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July 13, 2009

Washington Energy Facility Site Evaluation Council
Attn: Allen J. Fiksdal, Manager
PO Box 43172
905 Plum St SE, 3rd Floor
Olympia WA 98504-3172

Re: Whistling Ridge Energy Project: No. 2009-01
Save Our Scenic Area Petition for Intervention;
Notice of Unavailability of Counsel

Dear EFSEC:

Enclosed herewith is the Petition for Intervention by Save Our Scenic Area (SOSA). An electronic copy of the petition, consistent with the Notice of Opportunity to file intervention petitions, will be emailed.

This is also to notify the Council that I will be unable to attend the Pre Hearing Conference (PHO) scheduled for July 28, 2009 because of a long scheduled time away from the office. I requested staff to try and arrange a date when I would be available in an email to the parties and staff on May 27, 2009, but the July 28, 2009 date was the most convenient for staff and the parties. I will be unavailable from July 23 until August 3.

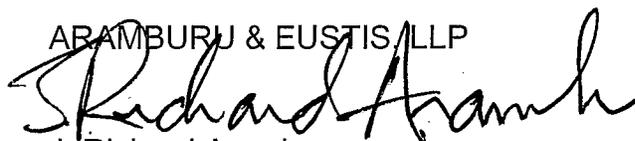
During the PHO, the interests of SOSA will be represented by Gary Kahn, who represents other intervenors. I recognize that the PHO does not call for any written objections to intervention petitions, but rather "oral argument on objections, if any, to petitions for intervention and to consider whether to grant the petition" during the PHO. Notice of June 24, 2009, page 4. However, to the extent that the other parties, particularly the applicant, can communicate whether they intend to object to SOSA's petition, and on what grounds, it would be helpful in coordinating SOSA's response with Mr. Kahn. I will be available until the close of business on July 22. I thank counsel and the parties in advance for any possible courtesies in this regard.

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If you have questions concerning any of the above, please do not hesitate to call, write or email.

Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

JRA/cc

cc: SOSA
Parties

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITING COUNCIL

In the Matter of:)	SAVE OUR SCENIC AREA'S
EFSEC Application No. 2009-01)	PETITION FOR INTERVENTION
)	
Whistling Ridge Energy, LLC)	
)	
Whistling Ridge Energy Project)	
)	
_____)	

Pursuant to RCW 34.05.443, RCW 80.50.090, and WAC 463-30-091, Save Our Scenic Areas (“SOSA”) requests Intervenor status in the above-referenced proceeding.

I. PETITIONER

1.1 IDENTIFICATION OF PETITIONER

SOSA is a non-profit corporation, its members and supporters dedicated to protecting and enhancing the environmental and scenic resources of the Columbia River Gorge. SOSA membership includes residents and landowners who reside within and near the Columbia River Gorge National Scenic Area. SOSA’s members recreate, hike, view wildlife, own land, farm, and work in areas that would be affected by the Whistling Ridge Energy Project. SOSA’s name and mailing address are:

Save Our Scenic Area
PO BOX 41
Underwood WA 98651

SOSA represents itself and the interests of its members in this petition.

II. PETITIONER'S ATTORNEYS

Petitioner Save Our Scenic Area is represented by:

J. Richard Aramburu
Aramburu & Eustis, LLP
720 Third Avenue
Suite 2112 Pacific Building
Seattle, WA 98104-1860
Telephone (206) 625-9515
Facsimile (206) 682-1376
Email rick@aramburu-eustis.com

III. STATEMENT OF SOSA'S INTEREST IN THIS PROCEEDING

3.1 SOSA HAS PARTICIPATED AT ALL STAGES OF REVIEW OF THIS PROPOSAL AND HAS EXPERTISE IN THE APPLICABLE AREAS OF LAW.

SOSA's mission is to protect and enhance the environmental resources and scenic values of the Columbia River Gorge and surrounding lands. Because the Whistling Ridge Energy Project has the potential to cause significant adverse impacts to numerous resources in or near the Columbia River Gorge, SOSA has participated during all stages of government review related to this proposal.

In these EFSEC proceedings, SOSA submitted oral and written testimony during the SEPA scoping meeting and land use consistency hearing that were held on May 6 and 7, 2009. SOSA's testimony addressed many of the issues listed in this Petition.

SOSA has also participated in the SEPA review by the Washington State Department of Natural Resources ("DNR") of leasing DNR land for portions of the Whistling Ridge project in Klickitat County. SOSA has urged DNR to coordinate with EFSEC on a comprehensive review of the entire project, including the portions in both counties.

SOSA has also appealed Skamania County Resolution No. 2009-22, the County's

Certification of Land Use Consistency Review for the Whistling Ridge Energy Project, to the Columbia River Gorge Commission to challenge the County's determination that industrial facilities are allowed within the General Management Area of the National Scenic Area. The issues raised in SOSA's appeal are relevant to the EFSEC proceedings.

SOSA has also participated at all stages of Skamania County's process for revising the Skamania County Code to authorize wind energy facilities, including a successful appeal of the County's SEPA Determination of Non-Significance for the legislative action. In finding in favor of SOSA and other Appellants in that case, the Skamania County Hearing Examiner determined that preparation of an environmental impact statement ("EIS") was necessary, which document has yet to be prepared.

SOSA has expertise in federal, state and local laws and regulations related to the project review, including but not limited to the Washington State Environmental Policy Act, the National Environmental Policy Act, the Columbia River Gorge National Scenic Area Act, and local land use regulations. SOSA has a demonstrable interest in seeing all applicable laws properly implemented.

3.2 SOSA'S INTERESTS EXTEND TO ALL POTENTIAL LEGAL, PROCEDURAL, ENVIRONMENTAL, AND SOCIOECONOMIC ISSUES PERTINENT TO THE PROJECT.

Absent preparation of environmental documents, it is not possible to compile a comprehensive list of SOSA's potential issues of concern. Neither a SEPA scoping report nor a draft environmental impact statement ("DEIS"), much less a final environmental impact statement (FEIS), has yet been completed as of the date of this filing. Preparation of these documents are critical to determining the full scope of potential issues of concern. Therefore, SOSA specifically requests the right to add or delete issues following the completion of the DEIS for this project. In addition,

because of the broad nature of SOSA's goals and issues of concern, SOSA requests that it not be limited to any particular issue, but be allowed to participate with respect to all issues before EFSEC.

SOSA submits the following non-exhaustive list of issues:

1. Whether the project and the EFSEC process are consistent with all applicable laws and regulations, including but not limited to all county laws and rules, the State Environmental Policy Act, the Columbia River Gorge National Scenic Area Act, the National Environmental Policy Act, EFSEC and DNR laws and regulations, laws and rules pertaining to the National Forest system, and all laws and regulations related to water quantity, water quality, air quality, solid and hazardous waste, spills, wetlands, forest practices, and wildlife.
2. Whether all of the project's potential impacts to the environment have been adequately assessed and avoided or mitigated, including any and all issues and matters listed in the SEPA/NEPA Scoping Report and any and all issues discussed in the DEIS and FEIS.
3. Whether environmental and permitting review of the project may be piecemealed, or whether all portions of the project, including the portions in both Skamania and Klickitat Counties, must be reviewed together.
4. Whether impacts on plants, wildlife, and habitat, including any threatened, endangered, and sensitive species, have been adequately assessed and avoided or mitigated.
5. Whether the project adversely impacts avian species, habitat, and/or migratory corridors, including whether those impacts have been adequately assessed and avoided or mitigated.
6. Whether the project adversely impacts mammal species and/or habitat, including whether those impacts have been adequately assessed and avoided or mitigated.
7. Whether the project adversely impacts fish species and/or habitat, including whether those

impacts have been adequately assessed and avoided or mitigated.

8. Whether soil erosion and water quality impacts have been adequately assessed and avoided or mitigated.
9. Whether impacts to forest habitats and resources have been adequately assessed and avoided or mitigated.
10. Whether noise impacts to wildlife and surrounding communities have been adequately assessed and avoided or mitigated.
11. Whether adverse impacts to recreational opportunities have been assessed and avoided or mitigated, including but not limited to recreational resources in the Columbia River Gorge National Scenic Area, the Columbia River, the Lewis and Clark Historic Trail, the Historic Oregon Trail, the Lower and Upper White Salmon Wild and Scenic River Areas, and the Gifford Pinchot National Forest.
12. Whether adverse impacts to cultural resources have been adequately assessed and avoided or mitigated.
13. Whether adverse impacts to nearby land uses have been adequately assessed and avoided or mitigated.
14. Whether any and all issues involving economic impacts and benefits of the project, including any issues involving the economic viability of the project, have been adequately assessed and avoided or mitigated.
15. Whether all public health or safety concerns and risks, including but not limited to fire risk, blade throw, ice throw from turbine blades, tower collapse, noise, vibrations, day and nighttime lighting, and interference with aircraft, have been adequately assessed and avoided

or mitigated.

16. Whether all light and glare impacts, including but not limited to light, glare, daytime and nighttime views from sensitive areas such as the National Scenic Area, and light pollution impacts to views of the sky, have been adequately assessed and avoided or mitigated.
17. Whether the project has adequately planned for decommissioning of the facility in the event of a financial disaster, natural disaster, and the conclusion of the project's life cycle.
18. Whether impacts to communications and utility facilities have been adequately assessed and avoided or mitigated.
19. Whether the impacts from construction, modification, and use of roads and transmission lines have been adequately assessed and avoided, and mitigated.
20. Whether the impacts from the construction phase of the project have been adequately assessed, avoided, and mitigated.
21. Whether the project has adequately planned for site restoration of the project area.
22. Whether aesthetic and visual impacts to the surrounding lands and community have been analyzed and avoided or mitigated.
23. Whether indirect and cumulative impacts have been assessed and avoided or mitigated.
24. Whether the project involves any beneficial changes to the environment.
25. The production capacity versus the name plate capacity of the project, the capacity of the electricity grid to accommodate the generated energy, the need for backup power to supplement the intermittent production of power from wind turbines, and the indirect and cumulative impacts of creating demand for additional transmission lines within the grid.
26. Whether there are other alternate locations for wind turbine development that are found in

areas of better wind resources but at less environmental damage.

27. SOSA also has an interest in all procedural matters that may arise during the adjudicatory process.

28. SOSA also specifically requests the right to raise and/or address any issue identified by any of the other participants in this matter.

3.3 SOSA'S INTERESTS WOULD BE IMPAIRED AND IMPEDED IF THIS PETITION FOR INTERVENTION IS NOT GRANTED.

SOSA is a non-profit organization whose members who rely on the organization to protect the resources of the Columbia River Gorge, particularly in Skamania County and surrounding lands, by advocating for the effective implementation of federal, state, and local laws. SOSA's interest in protecting the resources of the Columbia River Gorge and surrounding lands would be impaired and impeded if EFSEC denies this Petition for Intervention, because approval of the project without SOSA's participation could result in the degradation of the resources the organization is charged with protecting.

IV. NATURE OF PARTICIPATION REQUESTED

4.1 SOSA REQUESTS FULL PARTICIPATION.

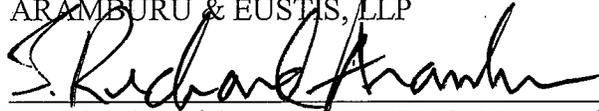
SOSA requests to be heard in these proceedings and to be afforded the right to participate in these proceedings to the full extent authorized by EFSEC rules. SOSA's request includes, but is not limited to, the right to have notice and appear at any and all hearings or proceedings, to produce evidence and cross-examine witnesses, to be heard through counsel by written and oral argument, to be served as a party with copies of all pleadings and other materials filed with EFSEC, and to participate in any other way as may be appropriate.

4.2 NO PREJUDICE OR DISRUPTION FROM SOSA'S PARTICIPATION

SOSA's participation in these proceedings will not prejudice any party to these proceedings. SOSA's participation will not unduly delay these proceedings nor disrupt the Council's ability to conduct these proceedings in an orderly fashion.

Dated: This 13th day of July, 2009.

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu, WSBA #466, Attorney for SOSA

VERIFICATION

STATE OF WASHINGTON)

County of Klickitat)

Thomas Deach, being first duly sworn on oath, deposes and says:

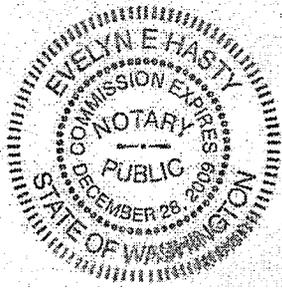
I am an agent of the Petitioner above and am authorized to make this Verification on Petitioner's behalf. I have reviewed the foregoing Petition for Intervention, know the contents thereof, and believe the same to be true.

Tom Deach
President, Member, SOSA

SUBSCRIBED AND SWORN TO before me this 13th day of July, 2009.

Evelyn E. Hasty

NOTARY PUBLIC in and for the State of
Washington, residing at Wood River, OR
My appointment expires: 12-28-2009



CERTIFICATE OF SERVICE

I am an employee in the law offices of Aramburu & Eustis, LLP, over eighteen years of age and competent to be a witness herein. I hereby certify that on the date below written I served a true and correct copy of this Petition for Intervention by first class mail and email on all parties listed in Attachment A of the Order Commencing Adjudicative Hearing and the additional parties listed below.

Original petition and one copy to:
Washington Energy Facility Site Evaluation Council
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nathan@gorgefriends.org

Dated: This 13th day of July, 2009.



Carol Cohoe, Secretary, Aramburu & Eustis, LLP