

BEFORE THE STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of
Application No. 2009-01

WHISTLING RIDGE ENERGY LLC
WHISTLING RIDGE ENERGY PROJECT

NOTICE OF OPPORTUNITY TO RESPOND
TO PETITION FOR INTERVENTION OF
CONFEDERATED TRIBES

September 4, 2009

The Yakama Nation Cultural Resource Program of the Confederated Tribes and Bands of the Yakama Nation ("Petitioner") on August 10, 2009, filed with the Washington State Energy Facility Site Evaluation Council ("Council") a petition for intervention in this matter. It was posted on the Council's website on August 24, 2009.

The petition states that the Confederated Tribes is an organization that is authorized and organized under United States law to represent the interests and the positions of member tribes in proceedings affecting the culture and heritage of its members, including places with cultural value and including usual and accustomed places. It further represents that it is the exclusive organization with that authority and that the Confederated Tribes has authorized the Culture Committee to represent its interests in this proceeding. The petition represents that petitioner did not learn of the petition for intervention of the Klickitat and Cascades tribes (which it wishes to address) in adequate time to confirm its authority to participate and to prepare and present its petition.

The petition also states that petitioners Klickitat and Cascades Tribes are not recognized in the legal organization approved under federal law, nor does the organization that is legally approved recognize the position of chief of a tribe. The petitioner asks that it be allowed to participate as the only authorized representative of the Confederated Tribes and Bands of the Yakama Nation and its members, and that Mr. Slockish and Mr. Jackson be permitted to represent themselves only, if their participation is allowed to continue.

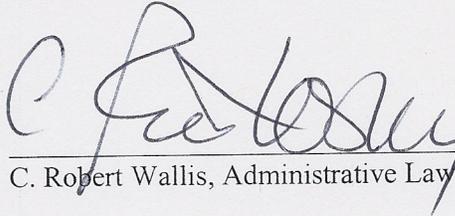
The first issue for the Council's decision is whether to allow the intervention. Any party wishing to do so may respond to the question of allowing late intervention.

The second issue is whether the Council may or should dismiss or limit the intervention of the Klickitat and Cascades Tribes and their representatives, Mr. Slockish and Mr. Jackson. The Intervenor Klickitat and Cascades Tribes have the right to answer the petition. Another party believing it has an interest in the apparent legal dispute between the Cultural Resource Program and Intervenors Klickitat and Cascades Tribes may state and provide legal support for its contention and present its position; if the Council agrees that a legal interest exists the Council will consider the submission and any responses to it.

Answers to the petition are due in the Council offices no later than September 4, 2009. Replies may be filed no later than September 11. Because of the short time frame, submissions will be considered timely if received electronically in the Council offices no later than 3 p.m. on the dates indicated, are simultaneously sent electronically to the service list, and hard copies are postmarked on the date indicated and received in due course by the Council.

WASHINGTON ENERGY FACILITY SITE EVALUATION COUNCIL

Dated in Olympia, Washington this 27th day of August, 2009.



C. Robert Wallis, Administrative Law Judge