BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of
Application No. 2009-01
WHISTLING RIDGE ENERGY, L.L.C.

WHISTLING RIDGE ENERGY PROJECT

APPLICATION NO. 2009-01
City of White Salmon Statement of Legal Issues

COMES NOW the City of White Salmon, and in accordance with EFSEC Prehearing Order No. 1 (Council Order No. 84238), submits this statement of legal issues. The City's interest in this matter is focused on ensuring that the appropriate factual information is developed, weighed and considered when the Council evaluates the application both under its SEPA analysis (Ch. 43.21C) and energy facility siting criteria (Ch. 80.50 RCW). The development of project-related information will occur throughout the proceeding.

The City is concerned, specifically, with ensuring that the socioeconomic impacts and benefits of the Project on White Salmon are given the appropriate weight and consideration in this process, rather than the Project receiving disproportionate or inappropriate consideration of the aesthetic, visual and environmental issues raised by
project opponents as a basis for project denial. To this end, the legal issue of the City of White Salmon is as follows:

Does the Project adequately address all the environmental criteria and substantive siting criteria to support its approval for siting and development as proposed by Whistling Ridge energy?

Because the City’s participation on this issue is largely factual, the City assigns no specific legal issue analysis to a defined point of law or statutory provision at this time.

DATED this ____ day of August, 2009.

City of White Salmon

David Poucher, Mayor