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

The Klickitat and Cascade Tribes of the Yakama Nations (“Intervenors”) submit the following:

A. Summary of Issues

In accordance with Prehearing Order No. 1, Council Order No. 842, the Klickitat and Cascade Tribes of the Yakama Nations submits the following:

In our Petition to Intervene, we identified the following specific issues of concern to the Klickitat and the Cascades Tribes of the Yakama Nation:

1. The creation of new, clean renewable energy to mitigate and reverse a legacy of energy generation sources that have caused pollution to our natural resources, consumed our water resources and been harmful to our people, and to avoid new, damaging electrical generation resources that could further harm the interests of our people;

2. The economic stability and benefits of this Project;
3. The environmental benefits of the Project, including without limitation the suitability of the Project site for the use of the land for clean, renewable energy generation, in tandem with forestry resource use, and its ability to deter the continuing conversion of land uses to inappropriate uses that are harmful to our people, including damage to fish resources in the Columbia River. Such damaging conversions include residential development and agricultural practices (including vineyards) that introduce soil runoff, herbicides, pesticides and other contaminants into the River, impairing our fishing rights;

4. The suitability of the Project site for the ongoing use of the land and vicinity, by the Tribe, for traditional purposes, and for the perpetuation of our lifestyle;

5. The balance of visual and aesthetic impacts of the Project with the natural resource and environmental benefits of the Project; and

6. The diversification of business opportunities through use of the resources naturally occurring in Skamania County.

**B. Legal and Jurisdictional Issues**

1. For most of the issues set forth above, we intend to participate in these proceedings in two major areas: (1) responding to contentions made by the Friends of the Gorge and SOSA related to visual and aesthetic issues, and issues related to cultural resources; and (2) issues that may be raised at a later time, related to environmental impacts, and the appropriate balance of how those impacts are considered, including the appropriate levels of significance assigned to those impacts. In particular, given the legacy of harmful forms of energy generation and its negative impacts on the natural environment and our people, we intend to ensure that our voice is heard concerning the opportunity projects like the Whistling Ridge Energy Project provide to reverse these negative impacts.

2. Some of our issues involve legal considerations, including interpretation and application of policies concerning the Columbia River Gorge National Scenic Act, including
policies to protect scenic, natural and cultural resources, and whether the protections required under the Act extend beyond the designated area. The applicability of the “Savings Clause” is of importance to the Interveners.

3. Additionally, the Interveners are concerned with any contention that the Skamania County zoning code and applicable Comprehensive Plans do not fully allow the Whistling Ridge Project.

We reserve the right to identify additional legal issues and argument in response to arguments made by other parties to these proceedings.

DATED this ___ day of August, 2009.

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Chief Johnny Jackson
Cascades Tribe of the Yakama Nation

DATED this ___ day of August, 2009.

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Chief Wilbur Slockish
Klickitat Tribe of the Yakama Nation