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BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

IN THE MATTER OF APPLICATION NO. 96-1)
) NO. 96-1
OLYMPIC PIPELINE COMPANY)
)
CROSS CASCADE PIPELINE PROJECT.)
_____)

PRE-FILED TESTIMONY OF
DAVID V. TAYLOR

ISSUE:

INADEQUACY OF APPLICATION AND IMPACTS ON KITTITAS COUNTY

SPONSOR:
KITTITAS COUNTY

Q Please introduce yourself to the Council.

1 A My name is David Taylor. I am the Kittitas County Planing Director and have been since 1997.
2 I've been with the Kittitas County Planning department since 1994. I received my BA in
3 Geography with a specialization in Land Studies from Central Washington University in 1995. I
4 am currently the Eastern Vice President of the Washington State Association of County and
5 Regional Planning Directors and a member of the Planning Unit of the Tricounty Water Resource
6 Agency which involves Yakima, Kittitas and Benton Counties.

7 Q. What is the subject of your testimony?

8 A. The general areas of my testimony which I will be touching on are the organization and structure
9 of the Kittitas County Planning Department; this department's expectations regarding the
10 adequacy of an application and information which we require in order to process an application;
11 the reasons we have concerns over the inadequacy of the project application; and the reasons for
12 the inability of this County to properly address the application. I will also be briefly addressing
13 specific issues regarding water rights concerns, endangered species issues, and our general
14 agreement with the many others involved in this EFSEC process that the application and the
15 DEIS are inadequate for proper review of this proposal to take place. Given the inadequacies of
16 the application and information presented to date as well as the admittedly "general terms" of the
17 testimony of Ms. Chaney, my comments will likewise be in somewhat general terms.

18 Q. Tell me about the Kittitas County Planning Department.

19 A. The Kittitas County Planning department consists of myself, three other planners, an officer
20 manager, and a GIS (Geographic Information System) manager. This office handles all land use
21 and planning issues for the County plus long range planning issues such as Growth Management.
22 The range of planning applications varies from critical areas evaluation for building permits to
23 review of major projects such as master planned resort applications. Long range projects vary
24 from changes in zoning text to adoption of growth management required planning documents.
25

1 The planning department also staffs various county Boards and commissions and is called to
2 testify and present information to the County Planning Commission, Board of Adjustment, Board
3 of Equalization and Board of Kittitas County Commissioners. We also serve in an advisory
4 capacity to the smaller jurisdictions within the County that do not have full time planning
5 departments. We are also involved in assistance and enforcement for state and federal agencies.
6 Given the extensive responsibilities that this relatively small planning department must
7 undertake, it is necessary for applicants to provide sufficient information for us to properly
8 process an application and address issues which may be of concern. As part of that process, it is
9 necessary that applicants for major projects fund the necessary studies to review project
10 applications for sufficiency and to fund independent studies to see to it that the public interest is
11 protected. For example, we currently have a pending Master Planned Resort application by
12 Trendwest Resorts, Inc. The EIS budget to date for that project alone is roughly two million
13 dollars. We attempt to maximize our process so that it is fair to both the applicant and the
14 public. Information is the key to an effective fair public process.

15 Q Ms. Chaney's testimony has indicated that the project would not require any water rights. Is it
16 your understanding that Olympic can simply withdraw water from the Cascade Irrigation Canal
17 or Kittitas Reclamation District?

18 A. No. It is my understanding that either a water right or change in use, place or purpose and/or
19 judicial authorization would be needed to use those waters for those purposes. Both of the
20 irrigation districts are part of the Auquavella surface water rights proceedings that are reviewing
21 the surface waters for the Yakima River Basin. Her testimony did not elaborate on how it is that
22 Olympic intends to obtain the legal use of that water.

23 Q. Turning to endangered and threatened species listing issues, when asked about environmental
24 impacts, Ms. Chaney indicated that there were no known threatened or endangered plant species
25 along the corridor nor were there bald eagle nests, spotted owl nesting areas or marbled murrelet

1 nest sites. As far as you know is this as accurate disclosure of the potentially threatened and
2 endangered species impacting this project?

3 A. Well, her answer appears to be accurate but misleading because of the omission of salmonoid
4 species. I have no reason to dispute the comments about the plants, eagles, owls, or marbled
5 murrelets. The problem is, however, that there is a threatened species listed in the project area
6 and also a second proposed listing that her testimony did not address.

7 Q. What are the threatened species listed and proposed to be listed?

8 A. The bull trout was listed as a threatened species for the Mid Columbia River, which includes the
9 Yakima River drainage, in June of 1998. Steelhead have also been proposed for listing in this
10 same region and it is our understanding that a decision is expected in March of this year.

11 Q. What concerns are raised by this listing and the apparent lack of understanding by Olympic of
12 these listing?

13 A. With one species already listed as threatened and another proposed for listing, it is vital that
14 EFSEC and Kittitas County have an analysis of potential impacts to these species. The fact that
15 this was not even mentioned by Olympic in their initial testimony would lead me to believe that
16 no such consideration has occurred. Such a listing would appear to magnify the consequences of
17 any construction and operational impacts.

18 Q. To your knowledge has there been any governmental response to the issues and concerns raised
19 by the Endangered Species Act?

20 A. There have been several bills introduced to the Legislature this year dealing with various issues
21 related to the Endangered Species Act. In addition, the Washington State Department of Ecology
22 has included Kittitas County as a Critical Salmon Basin. The final outcome of the various bills
23 and their effects on Kittitas County as a Critical Salmon Basin will not be determined until
24 probably April of this year. All potential impacts associated with the stream/river crossings of
25 the pipeline on listed or potentially listed species need to be better analyzed. In addition, the

1 Governor and the Salmon Recovery Office has had a draft Statewide Salmon Recovery Plan
2 published for some time. It is my understanding that a final plan will not be completed until later
3 this year. In addition, there is currently a proposed bill that would require the Governor and the
4 Salmon Recovery Office to have a final recovery plan to the appropriate federal agencies by
5 September 1, 1999. Until the recovery plan is finalized, Kittitas County is unable to determine if
6 the mitigation measures contained in the Olympic application are consistent with the plan.

7 Kittitas County is also an initiating government conducting watershed planning under HB
8 2514. One of the purposes of the watershed plan is to evaluate water quantity, water quality, and
9 habitat, all of which are relevant issues under ESA. The Olympic project could have drastic
10 impacts on water quality and habitat and Kittitas County must have more detailed analysis of
11 potential impacts to these issues.

12 Q. Do you know if any other government agencies or private individuals have expressed similar
13 concerns about the adequacy of the application and the DEIS?

14 A. Yes. As far as I understand concerns about the application and DEIS adequacy have been raised
15 by all of the effected counties, several state agencies, and others.

16 Q. Do you agree with those concerns raised by these others?

17 A. Yes. Kittitas County endorses and supports the testimony of all of the other witnesses, experts
18 and parties that express concerns about adequacy and recommend further information and study
19 regarding issues involving, among other things, the aquifer issues, spill response issues, critical
20 areas, riparian issues, fire suppression, emergency response, Endangered Species Issues, critical
21 slopes, rivers and stream crossings, traffic and transportation, agriculture, land and shoreline
22 uses, and water.

23 Q. Is it your understanding that the prefiled testimony you are presenting is only for the adjudicatory
24 phase and not for the Land Use consistency review question?

25 A. Yes. It is my understanding that the information developed in the land use consistency hearings

will be incorporated into the adjudication phase, but that the consistency hearings are a separate phase of the process and that the prefiling requirement does not apply to the consistency question.

Q. Will Kittitas County therefore be submitting more detailed information regarding consistency issues during those hearing which are not being addressed in this adjudication phase?

A. Yes.

Q. Does that complete your testimony?

A. Subject to updating the Council on new developments relating to threatened and endangered species, yes.

END OF TESTIMONY OF WITNESS

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DECLARATION OF SERVICE

The undersigned certifies under penalty of perjury that on the below date, I mailed or caused delivery of a true copy of this document as authorized by WAC 463-30-120(2)(a) to: the Energy Facility Site Evaluation Council and Counsel for All Parties at the regular office or residence thereof.

Dated this _____ day of _____ 1999 at Seattle, Washington.

Paula Polet

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