



October 28, 2024

Clean Energy Coordination
Department of Ecology
PO Box 47790
Olympia, WA 98504-7709

Re: Programmatic Environmental Impact Statement on Utility-Scale Onshore Wind Energy Facilities in Washington State

Dear Clean Energy Coordinator:

On behalf of our more than 100,000 members and supporters in Washington State, the Sierra Club submits these comments on the Programmatic Environmental Impact Statement (“PEIS”) on Utility-Scale Onshore Wind Energy Facilities in Washington State that the Washington State Department of Ecology (“Ecology”) released in September 2024.

Sierra Club understands the urgent need to transition away from fossil fuel technology to renewable energy as outlined in the Washington Clean Energy Transformation Act (“CETA”, RCW 19.405). When developed in an environmentally responsible manner with early and continuing Tribal consultation as well as in a manner consistent with our climate, conservation, and biodiversity goals, utility-scale wind offers substantial opportunities for Washington State. Wind installations will provide benefits for communities impacted by the air and water pollution from burning fossil fuels. The U.S. energy grid has disproportionately harmed people of color and low-income neighborhoods with the negative health impacts that come from living near or downwind from gas- and coal-fired power plants. As more renewable energy technology is brought online to serve electric customers, it will become easier to reduce the use of and retire gas power plants that contaminate air and water while also contributing heavily to poor public health, climate change, and extreme weather.

At the same time, Sierra Club stresses the need to adequately assess the impacts of new energy developments, implement appropriate guardrails, and site renewable energy generation in appropriate areas that both promote national and state goals and protect important and culturally



sensitive landscapes and sensitive species. Sierra Club has a keen interest in ensuring the PEIS for Utility-Scale Onshore Wind Energy Facilities in Washington State provides the full scope of information upon which project developers can draw in their efforts to determine where to site their facilities. To that end, Sierra Club believes that Ecology should make several improvements to the PEIS, as outlined below.

1. Ecology and other agencies should proactively consult with all appropriate tribes for any proposed renewable energy project and require project developers to offer similar consultation.

While the focus of an EIS is, by its very nature, a review of the potential environmental impacts of a proposed project, Sierra Club urges Ecology to identify that the first step for any proposed renewable energy project be true, transparent consultation between all state agencies and appropriate representatives of all appropriate federally recognized and unrecognized tribes, on a government-to-government basis.

In the spirit of the Centennial Accord signed in 1989 and RCWs 43.376.020, 70A.02.100, 70A.65.305, and other state laws, state agencies must offer tribes early, meaningful, and individual consultation for all projects and funding decisions that “may impact tribal resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which a tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order.”¹ Executive Order 13175 -- Consultation and Coordination With Indian Tribal Governments, of November 9, 2000, outlined similar responsibilities for federal agencies working with tribes.²

Furthermore, “[c]onsultation requires that information obtained from Tribes be given meaningful consideration.” Tribes have rights enshrined in treaties that predate settlement in these lands and

¹ RCW 70A.65.305, <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.65.305>

² Executive Order 13175 -- Consultation and Coordination With Indian Tribal Governments, 65 Fed. Reg. 218, 67249-67252 (November 9, 2000).



those rights must be respected (rights affirmed in *United States v. Winans* in 1923, *Sohappy v. Smith and United States v. Oregon* in 1969, *United States v. Washington* in 1974). Tribes have the right to gather, hunt, and fish at all usual and accustomed grounds and stations, and, as Judge Boldt reminded us all, they know best the location of those grounds and stations as well as that of sacred sites across the landscape.³

Sierra Club recommends that Ecology incorporate a commitment of all state agencies to engage in similar proactive tribal engagement for every proposed renewable energy project that develops after the PEIS. In addition, Ecology should require renewable energy project developers to also offer early, meaningful, and individual consultation for all projects and funding decisions that may impact tribal resources. Requiring developer engagement will ensure early coordination with tribes and prevent avoidable conflicts.

2. Ecology should broaden the range of wind projects defined as utility-scale installations.

Sierra Club urges Ecology to include smaller sized installations as meeting the definition of utility-scale installations as part of the portfolio in the PEIS. Project developers will look to the PEIS as a template, a model to follow. As such, presenting utility-scale wind options only in the range of 10 – 1,500 MW may preclude from consideration smaller options that can provide meaningful contributions to Washington’s clean energy future. The Department of Energy defines utility-scale land-based and offshore wind projects as those 1 MW or larger.⁴ Smaller scale installations will have less of an impact on the immediate environment and may be able to take advantage of localized conditions that may not be suitable for a larger scale project.

³ John C. Hughes. (2024) *Lightning Boldt: Judge George H. Boldt and a defining moment in tribal sovereignty*. Legacy Washington, Washington Secretary of State, Olympia, Washington; Charles Wilkinson. (2024). *Treaty Justice: The Northwest Tribes, the Boldt Decision, and the Recognition of Fishing Rights*. Seattle: University of Washington Press.

⁴ U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy. Wind Energy Market Sectors. (n.d.) [https://windexchange.energy.gov/markets#:~:text=The%20U.S.%20Department%20of%20Energy,than%201%20megawatt%20\(MW\).](https://windexchange.energy.gov/markets#:~:text=The%20U.S.%20Department%20of%20Energy,than%201%20megawatt%20(MW).)



The Department of Energy further offers examples of distributed wind applications for commercial and industrial energy use, applications in the range of 50 – 1500 kW. These smaller installations can be sized to meet localized demand and thus decrease the strain on the electric grid. As of the end of 2023, installed distributed wind capacity in the United States stood at 1,110 MW, with 10.6 MW of that in Washington State.⁵

3. Ecology should broaden the areas eligible for utility-scale wind to include degraded lands to ensure an equitable distribution of projects.

Sierra Club asks Ecology to rethink the siting assumptions for wind installations. Rather than “[c]hanging the use of these lands to a renewable energy facility” thus making “the land no longer available for . . . other uses for the life of the facility,”⁶ Sierra Club supports co-siting of wind turbines with agriculture, on already degraded lands throughout the state, and at other locations where the energy from wind can provide important benefits to the local community.

Early in 2024 the U.S. Department of Agriculture (USDA) and the U.S. Department of Energy (DOE) launched a partnership to bring smaller scale wind to farmlands: the Rural Energy for American Program (REAP).⁷ The program provides technical assistance and funding for farmers and rural communities hoping to invest in renewable energy. Then, rather than generating renewable energy to fulfill the demand of anonymous users hundreds of miles away, rural communities generate renewable energy to meet their own needs. The distribution of benefits across the state, as required by CETA, becomes more equitable.

In addition, superfund and brownfield sites dot the Washington landscape. Those locations should be high on the list for renewable energy development. According to the U.S. Environmental

⁵ Lindsay Sheridan, Kamila Kazimierczuk, Jacob Garbe, and Danielle Preziuso. (August 2024). Distributed Wind Market Report 2024 Edition. Pacific Northwest National Laboratory.

⁶ Anchor QEA. (September 2024). Programmatic Environmental Impact Statement on Utility-Scale Onshore Wind Energy Facilities in Washington State. Appendix I: Land Use Resource Report, p. 33.

⁷ U.S. Department of Agriculture. (February 26, 2024) New USDA/DOE Initiative to Help Farmers Access Wind Energy. <https://www.rd.usda.gov/newsroom/news-release/new-usdadoe-initiative-help-farmers-access-wind-energy>



Protection Agency, “Eighty percent of federally tracked contaminated lands, including Superfund sites, are in non-urban/remote locations. In addition, some non-urban/remote Superfund sites are large, encompassing thousands or tens of thousands of acres.”⁸ Superfund and brownfield sites tend to be near critical infrastructure as a result of their historical uses. This makes them prime candidates for repurposing as locations for renewable energy generation sites.

4. Ecology should expand its habitat analysis of critical and priority habitats.

Sierra Club urges Ecology to expand its analysis of critical and priority habitats, species of concern and endangered species to include maps of the habitats and flyways of birds and bats rather than just mentions of them in the Utility-Scale Wind PEIS.

Migration pathways of birds through Washington State are well known. The National Audubon Society, BirdCast, the Cornell Lab, and Colorado State University have produced maps of the routes of bird migrations. The U.S. Fish and Wildlife Environmental Conservation System provides an on-line tool for identifying the current spatial range of endangered and threatened species found in Washington.⁹ Migration patterns and critical habitat of birds must be protected when siting wind facilities.

Washington also is home to 15 bat species. Bat mortalities at wind turbines occur primarily during the spring and fall, during mating and migrating periods. Although none of the bats endemic to Washington are listed as endangered or threatened, Keen's myotis and Townsend's big-eared bat have been classified as state candidate species, and their habitat should be protected.¹⁰ Maps of that habitat should be included in the PEIS.

⁸ U.S. Environmental Protection Agency. (May 2011). Renewable and Alternative Energy at Superfund Sites. Harnessing New Source of Power, p. 2.

⁹ See U.S. Fish and Wildlife Service. (n.d.) ECOS Environmental Conservation Online System. Listed species with spatial current range believed to or known to occur in Washington. <https://ecos.fws.gov/ecp/report/species-listings-by-state?stateAbbrev=WA&stateName=Washington&statusCategory=Listed>

¹⁰ Washington State Department of Fish and Wildlife. (June 2013). Washington State Bat Conservation Plan. <https://wdfw.wa.gov/publications/01504>



Sierra Club applauds the Washington State Department of Ecology's efforts to produce a programmatic Environmental Impact Statement for Utility-Scale Onshore Wind Development. Sierra Club supports the just, equitable, and environmentally responsible expansion of wind, which has the potential to move the state away from its current dependence on fossil fuels, reduce emissions associated with electrical generation, and create a cleaner future for Washingtonians.

Sincerely,

Kathleen Saul, Ph.D.
Washington Chapter Sierra Club
Energy Committee

Margie Van Cleve
Washington Chapter Sierra Club
Conservation Co-chair