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January 17, 2024

Energy Facility Site Evaluation Council
ATTN: Horse Heaven Adjudication
621 Woodland Square Loop SE
P.O. Box 43172
Olympia, WA 98504-3172

Via Email: kathleen.drew@efsec.wa.gov
Via Email: sonia.bumpus@efsec.wa.gov

RE: *Scout Clean Energy, LLC, for Horse Heaven Wind Farm, Applicant*
Docket No. EF-210011

Dear EFSEC Councilmembers:

This office represents Benton County (the “County”), a party of record in the above-referenced proceedings. Benton County submits the following comments on the recommendation to the Governor for the proposed Horse Heaven Wind Farm (the “Project”) scheduled to occur during the January EFSEC Council meeting. In summary, Benton County is deeply concerned that neither the FEIS nor the Project meaningfully provides sufficient assurances regarding decommissioning.

The County recognizes that decommissioning is controlled by Chapter 463-72 WAC. Specifically, Scout must prepare a decommissioning plan that, among other requirements, “address[es] provisions for funding or bonding arrangements to meet the site restoration or management costs.” WAC 463-72-040(3). However, the Final Application for Site Certification (“ASC”) does not address the amount of funding that Scout will provide. Instead, the decommissioning plan attached as Appendix D to the ASC states “[a] detailed estimate of decommissioning costs will be prepared prior to construction for approval by EFSEC, such as a site closure bond, sinking fund, or other financial instrument. The Applicant will provide financial assurance in a form and an amount sufficient for site restoration, including evidence of pollution liability insurance coverage.”

The County is concerned that the financial assurances provided by Scout will be neither realistic nor sufficient to cover the actual costs of decommissioning. The County is especially concerned as financial assurances do not have to be provided until *after* a decision is made on the Project.

Estimates of decommissioning costs for wind turbines range from a conservative estimate of approximately \$200,000 to a high estimate of approximately \$700,000 per turbine.¹ Based on the size of the turbines proposed by Scout, the County anticipates a reasonable decommissioning cost would be in the high end at this range. As the ASC proposes a maximum number of 231 turbines, appropriate financial assurances would be in an amount in excess of \$100,000,000.

Benton County reiterates its position advanced during the adjudicative process that due to the size, scale, and scope of the Project, the Project is not compatible with other permitted uses and should not be granted a CUP or approved. Benton County also reiterates its position that the Project should not be approved as it results in the unlawful conversion of agricultural lands of long-term commercial significance in violation of the Growth Management Act, chapter 36.70A RCW.

Thank you for your consideration.

Very truly yours,



Kenneth W. Harper

Cc: Client
Parties of Record

¹ <https://www.wind-watch.org/documents/three-estimates-of-decommissioning-cost/>;
<https://www.instituteforenergyresearch.org/renewable/wind/the-cost-of-decommissioning-wind-turbines-is-huge/>;
https://windexchange.energy.gov/end-of-service-guide#_ftn22.