my client, Engwis Investment Company ("Engwis").

Your email indicates that you believe the map constitutes a trade secret. Trade secrets are defined in Montana law at M.C.A. § 30-14-402 as follows:

"Trade Secret" means information or computer software, including a formula, pattern, compilation, program, device, method, technique, or process, that: (a) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and (b) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Under the circumstances, I do not believe the map that my client received constitutes a trade secret.

First, with regard to efforts to maintain secrecy, the photographs attached to this email, show that the geotechnical test site locations are apparent, with each test site being marked with a green metal fence post, capped with orange spray paint, together with a slat of wood with an identifying description (the two test sites located on the property owned by my client by virtue of the historical land swap agreement are identified as "Center Turbine 10" and



Howard Susman, Esq.
December 9, 2008
Page 2

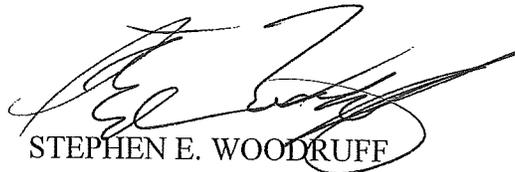
“Center Turbine 11”). A casual passerby on the country road which traverses the area could likely see many of the test sites with a spotting scope, and an aerial flyover would enable a passerby to see all of the test sites. Under the circumstances, I do not believe Alternity has made reasonable efforts to maintain the secrecy of the test sites. The map received by my client does nothing more than plot the location of the visually obvious test sites on a USGS Topographical Map.

Secondly, it does not appear that the information concerning the test sites derives any independent economic value from not being generally known to the public or competitors. It is hard to imagine that a competitor in the wind turbine industry would learn anything novel by looking at your map. Obviously, if the proposed turbines are erected, it will be very apparent to any competitor how the turbines are in fact laid out.

In summary, it does not appear that the map containing the site test locations qualifies as a trade secret. You, no doubt, may have a different perspective on this matter, but whatever trade secret protection your map may have had was obviously waived when your engineer voluntarily gave the map to Engwis, and when your engineer entered property, without permission, which has been historically owned and occupied by Engwis.

With respect to the property located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 6, T1S, R13E, Engwis does hereby demand that your client and all its related entities cease and desist from engaging in any further activities upon this property. As outlined in my letter to Rick Jarrett/Crazy Mountain Cattle Company, dated November 13, 2008, this property is subject to a long-standing land swap agreement between Engwis and Crazy Mountain Cattle Company. Any further activities upon the Engwis property located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 6 will be met with a request for formal, injunctive relief.

Yours sincerely,



STEPHEN E. WOODRUFF

SEW/bb

cc: Engwis Investment Company
Renee Coppock, Esq.
Steve Brown, Esq.



This MSN Photo E-mail slideshow will be available for 30 days.
To share high quality pictures with your friends and family using MSN Photo E-mail, [join MSN](#).

Lewis and Clark Trail Heritage Foundation, Inc.

PO Box 3434
Great Falls, MT 59403
(406) 454-1234

RECEIVED
JUN 13 2008
DNRC SLO
Via Email

Jeff Bollman, Area Planner
DNRC Southern Land Office
1371 Rintop Drive
Billings, MT 59105
jbollman@mt.gov

June 13, 2008

Dear Mr. Bollman:

I am writing in regard to the proposed wind energy development project on Section 36, Township 1 North, Range 12 East in Sweet Grass County.

The proposed development is near the Lewis and Clark National Historic Trail and directly in the trail's viewshed. Floaters along the Yellowstone River today can see largely the same windblown, undeveloped rural area experienced by Captain William Clark and his party as they traveled through the area July 16, 1806, on their return from the Pacific Ocean.

We ask you to keep in mind that few places along this national historic trail provide the same historical experience as this stretch of the Yellowstone. This area, surrounded by majestic mountains and blue Montana skies, maintains much of its historical integrity. Development of a commercial/industrial site would alter the historical characteristics of this important landscape and cause adverse and irreparable impacts.

When Clark passed through this area, he was on his way to the confluence of the Yellowstone and Missouri rivers, where he intended to rejoin with Captain Meriwether Lewis and his party. The two parties had separated on July 3 when Lewis headed north to investigate the Marias River and Clark took a southern route across present-day Montana. As he traveled through this area, Clark searched for cottonwoods, which he found in abundance, though none large enough to make canoes. He enjoyed the beauty of what he called silkgrass, sunflowers and wild indigo in bloom. His party encountered several hundred elk and antelope and two "white or Grey Bear" in this region. Wildlife species that have inhabited this land since Clark passed through would be displaced by commercial/industrial development.

Industrial development and an increase in traffic and noise along this peaceful stretch of the Lewis and Clark National Historic Trail would adversely impact this stretch of an important national treasure.

We hope that you will take the historical integrity of the area and its national significance into account as you review this proposed development project. If you have any questions or would like additional information on the history of the trail, please let me know.

Sincerely,
Wendy Raney
Director of Field Operations
wraney@lewisandclark.org





MONTANA AUDUBON

P.O. Box 595 • Helena, MT 59624 • 406-443-3949 • mtaudubon@montana.com

June 13, 2008

Mr. Jeff Bollman, Area Planner
MT Department of Natural Resources and Conservation
Southern Land Office
1371 Rimtop Drive
Billings, MT 59105

RECEIVED
JUN 13 2008
DNRC SLO
Via Email

Dear Mr. Bollman,

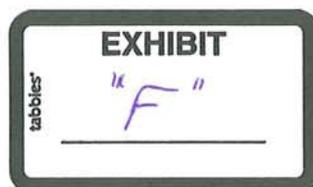
Please accept the following comments from Montana Audubon regarding the Springdale wind power project proposed by Coyote Wind, LLC in Sweet Grass County and the issues that should be addressed in the Environmental Impact Statement being developed.

Montana Audubon is the coordinating entity for the ten Audubon Society Chapters in Montana. Currently there are approximately 3,800 Audubon members in the state. Although our membership is diverse, there is a consistent deep concern for birds, other wildlife and their habitats in the state. Protection of Montana's wildlife is one of the priority issues for Montana Audubon. You may receive comments from other members in the Society.

The Coyote Wind project in Sweet Grass County will ultimately cover approximately four and one half section of land (approximately 2,900 acres) on bluffs above the Yellowstone River. How that land is development could impact wildlife significantly. The development will be close to the Yellowstone River, with Duck Creek in the middle of the proposed development. We also understand that there are Bald Eagles nesting in the vicinity, as well as prairie dog towns. We would like the following issues considered in an Environmental Impact Statement (EIS):

1. Coyote Wind, LLC should be required to conduct quality pre-siting studies on bird and bat use of this area for residents as well as migrants. These surveys should be conducted *before* wind farms are sited to determine the best location for turbines with the least amount of impact to native habitat and wildlife. For this purpose, 'adequate bird and bat survey' information means:

- Bird and bat research should be conducted during the breeding season, as well as during the fall and spring migration season (many birds migrate along different routes in different seasons);
- Bird and bat research should be conducted during at least one year, but preferably during two years;
- Surveys should consider winter raptor use of the area; winter raptor use on the Yellowstone Rivers can be significant;
- Surveys consider examining the mammalian predators using the site before the wind turbines are installed (red fox numbers are high under Judith Gap wind machines—but no baseline data was gathered to determine pre-construction and post-construction red fox densities; these fox could have moved in post-construction to feed on birds hitting turbines);
- Surveys should examine day and night migration (bats and many songbirds migrate at night); and
- Surveys should follow accepted peer-reviewed research protocol.



2. We would ask that the turbines avoid areas where impacts to wildlife could be significant. Wind farm sites that are more suitable from a wildlife perspective are sites that:

- Do not provide prime habitat for threatened or endangered species protected under the federal Endangered Species Act;
- Are located away from water bodies (wetlands, streams, rivers, lakes) that attract larger numbers of birds and other wildlife (Duck Creek and the Yellowstone River are close to the proposed site);
- Are not located in migratory corridor for birds and bats;
- Do not fragment large tracts of intact habitat, especially those tracts identified as significant for wildlife species of special concern according to Montana Natural Heritage Program data or other survey data. Note that roads, transmission lines, and other development infrastructure fragment habitat—and they should be located as close as possible to existing developed infrastructure;
- Do not fragment or degrade significant landscapes with special management status for wildlife qualities (see list below) (fragmentation occurs with roads and transmission lines);
- Do not have significant prairie dog populations located in the project area or a 5-mile radius of the area, so as not to attract raptors to the site;
- Do not have significant ground squirrel use of the area, so as not to attract raptors to the site;
- Have comparatively low diversity and abundance of resident bird (e.g. preference should be given to cropland areas/not rangeland) ; and
- Do not have species of conservation concern concentrated, such as in prairie dog towns and near Greater Sage-Grouse leks (NOTE: Greater Sage-Grouse leks may need a 5-mile buffer). Additionally, leks should not be disturbed during breeding season.
- Nesting Bald Eagles should not be disturbed during nesting season. Additionally, scientifically based buffers should be implemented around all eagle nests.

The EIS needs to address each of these issues, and document how it will mitigate impacts to these resources.

3. Siting Mitigation Standards: We would like to see the following project requirements as mitigation measures to address bird and bat-related issues, including:

- Using wind turbines designed so that birds have no place to perch or nest;
- Placing all electrical lines between turbines underground and using unguyed meteorological towers to minimize the number of places where birds can perch and/or collide;
- Minimizing the length of:
 - Overhead transmission lines, (these lines can impact birds by providing perches, thus attracting birds to the site, which increases the likelihood of electrocutions and collisions with wires);
 - Roads that cause fragmentation of habitat;
- Where overhead transmission lines are used, committing to installing insulators (or other proven technology) on all power poles to prevent raptor electrocutions;
- In areas with native habitat, transmission lines should be constructed so that predatory birds cannot/are discouraged from perching;
- Using appropriate lighting that won't attract night migrating bats and birds to any substations;
- Requiring that all vegetative restoration work for native habitats use native plants. When possible, disturbed Conservation Reserve Program (CRP) land should be replanted back to native grass varieties as much as possible.
- Using appropriate paint, tape, or other markings to ensure that night migrants can see hazards associated with wind farms;
- Requiring that adequate post-construction monitoring be done to ensure that bird and bat mortality is as low as predicted. For this purpose, 'adequate bird and bat survey' information means:
 - Bird and bat mortality surveys should be conducted during the breeding season, as well as during the fall and spring migration season (many birds migrate along different routes in different seasons);

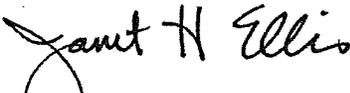
- Bird and bat mortality surveys should be conducted during at least two years;
 - Winter raptor surveys should be conducted to determine if there is mortality with birds using the area in the winter;
 - Surveys consider examining the mammalian predators using the site before the wind turbines are installed (red fox numbers are high under Judith Gap wind machines—but no baseline data was gathered to determine pre-construction and post-construction red fox densities; these fox could have moved in post-construction to feed on birds hitting turbines);
 - Surveys should examine day and night migration (bats and many songbirds migrate at night); and
 - Surveys should follow accepted peer-reviewed research protocol.
- Forming a Technical Advisory Committee (TAC) for the purpose of reviewing post-construction monitoring studies and making recommendations if changes are needed. If post-construction studies reveal significant impacts, it makes sense to allow the TAC to recommend that the wind farm be shut down during the height of migration (which is a matter of weeks in the course of a year); and
- Establishing a step-by-step protocol for unforeseen bird and bat impacts.

4. This area is very close to the Yellowstone River. The impacts to the Yellowstone River and its wildlife should be closely examined and mitigated.

5. This area evidently has at least one 80 – 100 acre prairie dog town in the immediate vicinity. There are several species of special concern often associated with prairie dog towns (e.g. Mountain Plover, Burrowing Owl, Ferruginous Hawk). The impacts to area prairie dog towns—and species of special concern that may be associated with area prairie dog towns—need to be closely examined and mitigated.

Thank you for the opportunity to comment on this project. Please contact me if you have questions about any of the issues we have raised.

Sincerely,


Janet H. Ellis
Program Director

**Appendix B: Transcripts of oral comments
made at public hearing**

Public Comments 4:30PM

Springdale/Coyote Wind Farm Project Public Hearing

VS.

September 2, 2009

**Reported by:
Jennifer Lewis**

CHARLES FISHER COURT REPORTING, INC.

503 East Mendenhall

Bozeman, Montana 59715

Phone: (406) 587-9016

Fax: (406) 586-0926

Maindesk@fishercourtreporting.com

fishercourtreporting.com

SPRINGDALE/COYOTE WIND FARM PROJECT

PUBLIC HEARING

PUBLIC COMMENTS

September 2, 2009

4:30 P.M. Session

1 APPEARANCES

2
3 MONTANA DNRC:

4 Mr. Jeff Bollman

5 Mr. Richard Moore

6
7 ENERFIN:

8 Mr. Juan Pablo DeVicente

9 Mr. Gonzalo Martin

10 Mr. Daniel Abelson

11 Mr. Jose Antonijuan Elecor

12
13 GARCIA AND ASSOCIATES:

14 Ms. Pam Spinelli

15 Mr. Graham Neale

16 Ms. Anne Cossitt

17

18

19

20

21

22

23

24

25

1 PUBLIC HEARING

2 *****

3
4 (Whereupon, the following
5 excerpt is the public
6 comments session.)
7

8 MS. ANNE COSSITT: Okay. Thank you.

9 Okay. And I'm going to ask Pam to open
10 the door, just in case somebody comes later, they
11 can feel free to come in. Okay.

12 So, the next part of this, then, is the
13 official public hearing. And in a hearing, the
14 intent is that people who have comments have an
15 opportunity to actually get up and say what it is
16 they have an issue with, or if they have a question
17 they can state their question. It's a relatively
18 formal process in that regard.

19 And the way -- and it only needs to be as
20 formal as we need to make it, in some respects, but
21 it is very important that we have an official
22 record. That's why Jennifer is sitting over here
23 and she's reporting, or recording everything.

24 And, so, if you want to make a public
25 comment, you would come up here, you would state

1 your name and where you're from, and then you would
2 mostly speak to Jennifer if you can, to make sure
3 that she can see your lips moving. Okay. So,
4 basically that's how it will work. One at a time.

5 I was going to start with the sign-in
6 sheet for people who had an X next to their name.

7 And, so far, we have one X and it's a maybe. And,
8 so, I was going to ask if there's anybody else who
9 would like to be able to come up here and speak.

10 You would, sir? Okay.

11 And, so, if you want to come and speak,
12 there's a sign-in sheet over here if you haven't
13 already signed -- have you already signed in?

14 MR. JIM KRUSEMARK: I forgot to put an X
15 there.

16 MS. ANNE COSSITT: Okay. So when you come up
17 then, you would come up and just state your name.

18 And is Darlene, the other X, slash,
19 maybe. Darlene, will you want to speak, after all?

20 MS. DARLENE FAHRENBRUCH: Not really. But I
21 am kind of curious. I have to come up there, do I?

22 MS. ANNE COSSITT: Well, in order for this to
23 be --

24 MS. DARLENE FAHRENBRUCH: Okay.

25 MS. ANNE COSSITT: So that we can do that.

1 So, before you speak though, I'm going to ask,
2 anybody else? Just raise your hand. And have you
3 signed in?

4 MS. CINDY SELENSKY: Yeah, I signed in. I
5 didn't have an X, but I signed in.

6 MS. ANNE COSSITT: Okay. Anybody else? If
7 you don't raise your hand now, that doesn't mean
8 you won't get a chance to speak. With one, two,
9 three speakers, and an hour until we start again,
10 you have a long time to speak. Yes?

11 MR. RICHARD MOORE: And also, just to
12 emphasize, if no one does want to say anything this
13 evening, they can certainly submit the written
14 comments to us by next Friday.

15 MS. ANNE COSSITT: Absolutely. And there's
16 actually some comment forms out there, too, that
17 you can either fill out here or take back with you
18 and they have the place to sign it.

19 Also, so if -- I'm going to ask these
20 people to speak. We'll try, we'll limit it first
21 to, like, ten minutes per person.

22 MS. DARLENE FAHRENBRUCH: Won't be that long.

23 MS. ANNE COSSITT: If it goes that long even.
24 But then that way, if it triggers something that
25 you -- in your mind, a lot of times it's easier to

1 get up and speak after you've heard some other
2 people. And so we'll allow other people certainly
3 to come up and speak as well.

4 And if there is a question or something
5 and it's a point of clarification that the folks at
6 DNRC feel like they can interject and quickly
7 clarify that, I'll be looking for Dick or Jeff to
8 kind of raise their hand and they'll interject
9 quickly.

10 We don't want to take up -- away from the
11 public part of this comment period, but just if it
12 appears there's a question or something, they may
13 interject quickly with a point of clarification.

14 So, with that, we can start this, see how
15 far along we get, and then maybe call for more
16 people who might have a public comment. So, this
17 is your opportunity to speak, and one at a time.

18 I think there's, on my agenda, you have a
19 little list of kind of the rules. Again, speak
20 clearly, state your name when you come up, and just
21 be good listeners. Thank you. So you can start.

22 MS. DARLENE FAHRENBRUCH: My name is Darlene
23 Fahrenbruch. And do I have to say where I'm from?

24 MS. ANNE COSSITT: You don't have to if you
25 don't want to.

1 MS. DARLENE FAHRENBRUCH: Okay. All I want to
2 know is, I've seen leases, I -- like, through other
3 companies, oil companies, et cetera, and I was
4 wondering about leases, to get copies. Can we get
5 copies ahead of time? Because I haven't studied
6 any of this at all, because I'm very suspicious of
7 leases. And then, I guess that's my only question.

8 MS. ANNE COSSITT: Okay.

9 MS. DARLENE FAHRENBRUCH: At this time.

10 MS. ANNE COSSITT: Well, that didn't take ten
11 minutes. Sorry, I can't see behind me.

12 MR. JEFF BOLLMAN: I'll just -- since it's a
13 very quick question. If -- we do have a, with the
14 State, we have a master lease or kind of a master
15 lease that we have for wind farms. And if you'd
16 like to see that, Mike, that's a public document;
17 correct?

18 MR. RICHARD MOORE: That's right.

19 MR. JEFF BOLLMAN: If anybody wants to see it,
20 just get ahold of me and I can provide you with a
21 copy, and you can kind of see the framework or at
22 least where we started off with.

23 And then obviously we will be in
24 negotiations with Enerfin and, you know, some of
25 those things could change or it could be additions,

1 subtractions from that document, based on mutual
2 agreement, but I can certainly provide you with the
3 master that the State uses.

4 MS. ANNE COSSITT: Okay. So, you, sir, would
5 you like to come up next?

6 MR. JIM KRUSEMARK: Sure.

7 My name's Jim Krusemark; I'm the general
8 manager of Park Electric Cooperative. I'm from
9 Livingston; I'm an electrical engineer and I've
10 been in the utility business for 29 years in
11 Montana.

12 And what I wanted to say was we have an
13 opportunity in this state to develop quite a
14 friendly environmental generation source, and an
15 opportunity that doesn't exist in other areas. And
16 what we do with these projects will really send a
17 message to other companies that are looking to this
18 state to perform development here.

19 Wind power is a very important part of a
20 total supply portfolio. It certainly, at least in
21 my opinion, can't make up a total supply portfolio,
22 but it's a very important part or a percentage of
23 total supply.

24 And it's becoming more and more so as
25 environmental issues are arising; global warming

1 issues, the carbon legislation that's before us at
2 the federal level. So, to me this is a very
3 important project.

4 I've been working with Enerfin for about
5 eight months, interacting with them on this
6 project. Their proposal is to connect to a Park
7 Electric Cooperative 161,000-volt line. And it's
8 very important to Park Electric Cooperative from a
9 business sense, and as so, it's very important to
10 the 5400 people we serve in the four-county area:
11 Park, Gallatin, Meagher, and Sweet Grass.

12 What we face in this industry, and
13 especially what we face as a small utility company
14 like Park Electric, is increasing generation costs.
15 And they're increasing really for one simple
16 reason: We built generation in this country, for
17 years we had adequate capacity, and now that
18 capacity has been used up and we have a need to
19 build more generation.

20 And the cost to build generation in this
21 country is extremely expensive; the environmental
22 processes, the cost of construction, the legal
23 issues associated with it.

24 So, as a function of that generation
25 that's going to be required in this country to meet

1 our energy needs, we're going to see -- and we've
2 seen it for five or six years -- a very stiff
3 pressure in increasing supply costs. And at Park
4 Electric, we've seen our supply costs go up
5 significantly every year.

6 And I don't know how many people in here
7 are Park Electric customers, but my responsibility
8 to those customers and members is to do things
9 within our operations to hold our expenses down so
10 that I can keep rate escalation to our customer
11 members as low as I can.

12 And it's tough in this business climate.
13 Increasing cost, fuel, labor, insurance, medical
14 costs; those things are, to a great degree, beyond
15 our control as we operate the business. And the
16 other thing that we really struggle with is
17 increasing power costs.

18 And what Enerfin provides, or potentially
19 provides to the members I serve at the Co-op, is a
20 revenue source when they connect to our 161-line,
21 they will be connecting to existing infrastructure.
22 So Park Electric doesn't have to make any kind of
23 an investment here.

24 What we get to do, if this project is
25 successful, is we get to entertain what I believe

1 is a very sound wind company internationally, with
2 a good reputation, we get to entertain connection
3 to our 161-line and generate a revenue stream, or
4 bring some money in the door, as a result of them
5 sending power out on Northwestern's grid.

6 And that revenue stream will help me, as
7 the Co-op's manager, and all the members, to keep
8 increasing power and expense of operation costs as
9 flat as I can, to try to subdue all those pressures
10 I talked about that are raising rates.

11 In my interaction with Enerfin, and their
12 representatives, everything they have told me they
13 have done. They've been very up front with me,
14 very open, operated with great integrity, in my
15 presence, and to this date any issue that I've had
16 in negotiations with them, they have resolved to
17 the satisfaction of the membership I represent.

18 So, I just wanted to explain what Park
19 Electric's opinion of this project was and how I
20 felt about the people that are, to this point,
21 running it. Thank you.

22 MS. ANNE COSSITT: Okay. Thank you. So . . .

23 MS. CINDY SELENSKY: All right. I have a few
24 questions.

25 MS. ANNE COSSITT: Can you state your name

1 first, please.

2 MS. CINDY SELENSKY: My name is Cindy
3 Selensky; I live in Springdale, close to where --
4 actually my house will be just directly below the
5 project area. I just have a couple questions.

6 I guess one of the first questions would
7 be, I know you had it on the graph, but what is the
8 average speed, wind speed for the turbine, or for
9 the area?

10 MR. JUAN PABLO DEVICENTE: Well, although, we
11 using wind energy, we're currently using meters per
12 second. So, I would say that in meters per second,
13 but I don't know in miles per hour.

14 It will be around 8.1, .2 meters per
15 second, they operate, and in really wind, this is
16 really windy. But don't think that a site is good
17 just by knowing the mean wind speed.

18 Because you need to know how the wind is
19 distributed by, by the, each bin per meter per
20 second. You know, I show you two graphs before.
21 One on the top was the wind rows, that say the wind
22 comes mainly from the west, and the second graph
23 tells you how windy is the area.

24 So, as much in the eastern, as much
25 person that show -- I don't know how to say that.

1 As much, it show you how many wind is in the area.

2 So, if your map is in the right side of the graph,
3 it means that it's windy.

4 But, believe me, wind turbines, they are
5 cited that -- or they are calm or they are really
6 windy. So, wind turbines stop at 25 meters per
7 second. So if the site is really windy, it's over
8 25 meters per second, we are not going to take
9 advantage of this wind, because the wind turbine
10 will be stopped for security. But here you have
11 median wind speeds that makes the site very good.

12 MR. JOSE ANTONIJUAN ELECOR: It's about 20, 25
13 miles per hour.

14 MS. CINDY SELENSKY: Okay. Thank you. I know
15 it's quite windy there occasionally, last fall, so.

16 Second question for you guys I think
17 would be, approximately how many trucks per day
18 would be on the roads?

19 MR. JUAN PABLO DEVICENTE: This is not a
20 question that we can answer yet. Well, I don't
21 know for sure, but as it is so windy, all
22 construction will have to be done in summer, the
23 summer months. So we'll try to make all
24 construction summer months.

25 So there will be several crews, I don't

1 know how many, because as I said before it will be
2 best at, we will have to come here and find --
3 we'll have an estimate --

4 MR. JOSE ANTONIJUAN ELECOR: We'll have 48
5 turbines, 48. So each turbine may need four
6 trucks, four or five trucks.

7 MR. JUAN PABLO DEVICENTE: But not at the same
8 time.

9 MR. JOSE ANTONIJUAN ELECOR: But not at the
10 same time. It's going to be a period of two years,
11 a year and a half. So it's -- so 48 times, 48
12 times five; 200, over a period of, a period of a
13 year and a half. So, could be one truck a day, two
14 trucks, could be some. Taking advantage of the
15 good weather, so we'll -- but this is only during
16 the construction. After that, everything becomes
17 calm.

18 MR. JUAN PABLO DEVICENTE: In fact, it is only
19 during the erection of the turbines, of wind
20 turbine; not during construction of roads and
21 foundations.

22 During foundation, all the steel bars
23 will have -- will come by truck, but the heavy ones
24 bring in the wind turbine components will be just,
25 let's say between April, May, up to September,

1 October, when the wind is less, less windy on the
2 site.

3 MR. JOSE ANTONIJUAN ELECOR: But all this
4 eventually, we will put it on the website. Once we
5 know more the details, we will be informing you; we
6 will be telling you when do we expect to start the
7 construction.

8 And so, and we hopefully will have
9 meetings like this and every once in a while, in
10 case you have some comments or some -- you'll have
11 some questions, we should be able to answer to you.

12 Not in an official way, but as we, as your
13 neighbors.

14 MS. CINDY SELENSKY: Okay. All right. Thank
15 you. I guess the next question, I'm sure -- I
16 didn't get a chance to look through the whole
17 document either, but would be control -- you
18 mentioned control rooms.

19 MR. JOSE ANTONIJUAN ELECOR: Yeah.

20 MS. CINDY SELENSKY: So how many control rooms
21 are you looking at, just one?

22 MR. JOSE ANTONIJUAN ELECOR: One.

23 MS. CINDY SELENSKY: Just one. And where
24 would that be located at?

25 MR. JOSE ANTONIJUAN ELECOR: Top of the hill.

1 We are thinking a very nice area.

2 I mean, you heard in the presentation
3 that in Brazil we are going into the concept of a
4 wind garden. Well, here we are going into the
5 concept of a wind ranch, so we are in the ranch
6 area.

7 And so we will design a control room as
8 you have seen all of them, but based on the local
9 construction, I mean architect who has been already
10 here. We will be looking different buildings
11 around and we will be getting ideas.

12 And it will be in an area where we can
13 see the wind farm, because obviously the operator,
14 the operator has to see as much as possible
15 visually, but that is going to be nice and well
16 with -- it's like it would be another ranch in the
17 area.

18 MS. CINDY SELENSKY: Okay.

19 MR. JOSE ANTONIJUAN ELECOR: And we will show
20 you the design, we will talk to you people and will
21 show it to you. If you have some comments, then we
22 will try to pass this comments to the architects.

23 And, so, always -- we want to do
24 something that you feel comfortable with; that when
25 you see it, you are proud. And the other day, we

1 are building it for this generation. They are the
2 ones that will be -- for your generation, so.

3 MS. CINDY SELENSKY: So what happens to the
4 turbines, you mentioned the leases are about 20
5 years long. So what happens after that period of
6 time?

7 MR. JOSE ANTONIJUAN ELECOR: Well, hopefully
8 we should be able to, I mean, maybe extend. We'll
9 see how the technology looks like in these days.
10 We have our leases out for 20, we can expand it.

11 And if, in 20 years from now, the world
12 finds a new, different source of energy, and we no
13 longer need wind energy, then we will dismantle
14 them. And this is something that will be
15 negotiated with the company that will buy our
16 energy, but can continue.

17 It all depends a little bit on the
18 technology. Who knows, who knows what the
19 technology is going to be in 20 years. But 20
20 years is a number that makes us feel comfortable.

21 I mentioned in the beginning that we have
22 a wind farm in Spain, it's 12 years old, and we are
23 changing out all the machines. Why, because we can
24 multiply by ten the power for additional investment
25 and it is worth the technology, so we should be

1 able to stay there for 20 more years.

2 MS. CINDY SELENSKY: Will you, if -- let's
3 just say that there's some new technology comes out
4 and the windmills come down.

5 MR. JOSE ANTONIJUAN ELECOR: We'll leave the
6 country as it was.

7 MS. CINDY SELENSKY: So do you guys do the
8 restoration part of it, or does the DNRC do the
9 restoration part of it, or is there a part of a
10 restoration plan a part of it, as far as for the
11 actual sites, the 32 acres or whatever that they're
12 going to be sitting on?

13 MR. JEFF BOLLMAN: That will be part of the
14 lease, if they want to have language in there for
15 decommissioning the site and it will describe what
16 the steps are and those types of things. So that
17 will be something that we are thinking about that
18 there will be a process set up for that.

19 MS. CINDY SELENSKY: Okay.

20 MR. JEFF BOLLMAN: Or for extending the lease
21 as well.

22 MR. JUAN PABLO DEVICENTE: And I have to say
23 that wind turbines, before installed, they have to
24 be certified by international institution that is
25 based in Switzerland, the IEC rules that we have to

1 follow. So the manufacturers have to certify wind
2 turbines, but the rules only certify wind turbines
3 for 20 years; that the wind turbines will withstand
4 under some wind conditions for 20 years.

5 But there are very few wind turbines all
6 over the world that have been built for more than
7 20 years, because the wind energy, although it's,
8 currently it's mature, very few wind turbines are
9 20 years old right now. One reason is because
10 first wind turbines in Europe were constructed in
11 the --

12 MR. JOSE ANTONIJUAN ELECOR: Fifteen years
13 old.

14 MR. JUAN PABLO DEVICENTE: -- early Nineties,
15 late Eighties. And the other reason is because as
16 the technology has grown so much, we change.
17 Developers change the wind turbines for a more
18 efficient and better. So, in one wind farm, 20
19 wind turbines, you can still guess, one wind
20 turbine and you get much energy for the same
21 installed power.

22 MS. ANNE COSSITT: So, do you have any other
23 questions?

24 MS. CINDY SELENSKY: I think that's it,
25 finally.

1 MS. ANNE COSSITT: Well, I just want to
2 take -- if this is a break for you, then I want to
3 ask if anybody else wanted to raise their hand and
4 come up and make a formal comment. Did you, sir?
5 It's like an auction. Whoa, you just bought
6 something. No.

7 But, if not, then, and I don't mean to
8 block you.

9 MS. CINDY SELENSKY: That's fine, thank you.

10 MS. ANNE COSSITT: If not, then, we don't want
11 to necessarily close off question and answer, like
12 this kind of discussion that's going here. I don't
13 know if anybody else has any questions. So, okay,
14 hold that thought.

15 So if we're going to do that, if we're
16 going to go to just kind of a question and answer
17 kind of session now, the one thing, you don't
18 necessarily have to come up here, but we absolutely
19 have to do one person at a time.

20 You need to stand up, if you're asking
21 the question, you need to look at Jennifer, and you
22 need to state your name so that she'll have that,
23 just so we have that for the -- now, your question.
24 Is it a question for the speakers or just a
25 question?

1 MR. RICK JARRETT: I'm Rick Jarrett. And I'm
2 curious, how many acres the turbines take on the
3 State section. How many acres total do the eight
4 turbines take?

5 MS. ANNE COSSITT: DNRC or?

6 MR. RICK JARRETT: Enerfin, or DNRC.

7 MR. JOSE ANTONIJUAN ELECOR: How many acres,
8 on the State?

9 MR. RICK JARRETT: Yes.

10 MR. JUAN PABLO DEVICENTE: How is that, the
11 area of the State land --

12 MR. RICK JARRETT: Is 640 acres, but how many
13 acres does the turbines take?

14 MR. JUAN PABLO DEVICENTE: Well, if I have to
15 tell you the truth, I am not familiar with acres.

16 MS. ANNE COSSITT: Jeff will respond.

17 MR. JUAN PABLO DEVICENTE: I'm more familiar
18 with meters.

19 MR. JEFF BOLLMAN: On Page E-5 of the
20 document, whether electronic or hard copy, there's
21 a table that describes some of the number of wind
22 turbines, et cetera, et cetera. And there is a
23 column of permanent loss of acreage due to -- for
24 roads and the foundation for the wind turbines.

25 And so, the total acreage off of the

1 State land is, oh, boy, I'm going to have to do
2 math here. It's about six acres.

3 MR. JOSE ANTONIJUAN ELECOR: For eight
4 turbines, no?

5 MS. ANNE COSSITT: For each turbine or total?

6 MR. JEFF BOLLMAN: Is that right, Pam?

7 MS. PAM SPINELLI: Yes. Wait a second. No,
8 it's less than six acres.

9 MR. JEFF BOLLMAN: It'd be like five and a
10 half.

11 MS. PAM SPINELLI: It's like .2.

12 MS. ANNE COSSITT: So I guess one answer to
13 your question is, it's in the EIS document.

14 They're doing figuring to figure out what exactly
15 is that number.

16 MR. JOSE ANTONIJUAN ELECOR: Second, doesn't
17 matter if it's meters or acres. It all depends
18 also how the terrain is. If it is hilly or is
19 flat, so it may take a little bit more of a space,
20 sometimes less; depends a lot on the arrange.

21 So it's, but, I mean, doesn't take much
22 less than this room, the total area of half, maybe,
23 foundation. It's one-fourth maybe of what is this
24 room. I mean, that's basically, how much one
25 foundation takes per turbine.

1 MS. PAM SPINELLI: So the answer, Rick, is
2 just to -- just to the turbine foundations, on the
3 State land, for all eight turbines, it's about .2
4 acres. When you include the total acreage lost to
5 roads, turbine foundation, trenching, and support
6 buildings, just on the State land, it is
7 approximately 5.5 acres.

8 MR. RICK JARRETT: Thank you.

9 MS. PAM SPINELLI: And it is in the EIS.

10 MS. ANNE COSSITT: Okay. So, thank you for
11 that. So any other questions? Comments?

12 MR. JOSE ANTONIJUAN ELECOR: I would like to
13 add that if after this official meeting, if any of
14 you have some comment, an informal, that you don't
15 want to present it in here or you want some
16 clarification, we will stay here and we are more
17 than willing to answer.

18 If it is acres, we have to figure it out,
19 so, no, but I mean, in a more informal way, if you
20 want. I mean, most everything, we are here to try
21 to explain to you as many thing as we can, so
22 it's . . .

23 MS. ANNE COSSITT: Absolutely a good
24 transition then, because if there are no more
25 questions that people want to ask right now, right

1 here, or make a comment, and that's all I have to
2 say -- yes, sir, your name, please.

3 MR. GORDON SARGENT: Gordon Sargent, and I'm
4 here locally. And I guess I've seen the Judith Gap
5 projects over there and it's quite interesting to
6 go through those. Taken senior citizens on a drive
7 over there and they thoroughly enjoyed it. And the
8 town of Judith Gap, they got one of those big
9 blades laying there, and it's immense, it's great
10 big.

11 I guess one of the questions I think
12 about is how the local people might be impacted by
13 this. Would a lot of them be on, say, maintenance
14 of the project? Would a lot of them be involved in
15 construction, like concrete and things like that?
16 Got some answers?

17 MR. JOSE ANTONIJUAN ELECOR: I think that what
18 I should say, as far as using local resources, we
19 want to use as much as possible any local resource
20 that is available. We've already -- I mean,
21 anything that we can use locally.

22 And if it has to come from outside, is
23 the know-how that will come from, from anywhere,
24 maybe from Wyoming or, I don't know, but our main
25 thing will be to use as much as possible the people

1 from all this area.

2 MR. JUAN PABLO DEVICENTE: And we are
3 currently needing to find possible local
4 contractors that could work during the construction
5 stages of the project. So, as soon as we have
6 these other contractors, we will get in contact
7 with them.

8 It will not be us, because we are in the
9 development stage of the project, but we will give
10 this information to the construction people and
11 their company, to get in touch.

12 They already have come here, they have
13 very specific meetings with local contractors, but
14 we want to know who could sell as the -- the gravel
15 in the area, the concrete, the steel, who can dig,
16 who owns cranes; all this information is useful
17 because as Jose said in the presentation, all our
18 wind farms are done by local contractors.

19 But, they are very specified. Very
20 specific portion of the wind farm, like cranes,
21 because the cranes that, to erect the nacelle and
22 the blades are huge. They are probably not here in
23 Montana, we have to go away. Many cranes go from
24 abroad.

25 So, right now, as wind energy, it's like

1 a boom in the U.S., so there are very few wind
2 cranes that we can use.

3 MR. JOSE ANTONIJUAN ELECOR: But I can assure
4 you that they can build wind projects in Montana.
5 So we will be asking who has been doing all these
6 erections.

7 I would like to emphasize something.
8 Enerfin is the developer. The construction, the
9 overall construction will be done by Elecnor, the
10 parent company, which I represent in North America.

11 So, and they will be the ones, we are the
12 ones that will be looking for all these
13 subcontractors. We will take the full
14 responsibility in front of the banks, in front of
15 everybody, that, for the building, but everything
16 would be subcontracted locally.

17 And we hope we will take seniors to visit
18 the site as well as juniors.

19 MR. GORDON SARGENT: Is there a possibility of
20 expanding out here in the future?

21 MR. JOSE ANTONIJUAN ELECOR: Could be,
22 definitely. I mean, what we feel is that it is
23 very positive, the action from the government, from
24 the governor all the way down, on developing
25 alternatives.

1 I was, about a couple of months ago, I
2 was in Salt Lake City with a conference for the 13
3 governors, the western governors, and they had all
4 the stuff there.

5 And the only -- the subject was wind,
6 wind integration, and how these 13 states can work
7 together to take advantage of the areas where there
8 is wind; how to take it to the area where there is
9 high consumption, like in San Diego, Los Angeles.

10 And the whole two days we're discussing
11 among all the staffs of the governors, and the
12 development, so it's -- and it was clear that
13 Montana was identified in this, in that, as a good
14 state that produces the electricity, and the
15 Californias are more like the consumption, the
16 consumption centers.

17 MR. GORDON SARGENT: I guess I have another
18 question too. These stay pretty good shape, or is
19 there a lot of maintenance to them, or do they
20 break down? Or how do they handle all the wind? I
21 think about winds and I've seen some real winds
22 around the country, like a hundred mile an hour.

23 MR. JOSE ANTONIJUAN ELECOR: Yeah, no -- I
24 live in Florida. Florida is not a good place for
25 wind turbine, because we only have hurricanes, so

1 that's not. And so Pablo was saying, that's why we
2 have to make a huge, a long study of wind, I mean
3 of the wind. And not because the high speeds means
4 that it is a better place.

5 And it's what Pablo was saying, it is a
6 moment that if the wind goes above a certain speed,
7 it disconnects completely. And it goes, it has
8 some brakes, it gets into a location, the blades
9 turn, the wind goes through, and so -- and so far,
10 has not been any accident, falling. And then once
11 the wind drops again, automatically it goes and it
12 starts getting, generating electricity.

13 But we cannot put them in high speed
14 areas. So, you will not see too many in the
15 Caribbean.

16 MR. JUAN PABLO DEVICENTE: As I said before,
17 the wind turbines are certified to withstand
18 several wind conditions. Okay. So once the, we
19 get the certificate and we have a report saying
20 that, okay, the wind turbine will withstand the
21 wind that's happening on the site, we can install
22 the wind turbines there.

23 But we have to make certain graphs that
24 were already done, and the site information, taking
25 into account also the wind condition area. So it

1 was already done, Vestas have checked all the signs
2 and they are comfortable with them. So there is no
3 reason to -- for a wind turbine to fall.

4 MS. ANNE COSSITT: Thank you. So, anybody
5 else have a question? Okay.

6 MS. CINDY SELENSKY: Well, I might go again.
7 Can I go again?

8 MS. ANNE COSSITT: Yeah, sure. There's nobody
9 else?

10 MS. CINDY SELENSKY: My name is Cindy Selensky
11 again. I don't want to -- I know you guys are
12 going to try your hardest, but I'm really having a
13 hard time, I guess, imagining waking up every
14 morning and looking out at my front door, glass --
15 beautiful glass windows in my house and seeing
16 nothing, you know, trying to see the Crazies, but
17 instead seeing, you know, however many windmills
18 that happen to be out there.

19 And it doesn't matter which truly
20 direction I look out of my house, it's going to be
21 there. And so, I guess just from an emotional and
22 personal perspective, it's really difficult for me
23 to see. So, I guess --

24 MR. JOSE ANTONIJUAN ELECOR: We will show you,
25 we will eventually, through the development of the

1 project, we will be doing visual simulations. As
2 Pablo was saying, I mean, we -- we are trying to,
3 trying to avoid to do anything that disturbs the
4 area, and logically we have to put them where the
5 wind blows.

6 And I was, last week I was in, I was in
7 Brazil with the mayors of the towns where we are
8 going to build the wind farm in Canada. And some
9 of them, I mean, there are 63 landowners on our
10 site, and some of the people, and we talk to
11 landowners on that site, it becomes part of the, of
12 the environment.

13 I mean, there is certain things that you
14 will notice. You will see antennas, transmission
15 antennas or the communication antennas. It's
16 here, it's part of the -- it's part of the area.

17 The thing is that the wind flows and I
18 think that this is a way to generate electricity
19 without having to burn oil, without having to
20 import more oil from the Arabs. We have to, we
21 have to -- without burning coal that is going to
22 produce the things. And it's, I think it's a --
23 you will be amazed to see that it's not disturbing.

24 MS. CINDY SELENSKY: Well, I'm a natural
25 resource specialist myself, as a profession. And I

1 truly love Montana for the open spaces and the
2 mountains and the views. And truly it's -- I know
3 it's, we need something different as far as energy
4 goes, but I really don't know if Montana -- if
5 Montana's the best place for it.

6 Because it's totally, like, when you
7 think of Montana, you don't think of the tons of
8 turbines sitting out there. You think of the
9 mountains and stuff. And so, if you're driving
10 along I-90 and you're going to Billings, to
11 Bozeman, from the airports, you're going to see the
12 turbines.

13 MR. JOSE ANTONIJUAN ELECOR: No. We were
14 telling you, it's going to be very difficult to see
15 them from the road.

16 MS. CINDY SELENSKY: Maybe just coming off the
17 interchange there, but I think you'll be able to
18 see them from -- because you can see the one in
19 Judith Gap for miles before you even get there.
20 Miles you can see them. So, I guess that's all I
21 have to say.

22 MR. JOSE ANTONIJUAN ELECOR: It's a well
23 point. And one thing I can, I can guarantee you is
24 that we will try to minimize the impact on -- we
25 don't want to put them in areas where it can impact

1 the area.

2 However, sometimes if you put the turbine
3 here or here, here this one would do absolutely
4 nothing, and just by putting them ten yards away
5 you have a better wind. It is part of the -- the
6 only thing I can assure you, we will try to work
7 with you as much as possible, and we'll explain to
8 you and we'll show you.

9 And, I would say it would be to pay for
10 the future. I mean coal, I mean oil will
11 disappear, some day, in your generation, not in
12 mine, in yours. So we have to find alternatives.
13 And we have to find a compromise.

14 MS. CINDY SELENSKY: I'm not sure that --

15 MR. JOSE ANTONIJUAN ELECOR: I know. I hear
16 you, I hear you, but I guess I can tell you, I have
17 a brother of mine in Spain who lives close to the
18 wind farm, and no, it's -- I know.

19 MS. CINDY SELENSKY: Well, I'm kind of odd
20 myself, because if I was to go to any place in
21 time, I'd be back here in Montana in the early
22 1900s where there isn't, you know, anything out
23 there. I truly love open space in Montana.

24 MR. JOSE ANTONIJUAN ELECOR: But you want
25 electricity as well.

1 MS. CINDY SELENSKY: Yeah, but I don't know --

2 MS. ANNE COSSITT: I think -- I think this is
3 a difficult issue on this one. And thank you for
4 your comment. And I'm going to move it on. Okay.

5 So, did you have a comment back there?

6 MS. CHRISTY HELDEMARK: Yeah.

7 MS. ANNE COSSITT: And state your name,
8 please. Thank you.

9 MS. CHRISTY HELDEMARK: I'm Christy Heldemark,
10 and I live out of town too. And I travel that road
11 every day and I don't want to see the windmills. I
12 came from Harlow. You can see those turbines from
13 the top of Fish Creek Hill. You can see what it
14 has done to the view.

15 That is what Montana is about, the Big
16 Sky state. You should be able to see that. And
17 going there, you won't be able to see the
18 mountains.

19 MR. JOSE ANTONIJUAN ELECOR: I think -- I
20 hear. I don't think that we are going to obstruct
21 the view of the mountains. The way that the wind
22 farm is located, is a little bit on a -- I mean,
23 this gentleman over here, he will have a few
24 turbines on his property. And we have talked to
25 him and we talked about trying to do as less as

1 possible in affecting the views of -- from his
2 house, from view.

3 Our intention is not to build something
4 that is obstructive. We'll have to -- technically
5 we have to do something and it's, we are following
6 all the regulations and we will be following all
7 the regulations, but we'll try to minimize as much
8 as possible the impact by making things beautiful.

9 I mean, I don't know, we'll build maybe
10 some observation decks where the kids can go and
11 see and become familiarized with the technology. I
12 mean, if you have a coal fire plant on Road 90, you
13 will also see these, but you will see the stack
14 with the smoke going out every day.

15 MS. CHRISTY HELDEMARK: I wouldn't buy
16 property there, because I wouldn't want to see it.
17 How many people are going to want to buy property
18 here when they have that to look at?

19 MR. JOSE ANTONIJUAN ELECOR: We asked this
20 question to some landowners in Brazil, and they
21 said that the price went up.

22 MS. CHRISTY HELDEMARK: Okay.

23 MR. JOSE ANTONIJUAN ELECOR: I'm just
24 supporting you -- one question was asked by one of
25 the mayors of the town, and the landowners who were

1 in that presentation, it went up.

2 MS. ANNE COSSITT: So do you have another
3 question then too?

4 MS. CHRISTY HELDEMARK: And the noise, how
5 much noise are we going to hear? Our horses, and
6 our --

7 MR. JOSE ANTONIJUAN ELECOR: You'll hear the
8 noise of the wind.

9 MS. CHRISTY HELDEMARK: I've stopped, like
10 along the road on the way to Judith Gap or up
11 there, and it's fairly loud. It sounds like planes
12 all the time.

13 MR. JOSE ANTONIJUAN ELECOR: I don't know what
14 the noise is.

15 MS. CHRISTY HELDEMARK: And I don't care to
16 step out my door and listen to that either.

17 MR. JOSE ANTONIJUAN ELECOR: I don't know what
18 the noise, they're using.

19 MS. CHRISTY HELDEMARK: What is the decibel
20 that the wind is going to make, or the turbines are
21 going to make?

22 MS. ANNE COSSITT: The decibels are in -- that
23 analysis is in the environmental impact statement.

24 MS. PAM SPINELLI: There's a very detailed
25 noise analysis. Have you read that?

1 MS. CHRISTY HELDEMARK: I have not read it.

2 MS. PAM SPINELLI: I would suggest that you
3 do, because it's quite detailed and it talks about
4 noise levels at different wind speeds, at different
5 receptor locations, how the analysis was conducted,
6 comparing it to other noises that we're familiar
7 with.

8 And then, you know, you might still have
9 a comment, but I'm just directing you, that might
10 be helpful.

11 MS. CHRISTY HELDEMARK: And you said, you've
12 talked to people around. Who have you talked to
13 around? Because I live out there and nobody came
14 to my house and talked to me about it.

15 MR. JOSE ANTONIJUAN ELECOR: Well, that's why
16 we are trying to do. We'll try to have this type
17 of meeting. This is an official meeting, but we
18 hope that eventually we will have this type of
19 meetings on a regular basis, and we will explain as
20 much as we can, what we are going to do. So we
21 have nothing to hide.

22 Again, this document covers many of the
23 questions that you have. But not because it's
24 there, we can talk and we'll explain to you in more
25 detail. We want to do that.

1 MS. CHRISTY HELDEMARK: Okay. Here's another
2 comment that, I don't know about the contradiction.

3 Earlier you said there was 44 turbines. And then
4 later I heard you say 48 turbines.

5 MR. JUAN PABLO DEVICENTE: It was a mistake.

6 MR. JOSE ANTONIJUAN ELECOR: Mistake, sorry.

7 MS. CHRISTY HELDEMARK: So I'm curious as to
8 whether it's 44 or 48.

9 MR. JOSE ANTONIJUAN ELECOR: It's 44. 44.

10 I'm sorry. I apologize.

11 MS. CHRISTY HELDEMARK: I guess.

12 MS. ANNE COSSITT: Thank you. Okay. Anybody
13 else?

14 MS. DARLENE FAHRENBRUCH: Yeah. I would like
15 to make another statement.

16 MS. ANNE COSSITT: Okay.

17 MS. DARLENE FAHRENBRUCH: Darlene Fahrenbruch
18 again.

19 Okay. Cindy, I really understand where
20 you're coming from. I really do. But I remember
21 also, we were still without electricity on our
22 ranch and I remember when the electricity went
23 through, it was horrible.

24 All those telephone poles coming through,
25 et cetera, et cetera. And how they put the

1 telephone poles through our alfalfa fields, et
2 cetera. I mean, we were totally against it.

3 And my dad, he's way over a hundred years
4 old now, but I remember it as a child. But I
5 remember, and then when I went back to the ranch,
6 and being totally without electricity, and it's
7 like living in primitive. It's total self-survival
8 every day, without the benefits of electricity, et
9 cetera.

10 And we adjusted to the little telephone
11 poles, you know. And I really have mixed emotions
12 about those huge things, which I have seen, you
13 know, in traveling, et cetera.

14 But I also believe that it is possible, I
15 don't know if I'm for or against it at this moment,
16 but I do know it is a way to bring money into the
17 economy. And we have to consider that too, because
18 more and more people are being out of jobs.
19 They're getting together and the families are
20 moving together.

21 So, I don't know, you know. But I
22 understand, I really do. But I also know what it's
23 like to live without the benefits. We were
24 bypassed when dad made his decision, we were
25 bypassed. And you guys know what I've lived in,

1 you know.

2 So, whether I'm for or against, I don't

3 know at this moment. But I do know we adjust.

4 When I moved down to California for eight months, I

5 hated it. All these people, I hated it. And I

6 adjusted. I adjusted just like the power lines

7 below us and above us that you guys benefit from,

8 and many other people of course.

9 It reaches a point, we adjust, as humans

10 we adjust. But it still comes to the survivalship

11 of whether or not you can survive financially. And

12 this is one way to survive, for many people. And,

13 yeah. I love artists, I love the wide open spaces,

14 you know. I was up there before you were, you

15 know.

16 And, so, I don't know what more to say.

17 I did want to say, we do adjust. And I'm concerned

18 about the livestock underneath the power lines, you

19 know, I don't know. But I do know that I survived

20 the telephone poles.

21 MR. JOSE ANTONIJUAN ELECOR: I want to share

22 with you, these are my two thoughts. One is

23 regarding the animals in the wind farm.

24 The -- I was in Brazil, as I mentioned

25 to, last week. And we had this landowner who's a

1 veterinarian, happens to be in addition a
2 veterinarian, and he has, he has in his property
3 probably 15 turbines.

4 And he said to the mayors of the cities,
5 he said, A, the noise that comes from the wind, I
6 love it. What wakes me up at night is the trucks
7 that go through, they go through the things,
8 through the road.

9 But to your point about the animals. He
10 said that he has noticed, or we have seen it in the
11 farm, the cows go close to the wind turbines at
12 winter because it's a little bit of heat coming
13 from the transformer, so they can warm. And in
14 summer, they go behind so they have shade.

15 So, you see, you see around the wind
16 farm, and the cows are there close in, close to the
17 turbines and so on. So that's a comment.

18 The second comment also relating to what
19 you have said. We heard from many landowners that
20 19th Century ranch today is very difficult to
21 survive. Is -- there's a lot of cost, there is a
22 lot of -- and some of them, they may have even
23 conceded to maybe to close, to sell.

24 And I heard it's about the 21st Century
25 ranch can help the 19th Century ranch to go

1 through, with the revenues that will come from this
2 harvesting the wind, because eventually that's what
3 we are doing.

4 In the one in Brazil, they had rice. So
5 now they have revenue in addition to the rice. As
6 a matter of fact, so now they have two revenues.
7 Here it's going to be the same. Not only the
8 landowners but also the municipalities and so on,
9 because there's going to be revenues through taxes
10 and so on. So all of this is going to get into the
11 area.

12 So, it's benefit that actually on this,
13 this gentleman, this veterinarian said that for
14 the -- wind farm has been in operation for three
15 years. And he has not seen any change whatsoever
16 in the behavior of the cows and you see greater, in
17 terms of more, more cows, less cows. The thing
18 goes as it was.

19 I mean, we talk about this a week ago by
20 the gentleman who has many wind turbines. And he's
21 a veterinarian, so I would assume that he knows --
22 that he knows the subject. I don't know, if you
23 wish to add something you have said.

24 MS. DARLENE FAHRENBRUCH: Okay. Thank you.

25 MS. ANNE COSSITT: Okay. Thank you.

1 Anybody else?

2 Whereupon, there was no
3 response.)

4 MS. ANNE COSSITT: Okay.

5 So, why don't -- we'll take a break.

6 We'll start again at 6:00. At 6:00 I'll ask the
7 question. If there's anybody new who's come in,
8 who would like to hear, see or hear the
9 presentation again that we did at 4:30, but we'll
10 take a ten minute break now and then come back.

11 That will give people a chance to move around, if
12 they like. Okay.

13 (Whereupon, the public
14 hearing was concluded.)

15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF MONTANA)

: ss.

COUNTY OF GALLATIN)

I, Jennifer D. Lewis, Court Reporter - Notary Public in and for the County of Pierce, State of Washington, do hereby certify:

That the public hearing was taken before me at the time and place herein named, that the public hearing was reported by me in shorthand and later transcribed into typewriting under my direction, and the foregoing pages contain a true record of the public hearing, all done to the best of my skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this _____ day of _____, 2009.

Jennifer D. Lewis, Court Reporter
Notary Public, State of Washington
Residing at Bozeman, Montana
My commission expires: 4-25-2009

Public Comments 6:00PM

Springdale/Coyote Wind Farm Project Public Hearing

VS.

September 2, 2009

**Reported by:
Jennifer Lewis**

CHARLES FISHER COURT REPORTING, INC.

503 East Mendenhall

Bozeman, Montana 59715

Phone: (406) 587-9016

Fax: (406) 586-0926

Maindesk@fishercourtreporting.com

fishercourtreporting.com

SPRINGDALE/COYOTE WIND FARM PROJECT

PUBLIC HEARING

PUBLIC COMMENTS

September 2, 2009

6:00 P.M. Session

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES

MONTANA DNRC:

Mr. Jeff Bollman

Mr. Richard Moore

ENERFIN:

Mr. Juan Pablo DeVicente

Mr. Gonzalo Martin

Mr. Daniel Abelson

Mr. Jose Antonijuan Elecor

GARCIA AND ASSOCIATES:

Ms. Pam Spinelli

Mr. Graham Neale

Ms. Anne Cossitt

1 PUBLIC HEARING

2 *****

3
4 (Whereupon, the following
5 excerpt is the public
6 comments session.)
78 MS. ANNE COSSITT: Well, thank you for that
9 presentation. So, now we're about to get into the
10 public hearing part of this meeting. And, Pam, I'm
11 wondering, can you go out to see if there were any
12 other sign-ups, or did you happen to look?13 MS. PAM SPINELLI: There's no people out
14 there, but I'll check.15 MS. ANNE COSSITT: Did anybody -- anybody here
16 sign in before you came in? No. Well, it's not
17 necessary to sign in for this meeting. If you want
18 to make a comment though, it would be good if you
19 could, if you haven't signed in earlier, to use
20 this sign-in sheet right here, and write your name,
21 print your name so that we'll have it.22 Jennifer is taking notes, and, well,
23 stenography, if that's a verb, and on the agenda
24 there's a guideline for how to comment. And
25 basically come up here, state your name, sign in if

1 you haven't already, and then, and then say what
2 you want to say; either as in the form of a
3 comment, if you have one, or a question, if you
4 have questions.

5 Remember to speak towards Jennifer too,
6 so she can watch your lips as she's recording. And
7 we want to make sure that all the comments are
8 heard. And so, in order to do that, I need to kind
9 of get an idea of how many people want to comment,
10 and then also request that each one of you who
11 aren't speaking remain quiet while the person is
12 speaking, so that Jennifer can get all of that.

13 So, with that, is there anybody who wants
14 to come up here and make a comment?

15 Yes.

16 MS. DIANA TAYLOR: Suggestion. Generally in
17 this area, they pass the sign-in sheet around, and
18 people can ask their questions from their seat.
19 Maybe there's an uncomfortable feeling here about
20 having to come forward.

21 MS. ANNE COSSITT: That's fine. We can
22 certainly do that. And we were going to go into
23 the next mode, because it's just easier for her to
24 be able to hear sometimes if you're up here.
25 That's fine, we can certainly do it that way. So

1 that's the sign-in sheet going around, and . . .

2 MR. JOSE ANTONIJUAN ELECOR: I mean, if you
3 have some questions that are not related to this
4 specific thing and you want to ask us after the
5 meeting, we'll be staying here and we will be more
6 than willing to respond to you.

7 Anything that maybe has not direct
8 involvement with these procedures, I mean, we are
9 more than happy to talk to you later or give you
10 our address, and you can write to us and we can
11 give you as many answers as we can.

12 So, I would like to make clear that we
13 don't have secrets. We are not hiding anything.
14 We want to share with you as much as -- everything
15 we know. Because, again, we want to stay here for
16 long time. We don't want, that it was, oh, you
17 didn't tell us this, or you told us this; we try to
18 be as honest as we can.

19 MS. ANNE COSSITT: Okay. Thank you. And
20 also, remember, if you walk out of here tonight and
21 think, oh, well, I wish I would have said X, Y, and
22 Z, you can certainly, as Jeff pointed out, comment
23 via the web or by writing. And that information is
24 on the sign -- well, there's a notice out on the
25 front desk, on that sign-in sheet area. And then

1 also there are some comment forms out there too.

2 Oh, yes.

3 MS. DARLENE FAHRENBRUCH: I do have a
4 question.

5 MS. ANNE COSSITT: Okay. Can you stand up and
6 state your name, even though we know you've done
7 that before, Darlene.

8 MS. DARLENE FAHRENBRUCH: That's okay.
9 Darlene Fahrenbruch.

10 I am wondering, during the construction,
11 how many of your people will be here? Like how
12 many families, and how many of those will remain?

13 MR. JOSE ANTONIJUAN ELECOR: I would say that
14 during -- on a peak, it will vary a lot during the
15 process. I mean, there will be times where it
16 would be just done, the work of the roads or
17 certain, there will be 50 people.

18 Then maybe, at the peak, I would say 700
19 people, even -- I think in Brazil, it was a very
20 special project, we had about 400 people. About
21 400 people at the peak.

22 And then how many will stay, I mean, the
23 project requires about 20, 30 people for the
24 maintenance, for the operation. But most likely
25 this would be other people that are not related

1 with the construction.

2 And mostly they will be engineers or
3 technicians, most definitely, and some -- they have
4 some support, administrative support, but mostly
5 will be highly paid jobs.

6 MS. DARLENE FAHRENBRUCH: Okay. And some of
7 those, did you say 20?

8 MR. JOSE ANTONIJUAN ELECOR: It depends on --
9 because it's part of the maintenance is done by
10 Vestas, by the turbine manufacturer, for guarantees
11 purposes, so they have their own philosophy. But
12 I'm just giving generic numbers of what I have seen
13 in other wind farms.

14 I mean, in Brazil, we have more because
15 maybe the technicians are not as well prepared
16 maybe than they are here. It depends on a lot of
17 things, but . . .

18 MS. ANNE COSSITT: There is an analysis in the
19 environmental impact statement of the various
20 alternatives with number of workers, some of which
21 would probably come locally, and others might come
22 from -- I don't know if you want to add, Jeff.

23 MR. JOSE ANTONIJUAN ELECOR: From Spain? I'm
24 sorry, one or two or none. Probably --

25 MR. JUAN PABLO DEVICENTE: From Spain, we'll

1 bring just, there is the --

2 MR. JOSE ANTONIJUAN ELECOR: The project
3 manager.

4 MR. JUAN PABLO DEVICENTE: One or two people.

5 Let me give you an example of the Quebec project.

6 We have overall supervisory of construction, and he
7 has been constructing around 700 megawatts all over
8 the world, in Brazil, in Spain, in the Dominican
9 Republic, so he has this expertise in constructing
10 wind farms.

11 But all the people who will be with him
12 will be hired locally. So he will be the guy who
13 will come here and hire the concrete, to hire the
14 crane, hire the gravel, so.

15 MR. JOSE ANTONIJUAN ELECOR: And he will come
16 here --

17 MR. JUAN PABLO DEVICENTE: He will come here
18 probably with one, two, or three people from his
19 team. I have to say that during the construction
20 of the project in Brazil, he was going here -- he
21 was to Brazil probably once a month. A week in a
22 whole month.

23 He's not going to stay here the whole
24 construction of the wind farm. He will create here
25 his team with local engineers and his team will

1 work on that. But his team will be created not one
2 day before construction starts, it will be created
3 several months ago.

4 MR. JOSE ANTONIJUAN ELECOR: But we're opening
5 an office in Oregon and we, most likely we will
6 have an office in Bozeman, maybe here or something
7 like this, some project office, during the peak of
8 the construction, that all depends.

9 It will be on how much expertise we find,
10 which we know there's plenty in Montana.

11 MS. DARLENE FAHRENBRUCH: Okay. But after the
12 project is completely done and it's up and running,
13 it will not soil Big Timber by 15 families, things
14 like that?

15 MR. JOSE ANTONIJUAN ELECOR: No, no, no. No.
16 It would be, just as I said, most of them will be
17 young engineers, and that's what we have in Brazil;
18 28, 30 years old engineers, hard-working engineers,
19 and some of them just married and some of them will
20 need some schools. And, so, so it's, it will be
21 part of the community.

22 MS. DARLENE FAHRENBRUCH: Okay. Thank you.

23 MS. ANNE COSSITT: Anybody else? Did you have
24 a question?

25 MS. DIANA TAYLOR: I do.

1 MS. ANNE COSSITT: Can you just stand up
2 enough, just to state your name. You don't have to
3 leave your chair, but just so that Jennifer can
4 hear you.

5 MS. DIANA TAYLOR: Okay. My name is Diana
6 Taylor; I'm the Mayor of Big Timber. And I'm
7 always interested in how a new project will impact
8 our community, but it sounds as though this would
9 be a very positive impact. And of course the city
10 council's very interested in wind projects. I'm
11 sorry we just didn't know about yours sooner.

12 So, I think that 20 people would be a
13 wonderful amount of people for Big Timber and we
14 have very good schools here. So, thanks.

15 MR. JOSE ANTONIJUAN ELECOR: I would add to
16 your comments. We had -- as I said, last week I
17 was in Brazil, we went with the two mayors of the
18 towns that they are really impacted by the project.
19 It has 63 owners, landowners, and it goes through
20 municipalities.

21 We invited two mayors plus people of the
22 municipalities. They are organized that the small
23 cities and they go, they have what they call the
24 MRC, which is a group of mayors, and we invited a
25 group of seven people that, from the community,

1 from the mayors and local officials, thank you, to
2 visit, to visit the site, so they could see what we
3 have done.

4 And we had a meeting with the mayor of
5 Estonia. He came and he talked to them. The
6 project has been in operation for three years, so
7 they already have accumulated a lot of experience.
8 And what he had said was absolutely very positive;
9 very positive on what the impact of the wind farm
10 to the community.

11 And we had a landowner who happens to be,
12 in addition happens to be a veterinarian. And he
13 has a lot of -- he knows, I mean, what's going on
14 in the, it was -- we have in Brazil, I think it's
15 12 or 13 owners, or 20 -- very few, yeah.

16 And so we were talking some of the
17 questions were how would the impact on the cows and
18 have there been less cows, more, more cows; and he
19 said in three years we didn't see any difference
20 whatsoever. And he's a veterinarian of the area.

21 So, but the mayor was very positive in
22 what the project impact on the area.

23 MS. DIANA TAYLOR: Thank you.

24 MR. JOSE ANTONIJUAN ELECOR: Because the
25 project is highly, highly qualified people, so high

1 salaries, which is always -- is always very
2 positive.

3 MS. ANNE COSSITT: Thank you. Other
4 questions? Comments? Yes.

5 MR. JIM DURGAN: I'd just make one comment.
6 I'm County Commissioner for Park County, adjoining
7 county. And my name is Jim Durgan.

8 If you're interested, or it would
9 probably be to your benefit, to visit the
10 commissioners of Wheatland County, Harlowton. I
11 think it's been a very, very positive impact on
12 their community and their -- the commissioners
13 themselves have invested a lot of time and effort
14 in that project over there.

15 And they would, I'm sure they would be
16 able to give you a very good rundown of just what
17 you might expect. And Harlowton is basically a
18 smaller community than Big Timber, but comparable,
19 I would say. And, you know, a ranching community,
20 so that you could visit with them about the impacts
21 on the agricultural operations also.

22 MS. DIANA TAYLOR: Thank you.

23 MS. ANNE COSSITT: Okay. Thanks. Anybody
24 else?

25 MS. DIANA TAYLOR: How many landowners are

1 involved, besides the State?

2 MS. ANNE COSSITT: Does anybody who worked on
3 the EIS, do you guys know how many landowners here?
4 How many?

5 MR. JUAN PABLO DEVICENTE: Yeah. There are
6 two landowners, private landowners, plus the inner
7 parcel.

8 MS. DARLENE FAHRENBRUCH: There's two.

9 MR. JOSE ANTONIJUAN ELECOR: In Spain we have
10 a wind farm which is more or less this size, and we
11 have 1,100 landowners. Just for a -- this, I don't
12 quote it please. It's true, 1,100.

13 MR. JUAN PABLO DEVICENTE: For just one wind
14 turbine, you have to negotiate leases probably with
15 20 or 30 landowners. Because parcels were split in
16 small parcels between sons, between grandsons, so.

17 MR. JOSE ANTONIJUAN ELECOR: I'm very
18 concerned about the area, also very agricultural
19 and so on, so we have to sign for each of them a
20 lease agreement. So it was a little bit of a
21 challenge and, but we survived.

22 I stated this in an act of -- but it's
23 true. It's very well accepted by all the
24 communities. There are other communities where we
25 had the feedback that said without the wind farm, I

1 mean, the city would have disappeared.

2 We also heard from some ranch owners who
3 said that the 21st Century wind ranches may support
4 the existence of the 19th Century ranches, because
5 we are harvesting the wind in addition to what is
6 being harvest in the area.

7 In our project in Brazil, it's rice, they
8 have rice. So, with the rice, they were very
9 dependent on cows, it was very difficult to
10 survive. So there is an additional revenue
11 that's -- that we have.

12 In Canada, it's maple trees. Maple
13 trees, they do syrup. And so now it's very much
14 labor intense, and the price, I mean, they're
15 losing money. So we had, working for them is going
16 to be an additional source of revenue.

17 And, for instance, we cannot touch one
18 single maple tree. So we had to build the project
19 around the trees, because we cannot touch any. So,
20 you know, we respect that, because it's their
21 income and so, so this type of things.

22 MS. ANNE COSSITT: Okay. Thanks.

23 Any other questions, comments?

24 Yes, Darlene.

25 MS. DARLENE FAHRENBRUCH: The leases, when

1 they start coming around to the landowners, et
2 cetera, each lease per each landowner -- I guess I
3 should be looking at him.

4 MS. ANNE COSSITT: Or Jennifer.

5 MS. DARLENE FAHRENBRUCH: Are they all
6 individualized, or is it one flat lease for each,
7 per company? Are they negotiated?

8 MR. JOSE ANTONIJUAN ELECOR: It's more or less
9 homogeneous. I mean, I could tell you that the
10 ones here are different than in Montana, or than in
11 Oregon, and than in Washington. But within the
12 same project, our philosophy has always been all
13 the same. In this case, the third landowner is the
14 government, and then we have to go, you know.

15 MR. JUAN PABLO DEVICENTE: Another thing is
16 that as Jose said before, the project was not
17 firstly developed by Enerfin. It was firstly
18 developed by other company, and then Alternity Wind
19 Power, and then we purchased 95 percent of
20 Alternity Power. They still have five percent, we
21 have now the 95 percent.

22 MR. JOSE ANTONIJUAN ELECOR: We have to
23 respect what they have financial.

24 MR. JUAN PABLO DEVICENTE: So we, the purchase
25 agreement with Alternity, we also purchase the

1 agreement with landowners. So we deed that, we
2 deeded the -- all the projects, and we analyze all
3 aspects of the projects. So the lease is with the
4 landowners, we have to respect all the leases, but
5 they were not negotiated by us.

6 Right now, we are negotiating an
7 agreement with all of the landowners. Different
8 areas have different concerns. So you have to deal
9 with them, with different, about different things.
10 Concerns in Quebec are different than in Montana,
11 different than Oregon, and different in Washington.

12 MR. JOSE ANTONIJUAN ELECOR: And in Brazil.

13 MR. JUAN PABLO DEVICENTE: And even in Brazil.

14 So they are different aspects, local aspects that
15 have an influence.

16 MR. JOSE ANTONIJUAN ELECOR: But basically
17 it's more or less the same. I mean, they are very
18 standard and there is a lot of communication among
19 people, and definitely within the same project,
20 they are very homogeneous.

21 MS. ANNE COSSITT: Okay. Did you get your
22 question answered?

23 MS. DARLENE FAHRENBRUCH: Well, enough for
24 now. All I know is I've had dealings with oil
25 companies when they started coming through, gas

1 companies, and I had, the front people would lie to
2 you right straight to your face, et cetera, and
3 subsequently I did not sign a lease.

4 But I found out that they are very varied
5 and they'll use, they will try to come in and just
6 take advantage of you. And I've heard a lot more
7 since then, I'm thankful I did not sign a lease, at
8 least at this time, but I'm wondering, you know, I
9 was wondering about how your company worked, et
10 cetera.

11 MR. JOSE ANTONIJUAN ELECOR: The project is
12 already developed, so we know the megawatt.

13 We hope, we hope to expand in the future
14 and we will be asking neighbors, I mean, one
15 question that was asked in Brazil by this group was
16 that, well, how do people that do not have wind
17 turbines, how did they react? Because obviously
18 you are paid by either you have wind turbines.

19 And they said, well, they're hoping that
20 the project gets expanded and you put wind turbines
21 in their land.

22 Well, but what I'm trying to say is that
23 right now we're not going to go out for leases on
24 everything, but hopefully, we hope that because
25 this is a very good area, we will expand, we will

1 go, and then we'll be talking to the different
2 landowners.

3 And I can guarantee you that, I mean, if
4 it is with us, it's going to be the same terms and
5 conditions of very much in use of what we have,
6 what we have right now.

7 Because at the end of the day, everybody
8 knows everything. We just don't want to make it a
9 secret or, I mean, we cannot -- we have our, we
10 cannot share certain type of information that they
11 are confidential, but I can tell you it's more or
12 less the same.

13 And if we expand and we go and see some
14 of the owners, we will be doing -- we will go with
15 contracts and see if they want, if they don't want.

16 MS. DARLENE FAHRENBRUCH: Okay. Thank you.

17 MS. ANNE COSSITT: Okay. Thank you. Any
18 other questions? Or comments?

19 (Whereupon, there was no
20 response.)

21 MS. ANNE COSSITT: Okay. Well, in that case,
22 we're going to close this public hearing, but we
23 will still be here, for a little bit.

24 So, as we're here, if you want to talk
25 with us, or if you want to go out and look at some

1 of those posters and other information out there,
2 we'll open up those doors, and feel free to ask any
3 of us a question. I have to say I'm probably not
4 full of answers, but there are folks here who
5 certainly are.

6 And I did not introduce -- I apologize --
7 myself. I am Anne Cossitt, and I am working with
8 Garcia and Associates, which is a contractor on
9 this project, to DNRC. And there's Pam Spinelli
10 and Graham Neale who are here from Garcia and
11 Associates, also called Ganda. So, thank you very
12 much, and with that, we're done.

13 (Whereupon, the public
14 hearing was concluded.)

15
16
17
18
19
20
21
22
23
24
25

1 CERTIFICATE

2 STATE OF MONTANA)

3 : ss.

4 COUNTY OF GALLATIN)

5 I, Jennifer D. Lewis, Court Reporter - Notary
6 Public in and for the County of Pierce, State of
7 Washington, do hereby certify:

8 That the public hearing was taken before me at
9 the time and place herein named, that the public
10 hearing was reported by me in shorthand and later
11 transcribed into typewriting under my direction, and
12 the foregoing pages contain a true record of the
13 public hearing, all done to the best of my skill and
14 ability.

15 IN WITNESS WHEREOF, I have hereunto set my hand
16 and affixed my notarial seal this _____ day of
17 _____, 2009.

18

19

20

21

22

Jennifer D. Lewis, Court Reporter

23

Notary Public, State of Washington

24

Residing at Bozeman, Montana

25

My commission expires: 4-25-2009