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7 BEFORE THE STATE OF WASHINGTON  
8 ENERGY FACILITY SITING EVALUATION COUNCIL

9 In the Matter of the Application of:

10 Scout Clean Energy, LLC, for  
11 Horse Heaven Wind Farm, LLC,  
12 Applicant.

DOCKET NO. EF-210011

PETITION TO INTERVENE BY  
TRI-CITIES C.A.R.E.S.

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15 1. MOTION.

16 Tri-Cities C.A.R.E.S. (Tri-Cities Community Action for Responsible  
17 Environmental Stewardship), a Washington non-profit corporation, petitions this  
18 Council for permission to intervene in this adjudication as a full party.

19 2. IDENTIFICATION OF PETITIONER.

20 Tri-Cities C.A.R.E.S. was incorporated as a non-profit corporation in Washington  
21 state on June 2, 2022. UBI Number 604 920 493. The organization maintains a  
22 website at <http://www.tricitiescares.org>. The organization received Section 501(3)(3)  
23 status on August 7, 2022. The organization's mission, as stated on its website, is the  
24 support of "local conservation of wildlife, their ecosystems, and local decision-making  
25 to preserve the picturesque natural landscapes that make our communities unique,  
26 healthy, and beautiful." Attached is a statement of petitioner of "Major Issues with the  
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1 Horse Heaven Wind Project” (Link available at website  
2 <https://www.tricitiescares.org/initiatives/saveourhorseheavenhills>). Tri-Cities C.A.R.E.S.  
3 also has a mailing list of over 1,600 interested subscribers and has made presentations  
4 before multiple local civic organizations including Chambers of Commercial (local and  
5 regional) and groups such as Kiwanis, Tri-Dec<sup>1</sup>, and “Visit Tri-Cities.” The organization  
6 has met with council members, city managers and mayors of area cities (Kennewick,  
7 Richland, West Richland, Benton City) and Benton County representatives. Tri-Cities  
8 C.A.R.E.S. has also participated in media communications, including Northwest Public  
9 Broadcasting and the Tri-City Herald.

10 3. IDENTIFICATION OF COUNSEL FOR PETITIONER.

11 Tri-Cities C.A.R.E.S. is represented by attorney at law J. Richard Aramburu:

12 J. Richard Aramburu  
13 Law Offices of J. Richard Aramburu, PLLC  
14 705 2<sup>nd</sup> Ave, Suite 1300  
15 Seattle WA 98104-1797  
16 Tel. (206) 625-9515  
17 FAX (206) 682-1376  
18 E-mail Rick@aramburu-eustis.com, aramburulaw@gmail.com

16 4. INTEREST IN THE SUBJECT MATTER AND INTERESTS PROTECTED.

17 Tri-Cities C.A.R.E.S. has organized to preserve and protect the natural  
18 landscapes and natural features in the greater Tri-Cities area. The organization has  
19 previously been involved in communicating its concerns to local citizens, organizations  
20 and decision makers. Counsel for Tri-Cities C.A.R.E.S. has previous experience  
21 representing interests of citizen intervenors in the Whistling Ridge adjudication, EFSEC  
22 Application No. 2009-01.

23 The applicant Scout Clean Energy, LLC, for Horse Heaven Wind Farm, LLC,  
24 filed an Application for Site Certification (ASC) with this Council on February 8, 2021,  
25 which was amended on December 1, 2022. By filing its ASC, it sought to remove its

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27 <sup>1</sup>Tri-City Development Council.

1 application from review by the local land use jurisdiction, Benton County. Moreover, in  
2 its “Order Finding Proposed Site Consistent with Land Use Regulations” (Council Order  
3 No. 883, May 17, 2022), EFSEC made a preliminary determination that the proposal  
4 was consistent with Benton County land use codes, but reserved a determination of  
5 consistency with conditional use criteria that “*may be held concurrent with, or separate*  
6 *from the adjudication related to the application for site certification under RCW*  
7 *80.50.090(3).*” Order No. 883 at 5. As such, the ability to protect Tri-Cities C.A.R.E.S.  
8 interests, which formerly were subject to review under local regulations and  
9 procedures, is limited to participation before this council in its upcoming adjudication.

10 While Benton County may participate in these proceedings, granting Tri-Cities  
11 C.A.R.E.S. intervention will provide the Council with the interests and views of the  
12 public and of impacted landowners which are not represented by local government. In  
13 this regard, the Council can take judicial notice that this application is for the largest  
14 renewable energy project proposed in the state, with up to 244 wind turbines, three  
15 distinct installations of solar panels, substantial battery storage systems, at least four  
16 new electric substations, 870 acres of temporary roads, miles of new security fencing  
17 and substantial new transmission lines. The applicant indicates nameplate capacity for  
18 the project at 1,150 MW. Given the sheer magnitude of the project, full opportunity to  
19 participate by interested local groups and interests is critical to a fair and just  
20 adjudication of all interests.

21 As indicated in WAC 463-30-092: “In general, it is the policy of the council to  
22 allow any intervenor broad procedural latitude.” In this regard, and to protect its  
23 interests, Tri-Cities C.A.R.E.S. requests that it be granted full intervenor status,  
24 allowing it to present testimony and evidence, cross-examine witnesses, file briefs and  
25 participate in the adjudication as a full party. Petitioner has already filed substantial  
26 SEPA comments (February 1, 2023) and a list of contestable issues (January 31, 2023)

1 consistent with the Order Commencing Adjudication. These documents can be  
2 reviewed here:

3 <https://mega.nz/folder/7CBX3JCQ#r6hXO7LZEh-1WJKgw9vFQ>

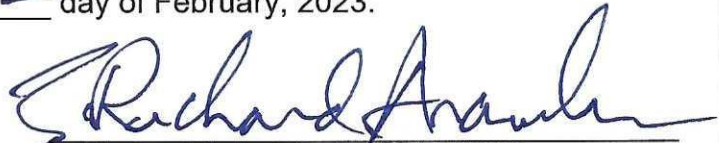
4 These comments and contestible issues are also in the project file and incorporated by  
5 reference. It is likely Tri-Cities C.A.R.E.S. will employ and present expert testimony  
6 during the course of the hearing.

7 Petitioner does not believe its participation will unduly delay these proceedings  
8 and intends to participate fully in the prehearing conference scheduled by the  
9 adjudication order for March 10, 2023 if granted intervention.

10 5. CONCLUSION AND REQUEST FOR RELIEF.

11 TRI-CITIES C.A.R.E.S. respectfully requests that the Council grant its petition  
12 for intervention with full rights of a party in these proceedings.

13 Respectfully submitted this 3<sup>rd</sup> day of February, 2023.

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15 J. Richard Aramburu, WSBA #466  
16 Attorney for Tri-Cities C.A.R.E.S.

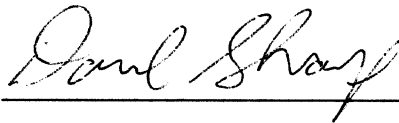
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VERIFICATION

I swear or affirm under penalties for perjury under the laws of the State of Washington that the information herein is true and accurate to the best of my knowledge and belief.

Dated: February 2, 2023

TRI-CITIES C.A.R.E.S.



By: David Sharp

(Typed Name)

Its: Board Member

(Title)