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BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application No. 2006-02
Desert Claim Wind Power Project

**DECLARATION OF DAVID. STEEB
IN SUPPORT OF WAC 463-28-030(1)
DETERMINATION**

David Steeb hereby declares:

1. I am the Project Director for the Desert Claim Wind Power project ("Desert Claim"), and have been its Project Director since 2001.
2. In 2001, enXco, Inc., the parent company of Desert Claim, began evaluating potential sites in Kittitas County for a commercial scale wind project. At that time, under Kittitas County Ordinance 2001-12, wind projects were allowed as a conditional use in all Ag-20, Forest and Range, Commercial Agriculture and Commercial Forest zoning districts. In 2002, the County enacted Ordinance 2002-19, which established the wind power siting provisions now found in Kittitas County Code chapter 17.61A. Under chapter 17.61A, a wind project may be permitted in any area zoned as Ag-20, Forest and Range, Commercial Agriculture or Commercial Forest, but it requires a Wind Farm Resource Development Permit and a development agreement, a site-specific amendment to the Comprehensive Plan land use designation map, and a site-specific rezone. After considering the wind resource, land availability, transmission access, potential environmental impacts and neighboring land

1 uses, Desert Claim selected a location for its project, approximately 8 miles northwest of
2 Ellensburg. The original project location is shown on **Exhibit 1**.

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4 3. After selecting a location for the project, Desert Claim considered its
5 permitting options. In 2001, the Legislature had amended EFSEC's statute to allow wind
6 projects to "opt in" to EFSEC jurisdiction, so Desert Claim had a choice of filing an
7 application with Kittitas County or with EFSEC. Looking at EFSEC's regulations, we
8 understood that, if we filed with EFSEC, the Council's proceedings would be stayed while
9 we made reasonable efforts to obtain County land use approvals. *See* WAC 463-28-030(1).
10 However, if we went through the County process and obtained County approvals, we would
11 not need EFSEC's approval as well. We concluded that the most efficient way to proceed
12 was to file an application with Kittitas County first. If the County did not approve the
13 project, we could file an application to EFSEC.

14
15 4. Prior to filing our County application, we met with Community
16 Development Services' planning staff to understand the County process, the application
17 requirements, and any issues or concerns about the project. After getting input from
18 planning staff, we finalized the project design and prepared the Application in a way that
19 would satisfy existing requirements and address concerns that had been identified.

20
21 5. Desert Claim filed an application with Kittitas County on January 28, 2003,
22 and the County accepted it as complete the following day. The application described a 180
23 MW wind power project, with 120 turbines spread out over a 5,237-acre project area.

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25 6. For more than two years, Desert Claim's application worked its way through
26 the Kittitas County process. The County published a Draft EIS in December 2003 and a
27 Final EIS in August 2004. In September 2004, Desert Claim developed a "draft"
28 development agreement with the planning staff and County attorney. After circulating this
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1 development agreement to the public, the Kittitas County Planning Commission and the
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3 Kittitas County Board of County Commissioners (BOCC) held joint hearings on October
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5 25-26, 2004. At the conclusion of those hearings, the Planning Commission recommended
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7 denial of Desert Claim's application. For the next five and a half months, the BOCC held a
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9 series of hearings and meetings to consider Desert Claim's application. After hearings held
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11 on November 8, November 9 and December 7, 2004, the BOCC asked us to revise our draft
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13 development agreement. On December 27, 2004, we submitted a revised development
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15 agreement, and the BOCC said further revisions might be necessary, and deferred any
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17 decision until January when two new commissioners would take office. The BOCC held
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19 meetings on January 11, 20 and 27, 2005, at which we reported on modifications to the
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21 revised development agreement that we had made based on discussions with the BOCC
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23 during the January meetings. On February 15, 2005, we presented another revised
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25 development agreement. The BOCC put this out for public comment and held public
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27 comment hearings on March 1 and 9, 2005. At the conclusion of the hearing on March 9,
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29 the BOCC deliberated and voted to deny Desert Claim's application. On April 5, 2005, the
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31 BOCC issued Findings of Facts, and Resolution 2005-46 formally denying Desert Claim's
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33 application.

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35 7. Desert Claim appealed the decision to Superior Court, but the court upheld
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37 the decision. *Desert Claim Wind Power, LLC v. Kittitas County*, No. 05-2-00243-6, slip.
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39 Op. at 11 (Kittitas Cty. Super. Ct. Nov. 4, 2005).

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41 8. Desert Claim then considered whether additional changes could be made to
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43 the Project to address concerns that were raised during the County process. We were able to
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45 obtain a lease on neighboring DNR land, and that allowed us to consolidate the Project on to
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47 contiguous parcels and eliminate portions of the Project that Sun East landowners objected

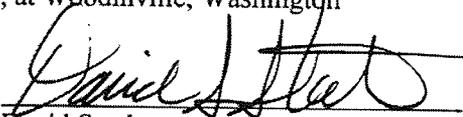
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to during the County process. We also made some additional changes to the Project and mitigation commitments to address concerns expressed during the County process.

9. On November 6, 2006, Desert Claim submitted an Application for Site Certification ("the Application") to EFSEC. The Application describes the Project that Desert Claim now proposes for certification by this Council. It consists of 90 turbines (2.0 MW capacity each), located on 4,783 acres of public and private land northwest of Ellensburg. **Exhibit 2** compares the Project Area to the area identified in the original application to Kittitas County.

I declare under penalty of perjury under the laws of Washington that the foregoing is true and correct.

Executed this 2nd day of March, 2007, at Woodinville, Washington


David Steeb