

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)
_____)

SEATTLE AUDUBON SOCIETY'S
PETITION FOR INTERVENTION

RECEIVED

JUL 16 2009

**ENERGY FACILITY SITE
EVALUATION COUNCIL**

Seattle Audubon Society (Seattle Audubon) hereby files this petition to intervene in the above proceeding according to RCW 34.05.443, RCW 80.50.090, WAC 463-30-091 and the Notice of Opportunity dated June 24, 2009.

I. Identification of Petitioner

Seattle Audubon is an independent 501(c)(3) non-profit organization with approximately 5,500 member households. Founded in 1916, Seattle Audubon's mission is to cultivate and lead a community that values and protects birds and the natural environment. As an affiliated chapter of the National Audubon Society (NAS), we collaborate with NAS's state office, Audubon Washington, on issues of local and regional importance while maintaining our independent status as a leader in environmental affairs. Seattle Audubon's mailing address is:

Seattle Audubon
8050 35th Ave NE
Seattle, WA 98115

II. Statement of Petitioner's Interests

Seattle Audubon has a direct and specific interest in the outcome of this proceeding that will be impaired or impeded if intervention is not granted. The members, volunteers, and staff of Seattle Audubon have a robust set of historic and ongoing activities that are likely to be impacted by this proceeding.

A. Activities related to the enjoyment of birds and nature.

Our members regularly participate in birding-watching activities in all parts of Washington State, including in areas within the vicinity of the proposed project. Our volunteers have an established track record of organizing and leading group bird-watching field trips; we also have individual members who pursue non-structured bird-watching outings. These field trips and outings go to all parts of the state, including to forested lands of the Columbia River Gorge area in Skamania and Klickitat counties. Seattle Audubon also maintains Bird Web, an online guide for individuals interested in learning about the birds of Washington, including information regarding species of special concern, rarities, and a searchable database. The potential for the Whistling Ridge Energy Project to impact opportunities to view, learn about and enjoy both resident and migratory bird species is of specific interest to Seattle Audubon.

B. Activities related to protecting at-risk birds of our region.

Seattle Audubon has a direct and ongoing interest in protection, conservation and restoration efforts for numerous bird species, including several native to the project area and adjacent lands. This includes most prominently our advocacy efforts on behalf of the Northern Spotted Owl, listed as a threatened species under the federal Endangered Species Act and as an endangered species by the State of Washington. Seattle Audubon has been one of the leading organizations working to secure protection for the owl at both the federal and state level. We currently serve as co-chair for the state-sponsored collaborative stakeholders' process the *Washington State Policy Working Group on Conservation of the Northern Spotted Owl*. Seattle Audubon is also actively working with the U.S. Fish and Wildlife Service to improve the federal recovery plan for the owl. Northern Spotted Owls are documented present within the vicinity of the proposed project, as are Northern Goshawks, Golden Eagles, Pileated Woodpeckers, and Vaux's Swifts (*State Candidate Species for listing*) as well as Turkey Vultures and Western Bluebirds (*State Monitor Species*). In addition, Olive-sided Flycatchers, Cooper's Hawks, and MacGillivray's Warblers (*species included on Audubon Washington's Vulnerable Birds List*) are also documented present within the vicinity of the proposed project. The potential for the Whistling Ridge Energy Project to impact these and other at-risk bird species is of specific interest to Seattle Audubon.

C. Activities related to protecting forest habitat for birds and other wildlife.

Seattle Audubon is involved in numerous forest protection efforts. Our organization has worked to protect important forest habitat through a wide range of approaches, from land acquisition to incentive programs to improved government regulation. The conifer forests of Washington State are of particular interest, as they provide critical habitat for a wide range of species. The proposed project is in the vicinity of multiple recognized important forest habitat areas, including the state designated "White Salmon" Spotted Owl Special Emphasis Area (SOSEA) and Department of Natural Resources' Habitat Conservation Plan (DNRHCP) "Klickitat Planning Unit", as well as the federally delineated "Klickitat" Conservation Support Area (CSA). SOSEAs and DNRHCP lands are intended to provide a greater level of protection of potential habitat for Northern Spotted Owls, and CSAs identify forest habitat that can provide important contributions to owl recovery. As one of the first wind power projects to be

considered for a forested landscape in Washington State, together with its proximity to a SOSEA, DNR HCP lands and a CSA, the potential for the Whistling Ridge Energy Project to impact forest habitat is of specific interest to Seattle Audubon.

D. Activities related to combating climate change and developing a sustainable energy future.

Seattle Audubon supports development of well-designed, appropriately-sited renewable energy projects in Washington State. Our members have an interest in the responsible use of natural resources and protection of the planet's ecosystems from the impacts of global climate change. Seattle Audubon was an active participant in the development of the Washington Department of Fish and Wildlife's "2009 Wind Power Guidelines" recently completed. The potential for the Whistling Ridge Energy Project to impact the level of carbon and greenhouse gas emissions as well as the development of renewable energy resources in the region is of specific interest to Seattle Audubon.

E. Activities related to monitoring bird populations.

Seattle Audubon volunteers and staff conduct regular bird surveys to monitor species' population status and trends. We have collected over 80 years of data through our annual Christmas Bird Count, as well as conduct additional surveys, bird-banding studies, and other citizen science monitoring projects. The potential for the Whistling Ridge Energy Project to impact the type and scope of the ongoing birding monitoring efforts, including involvement by non-governmental organizations in the design and implementation of such efforts, is of specific interest to Seattle Audubon.

III. Conclusion

For the reason provided above, Seattle Audubon requests that the Council grant its motion to intervene. Intervention by the Seattle Audubon is timely filed and would not unduly delay the proceeding and would not prejudice the rights of the existing parties. This proceeding is important not only because of the potential impacts of the Whistling Ridge Energy Project itself, but because it is one of the first wind power projects to be considered for a forested landscape in Washington State. The environmental review will need to include a more detailed analysis of several issues that make this proposal different from other wind power projects located on agricultural and/or shrub steppe habitat in central and eastern Washington; experience and knowledge gained from existing projects in the state may not be "transferable" to a project such as this being proposed for a very different environment.

DATED: July 15, 2009

Seattle Audubon Society

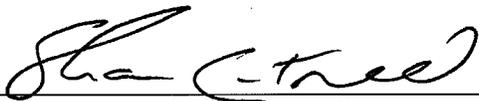


Shawn Cantrell, Executive Director

VERIFICATION

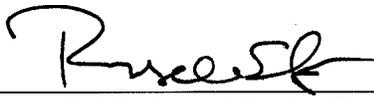
STATE OF WASHINGTON)
)
County of King)

Shawn Cantrell, being first duly sworn on oath, deposes and says:
I am a duly authorized agent of the Petitioner, Seattle Audubon Society, and I have read the foregoing document, know the contents thereof and believe the same to be true.


Shawn Cantrell, Executive Director
Seattle Audubon Society

SUBSCRIBED AND SWORN to before me this 15th day of July, 2009.

RUSSELL E. STEELE
Notary Public
State of Washington
My Commission Expires
February 22, 2010


Notary Public in and for the State of Washington
residing at 2704 NE 97th St Seattle, WA 98145
My Commission expires Feb. 22, 2010