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8                   BEFORE THE STATE OF WASHINGTON  
9                   ENERGY FACILITY SITE EVALUATION COUNCIL

10 In the Matter of  
11 Application No. 2009-01

12 WHISTLING RIDGE ENERGY, L.L.C.

13 WHISTLING RIDGE ENERGY  
14 PROJECT

Application No. 2009-01

Skamania County Economic  
Development Council Petition to  
Intervene

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17 **I. INTRODUCTION**

18           The Skamania County Economic Development Council (“SCEDC”) respectfully  
19 submits this petition to intervene pursuant to RCW 34.05.443, WAC 463-30-091, and  
20 the Notice of Opportunity and Closing Date to File Petitions for Intervention issued by  
21 the Energy Facility Site Evaluation Council on the 24th day of June, 2009, in this matter.  
22 Intervention should be granted as SCEDC, the Skamania County entity that promotes  
23 county economic development, has an interest in this proceeding which will be impaired  
24 if intervention is not granted.

25                   **Identification of the Petitioner**

26                   Skamania County Economic Development Council  
                    167 NW 2nd  
                    PO Box 436

1 Stevenson, WA 98648  
2 (509) 427-5110 (phone)/(509) 427-5122 (fax)

3 **II. STATEMENT OF PETITIONER'S INTERESTS**

4 The SCEDC is a private, non-profit corporation organized under section 501(c)(3)  
5 of the Internal Revenue Code. The SCEDC was created to define, support and promote  
6 policies and activities that contribute to the economic stability and growth of the  
7 businesses and citizens of Skamania County. It coordinates the use of public and  
8 private resources to achieve a diversified, balanced and healthy economic environment.  
9 SCEDC provides these services through contracts with Skamania County, the cities of  
10 Stevenson and North Bonneville, the Port of Skamania County, the Skamania County  
11 PUD and the Washington Department of Community Trade and Economic  
12 Development. In the spring of 2006, CTED transferred administration of the Columbia  
13 Gorge National Scenic Area Economic Development Program (the Washington  
14 Investment Fund) to the SCEDC.

15 The specific issues of concern to SCEDC include:

- 16 1. The creation of family-wage jobs;
- 17 2. The economic stability and benefits of this project; and
- 18 3. The diversification of business opportunities through use of the resources  
19 naturally occurring in Skamania County; and
- 20 4. The effect that various interpretations of the National Scenic Area  
21 legislation has on these interests.

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23 **III. LEGAL ANALYSIS**

24 Washington regulation provides that “[o]n timely application in writing to the  
25 council, intervention shall be allowed to any person upon whom a statute confers a right  
26 to intervene and, in the discretion of the council, to any person having an interest in the

1 subject matter and whose ability to protect such interest may be otherwise impaired or  
2 impeded.” See WAC 463-30-091. SCEDC has an interest in the Whistling Ridge  
3 Energy Project (“Whistling Ridge”) as it is a county-based organization charged with  
4 seeking out new business opportunities, encouraging and giving direction to economic  
5 stability and growth of businesses and jobs in Skamania County.

6 Our charge is not to support a single economic sector with indifference to, or at  
7 the expense of, other sectors. The SCEDC serves all economic sectors: industrial,  
8 manufacturing, tourism, agriculture and hi-tech. Diversification among all these sectors  
9 is critical to Skamania County, something we have been striving for since the decline of  
10 the timber industry began in the 1980s. This county is still recovering from that  
11 experience, even as receipt of the federal timber dollars is coming to an end in the next  
12 four to five years.

13 The challenges faced by Skamania County for economic development revolve  
14 around the fact that ninety-seven percent (97%) of the County’s land mass is  
15 unavailable for residential, business and commercial development. The bulk of the land  
16 mass is federal forest and state forest, and a significant additional portion is in the  
17 National Scenic Area. Of the three percent of the county land mass available for  
18 economic development, some of it has already been developed yet many areas lack the  
19 urban infrastructure to support new development. Infrastructure-intensive development  
20 is difficult to bring in if the utilities do not exist to support it.

21 The existing limitation on land available for economic development in this county  
22 is exacerbated by the interpretation that various groups have sought to have applied to  
23 it under the authority of the Columbia River Gorge National Scenic Area legislation. In  
24 the present matter, various entities have advanced the theory, to EFSEC, that the legal  
25 effect of the NSA does not stop at its border. Instead, they seek to have this Council  
26 impose a visual barrier to the entire NSA boundary, such that if anything outside the

1 NSA can be seen from within the NSA, then the intent of the NSA legislation must be  
2 applied to any attempt to develop those lands outside the NSA. This argument is not  
3 supported by the enabling legislation, and would have a catastrophic effect on the  
4 continued economic viability of this county. On a clear day, from various vistas within  
5 the NSA, one can see for an incredible distance north, south, east or west. Attached  
6 hereto as Exhibit A is a map that shows, in yellow, the land available for urban  
7 development, and shown in orange is the NSA land. If the argument that the limiting  
8 effect of the NSA really extends beyond its boundaries to any land that can be seen  
9 from the NSA is adopted, there would be little opportunity for economic development in  
10 this county.

11 Already, there is considerable human resource and revenue leakage by virtue of  
12 workers travelling west out of the county to work in the Vancouver/Portland metro area.  
13 Although these workers bring their wages home that were earned elsewhere, they shop  
14 in the larger urban areas, and the tax revenues generated from those activities stay in  
15 the Vancouver/Portland metro area rather than in Skamania County. However,  
16 Skamania County still has to provide a level of service to these residents, services that  
17 are funded by tax revenues that are leaking out. Not only is there tax revenue leakage,  
18 but there is a human resource leakage as well. Residents who must commute out of  
19 county to find family wage jobs are not in the community have less time to volunteer in  
20 the schools, serve as volunteer firemen or coach little league teams.

21 In this fashion, lack of family wage jobs costs Skamania County its sense of  
22 community and prevents the robust, diversified economy the SCEDC strives to support.  
23 Application of the NSA effects to the remainder of the county would destroy the  
24 economic viability of every community in Skamania County.

25 Whistling Ridge is the first wind energy facility to be proposed for development in  
26 Skamania County, a project which will create family-wage jobs and contribute to the

1 economic stability of this county in a variety of ways. Keeping those jobs in the county  
2 helps retain our most valuable resource – our community members. The project itself  
3 does not demand the expansion of urban infrastructures and will not be located on the  
4 small amount of remaining residential, business and commercial land available for  
5 development. Unlike other types of development, wind energy generation facilities do  
6 not place a heavy demand on governmental services. At the same time, nature of the  
7 project itself - an electrical generation project - contributes to the utility infrastructure  
8 that forms the backbone of any healthy, diversified economy. The county's economic  
9 development interest and the diverse ways it will be impacted by a project such as this  
10 is a perspective unique and specifically assigned to the SCEDC. Consequently, how the  
11 project is reviewed and if approved, how it is conditioned by EFSEC has a direct impact  
12 on the interests of SCEDC. It is this unique and critical perspective of SCEDC that will  
13 provide valuable input in assisting the Council in its assessment of the Whistling Ridge  
14 proposal.

15 SCEDC's intervention and participation in this matter will not unduly delay or  
16 impede these proceedings, as SCEDC is willing and able to comply with the notices,  
17 hearings and other participatory requirements of and as established, from time to time,  
18 by the Council.

19

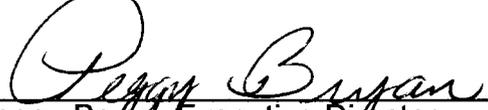
#### 20 **IV. CONCLUSION**

21 Based on the foregoing, SCEDC respectfully requests that the Energy Facility  
22 Site Evaluation Council ("Council") grant its petition to intervene in these proceedings.  
23 The outcome of this matter is of interest not only to the Applicant, but will have a  
24 permanent and significant affect on the economic interests of the entire county. SCEDC  
25 wishes to be heard as a voice in these proceedings and to be afforded the right to fully  
26

1 participate in all aspects and issues in accordance with the rules and regulations that  
2 guide the Council in this matter.

3 DATED this 10 day of July, 2009.

4 SKAMANIA COUNTY ECONOMIC  
5 DEVELOPMENT COUNCIL

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7 Peggy Bryan, Executive Director

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1 **VERIFICATION**

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3 Peggy Bryan declares as follows:

4 I am the Executive Director for the Skamania County Economic Development  
5 Council, the party seeking intervention in this Petition for Intervention. I have personal  
6 knowledge of the facts in this declaration and am competent to testify to those facts.

7 I have read the foregoing Petition for Intervention. I verify that the factual  
8 allegations in the Petition for Intervention are true, and request that the Petition for  
9 Intervention be granted.

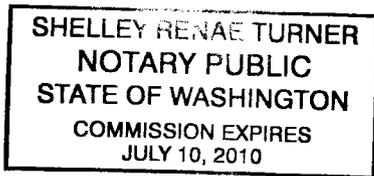
10 I declare under penalty of perjury under the laws of the State of Washington that  
11 the foregoing is true and correct.

12 EXECUTED at Stevenson, Washington, this 10 day of July, 2009.

13  
14 Peggy Bryan  
15 Peggy Bryan

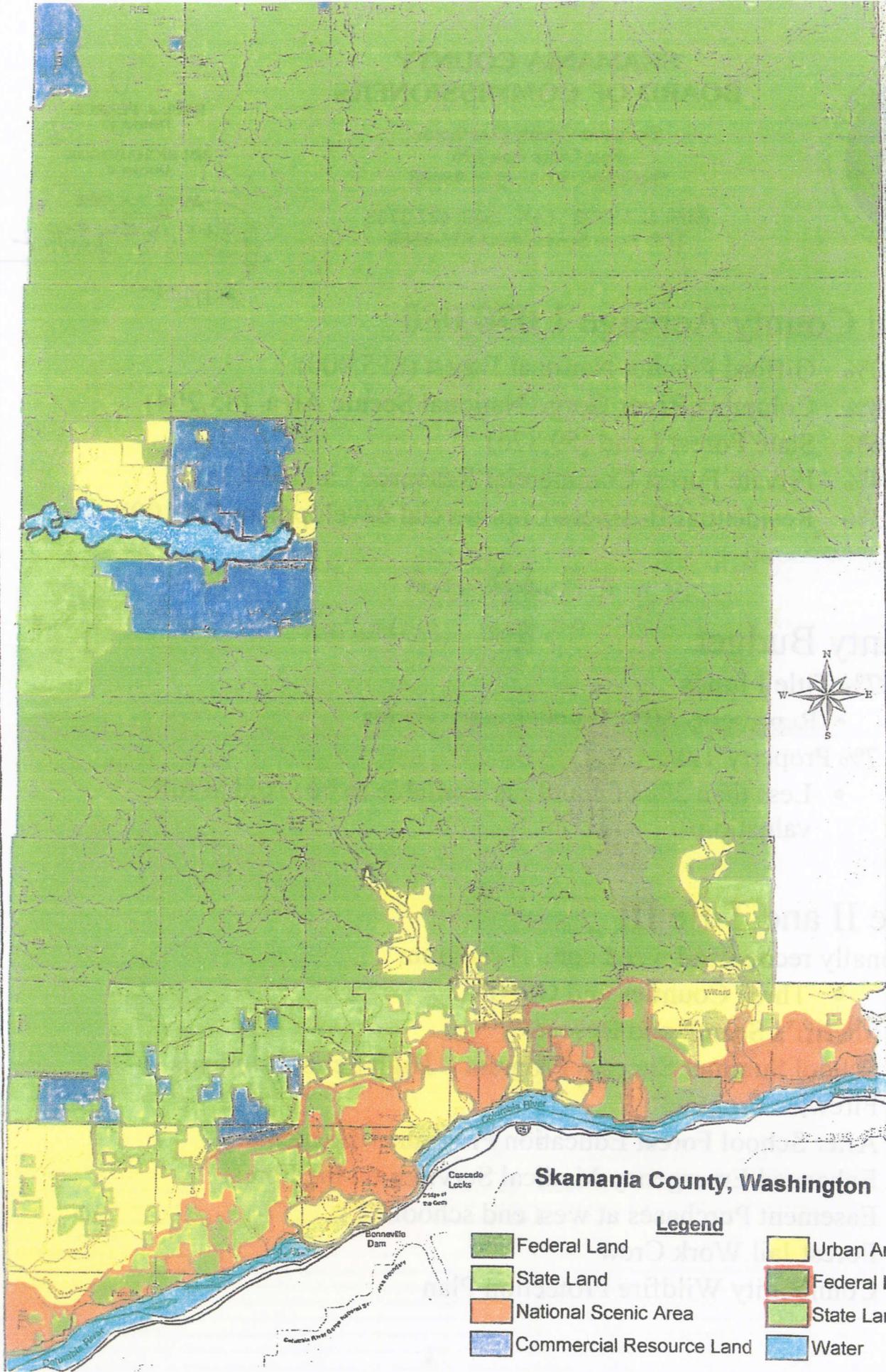
16 SUBSCRIBED AND SWORN to before me this 10<sup>th</sup> day of  
17 July, 2009.

18 Shelley R. Turner  
19 (Signature of Notary)



20 Shelley B. Turner  
21 (Legally Print Name of Notary)

22 Notary public in and for the State of  
23 Washington, Residing at Carson  
24 My appointment expires July 10, 2010



**Skamania County, Washington**

**Legend**

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|--|--|
|  Federal Land             |  Urban Areas, Cities Private Land |
|  State Land               |  Federal Land w/in NSA            |
|  National Scenic Area     |  State Land w/in NSA              |
|  Commercial Resource Land |  Water                            |

*Exhibit A*

CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of July, 2009, I served a true copy of the foregoing *Skamania County Economic Development Council's Petition to Intervene* on the following named person(s) by the following method:

Mailing/ U.S. first-class postage prepaid

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Energy Facility Site Evaluation Council  
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Olympia, WA 98504-3172

Kyle Crews  
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Office of the Attorney General  
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*Of Attorneys for EFSEC*

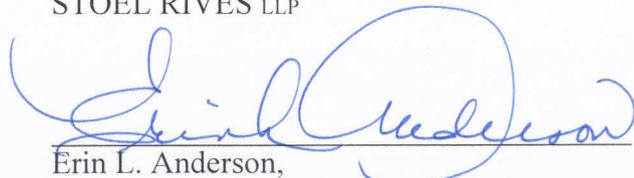
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*Counsel for the Environment*

DATED: July 14, 2009.

STOEL RIVES LLP



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