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2
3 BEFORE THE STATE OF WASHINGTON
4 ENERGY FACILITY SITE EVALUATION COUNCIL

5 In the Matter of Application No. 2009-01:
6 WHISTLING RIDGE ENERGY LLC;
7 WHISTLING RIDGE ENERGY PROJECT

8 SKAMANIA COUNTY AND
9 KLUCKITAT COUNTY PUBLIC
10 ECONOMIC DEVELOPMENT
11 AUTHORITY'S JOINDER IN
12 APPLICANT'S REPLY TO MOTION TO
13 REOPEN THE ADJUDICATIVE RECORD
14 AND MOTION TO STRIKE

15 Skamania County and Klickitat County Public Economic Development Authority join in
16 the Applicant's Reply To Friends Of The Columbia Gorge And Save Our Scenic Area's Joint
17 Motion To Reopen The Adjudicative Record For Limited Purpose; Applicant's Motion To Strike
18 (Reply).

19 Project Opponents cite to no authority which supports their motion. Not one legal cite
20 addresses this situation. Rather, the cites address Governor remand protocol;¹ the scheduling of
21 public hearings generally;² past EFSEC orders on permit application amendments;³ and statutes
22 governing judicial, as opposed to agency review.⁴ The Reply explains this. Rather than reiterate
23 these arguments, the counties write separately to emphasize their concerns on Project
24 Opponents' attempts to derail Whistling Ridge, not through meritorious legal argument, but
25 delay. Project Opponents' motion is consistent with their primary objective; to stall review.

26 ¹ RCW 80.50.100(2). Effective July 22, 2011, codified at RCW 80.50.100(3). See E2ndSSB 5769.

² RCW 80.50.090.

³ Council Order 757 (April 20, 2001) and Council Order 758 (May 16, 2001) on the Sumas 2 Energy Generation Facility.

⁴ RCW 34.05.562.

SKAMANIA COUNTY/KCPEDA
JOINDER IN APPLICANT'S REPLY- 1

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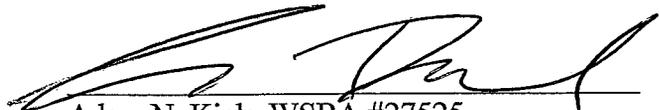
1 A key EFSEC objective is “[t]o avoid costly duplication in the siting process and
2 ensure that decisions are made timely and without unnecessary delay.”⁵ This objective
3 cannot be achieved where an adjudicative proceeding is reopened after an extensive hearing
4 process has been completed, where the issues raised have already been addressed, and no legal
5 basis is presented. This is particularly the case where delay tactics have been used throughout
6 the entirety of a siting proceeding.
7

8 At a time when local governments are hurting economically, and when Skamania County,
9 a jurisdiction with limited resources, desperately needs this project,⁶ delays and high review
10 costs acutely impact the host community. While it is perhaps now commonplace in this nation
11 for special interest groups to game the system to achieve parochial, self-interested objectives,
12 Washington State, including the state’s energy-siting process, need not countenance such tactics.
13 Whistling Ridge either meets EFSEC criteria or it does not. Parochial gamesmanship has no
14 place here. The two counties request that EFSEC deny the motion, and complete Project review.
15

16 RESPECTFULLY SUBMITTED, this 14th day of June, 2011.

17 ADAM NATHANIEL KICK
18 Prosecuting Attorney for Skamania County

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21 

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23 Susan Drummond, WSBA #30689

24
25 ⁵ RCW 80.50.010, emphasis added.

26 ⁶ Skamania County and Klickitat County Public Economic Development Authority’s adjudicative briefing addressed this issue.