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April 24, 2007

**VIA EMAIL AND FIRST CLASS MAIL**

Jim Luce, Chair  
Energy Facility Site Evaluation Council  
PO Box 43172  
Olympia, WA 98504-3172

**Re: Desert Claim Wind Power – Request for Extension**

Dear Chairman Luce:

On January 30, 2007, the Council held a Land Use Consistency Hearing on the Desert Claim Wind Power Project in Ellensburg, and found that the Project is not consistent with Kittitas County's land use plans and zoning ordinances. Under the Council's regulations, an applicant must file a written request for preemption "within ninety days after completion of the public hearing . . . or later if mutually agreed by the applicant and the Council." WAC 463-28-040.

As you are aware, Desert Claim's motion regarding WAC section 463-28-030(1) is still pending before the Council, and in supplemental briefing, Desert Claim has outlined a possible middle ground involving the applicant and the County spending an additional thirty days to try to reach agreement. Desert Claim believes it makes sense to wait until the motion is resolved and any subsequent process is defined before requesting preemption. Accordingly, Desert Claim requests an extension until May 31, 2007 to file a preemption request.

Sincerely,

  
Karen M. McGaffey

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cc: Allen Fiksdal, EFSEC Manager (via email)  
Mike Tribble, CFE (via email)  
Neil Caulkins, Kittitas County (via email)