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5 BEFORE THE STATE OF WASHINGTON
6 ENERGY FACILITY SITE EVALUATION COUNCIL

7
8 In the Matter of
9 Application No. 2009-01

10 WHISTLING RIDGE ENERGY, L.L.C.

11 WHISTLING RIDGE ENERGY PROJECT
12

Application No. 2009-01

Petition to Intervene by the Klickitat and
Cascades Tribes of the Yakama Nation

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14 **I. INTRODUCTION**

15 We are the hereditary Chiefs of the Klickitat and Cascades Tribes of the Yakama Nation.
16 The Columbia River Gorge and its surrounding areas are the homeland of our people. We are
17 direct descendents of people who have occupied this area for many centuries and we seek to
18 intervene in support for SDS Lumber Company's proposed Whistling Ridge Energy Project.

19 On behalf of the Klickitat and Cascades Tribes of the Yakama Nation, we respectfully
20 submit this Petition to Intervene pursuant to RCW 34.05.443, WAC 463-30-091, and the Notice
21 of Opportunity to File Petitions for Intervention issued in this matter. For the reasons set forth
22 below, intervention should be granted, and we have unique interests in this proceeding which
23 will be impaired if intervention is not granted.

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1 treaty fish resources and rights. From an environmental perspective, wind is the obvious way to
2 move forward.

3 Individuals and groups like Save Our Scenic Area (“SOSA”) and Friends of the Gorge,
4 claim that SDS should not be allowed to develop wind energy in this area because it is near what
5 the federal Government has designated as a National Scenic Area. Our Tribes were the original
6 protectors of this “Scenic Area”, long before SOSA or Friends of the Gorge. The U.S.
7 Government began ruining our scenic resources hundreds of years ago, and has continued to do
8 so, but we have had to accept these changes in the interest of society. Wind towers do not
9 destroy the natural scenery any more than the existing highways, cities, transmission lines, dams,
10 trains, cars, air pollution and people have already done. Wind power can help to reverse this
11 damage to our homeland, including its air and water, by introducing clean, renewable energy,
12 displacing other sources that have brought untold damage to our homeland.

13 In over 60 years in the community, SDS Lumber Company has consistently proven its
14 commitment to responsible management of resources. We believe it best for the environment
15 and for our community to allow SDS to develop wind energy on its lands. We have investigated
16 the SDS property and believe there are no cultural, archaeological or other sensitive resources
17 and that this is an acceptable place for wind energy to occur. The abundance of wind and
18 existing disturbance such as the Bonneville Power Administration transmission lines right on the
19 SDS property, make this a better place for a wind farm than other sites.

20 In summary, the specific issues of concern to the Klickitat and the Cascades Tribes of the
21 Yakama Nation include:

- 22 1. The creation of new, clean renewable energy to mitigate and reverse a legacy of
23 energy generation sources that have been harmful to our people, and to avoid new, damaging
24 electrical generation resources that could further harm the interests of our people;
- 25 2. The economic stability and benefits of this Project;

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

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

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

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

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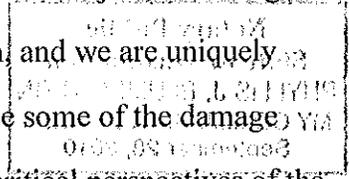
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III. LEGAL ARGUMENT

16 "Intervention shall be allowed . . . to any person having an interest in the subject matter
17 and whose ability to protect such interest may be otherwise impaired or impeded." WAC 464-
18 30-091. For the reasons set forth above, the individual Tribes of the Yakama Nation whose
19 homelands are located along the Columbia River have a unique interest in the Whistling Ridge
20 Energy Project. How the Project is reviewed and if approved, how it is conditioned by EFSEC
21 has a direct impact on the interests of our people.

22 Other parties do not adequately represent the interests of the Klickitat and Cascades
23 Tribes of the Yakama Nation. We are familiar with the natural resources of the Columbia River
24 area and the Columbia Gorge, including the area designated by the Federal government as a
25 Scenic Area. Our people live in the vicinity of the Whistling Ridge Energy Project, and our
26 ancestors are buried in the vicinity. We fish and hunt, gather food and medicinal plants and

1 roots, and depend on the land in the vicinity of the Project for the perpetuation of our lifestyle.
2 We uniquely understand the damage done historically in the vicinity of the Project, including
3 damage done by the dams, nuclear power and coal electrical generation, and we are uniquely
4 situated to discuss the balance of visual impacts with the need to reverse some of the damage
5 done in the past, and to restore clean air and water. These unique and critical perspectives of the
6 Klickitat and Cascades Tribes of the Yakama Nation will provide valuable input in assisting the
7 Energy Facility Site Evaluation Council and the Governor in the assessment of the Whistling
8 Ridge Energy Project.



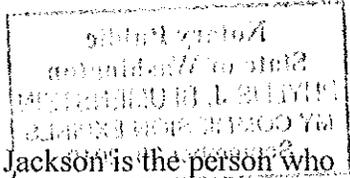
9 **IV. CONCLUSION**

10 Based on the foregoing, we respectfully request that the Energy Facility Site Evaluation
11 Council grant this Petition to Intervene. The outcome of this matter is of interest not only to the
12 Applicant, but will have a permanent and significant affect on the interests of our people. We
13 wish to be heard as a voice in these proceedings and to be afforded the right to fully participate
14 in all aspects and issues in these proceedings, as identified above.

15 DATED this 14 day of July, 2009.

16 *Chief Johnny Jackson*
17 Chief Johnny Jackson
18 Cascades Tribe of the Yakama Nation

19 STATE OF WASHINGTON)
20) ss.
21 COUNTY OF Klickitat



22 I certify that I know or have satisfactory evidence that Johnny Jackson is the person who
23 appeared before me, and said person acknowledged that he read and signed this document, on
24 oath stated that this instrument is true and accurate.

25 Dated: 7-14-09
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing *Petition to Intervene by the Klickitat and Cascades Tribes of the Yakama Nations* upon all parties of record in this proceeding, by authorized method of service, listed below, pursuant to WAC 463-30-120(3):

- Mailing/ U.S. first-class postage prepaid
- Hand delivery

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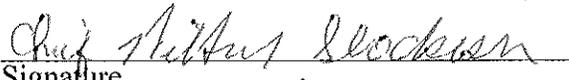
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DATED: 7/14, 2009.


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