

**BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL**

In the Matter of the Application of:

Scout Clean Energy, LLC, for
Horse Heaven Wind Farm, LLC,
Applicant

DOCKET NO. EF-210011

PRELIMINARY ORDER ON
INTERVENTION

Procedural Setting:

On December 15, 2022, the Energy Facility Site Evaluation Council (EFSEC or Council) issued the *Order Commencing Agency Adjudication; Setting Deadline for Petitions to Intervene (February 3, 2023); Notice of Pre-Hearing Conference (March 10, 2023 at 9:00 a.m.)*. Three Notices of Participation were filed by statutory parties. They are:

Horse Heaven Wind Farm, LLC – Applicant (via Stoel Rives LLP)

Benton County (via Menke Jackson Beyer, LLP)

Counsel for the Environment (CFE) (via Assistant Attorney General Sarah Reyneveld)

The following two entities filed Petitions for Intervention:

The Confederated Tribes and Bands of the Yakama Nation (Yakama Nation)

Tri-Cities C.A.R.E.S. (Community Action for Responsible Environmental Stewardship)

Both petitions for intervention were timely filed and otherwise complied with the provisions of WAC 463-30-091. As permitted by the *Order Commencing Adjudication*, the Applicant timely filed a Limited Objection to Tri-Cities C.A.R.E.S.’ petition to intervene.

Decision on Petitions for Intervention:

The petitioners for intervention (Yakama Nation and Tri-Cities C.A.R.E.S.) alleged sufficient facts to establish with particularity that they have an interest in the subject matter presented by this Application for Site Certification currently before EFSEC for adjudication. The petitioners further alleged facts sufficient to indicate that their respective abilities to protect those interests might be impaired or impeded if not granted intervenor status. Therefore, in accordance with WAC 463-30-092, the petitions filed by the Yakama Nation and by Tri-Cities C.A.R.E.S. are both **GRANTED** per the Council’s discretion, as delegated to the undersigned Administrative Law Judge (ALJ), and those entities shall enjoy party status in this adjudication as intervenors.

Determination of the exact scope of these parties’ intervention is reserved and will be promptly determined following the previously scheduled pre-hearing conference set to be held on Friday, March 10, 2023. The Applicant’s limited objection to Tri-Cities C.A.R.E.S.’ participation in these proceedings shall also be addressed following tomorrow’s pre-hearing conference. Based

on the discussions held at that pre-hearing conference, the undersigned ALJ may will establish appropriate conditions and/or limits for the scope of intervention for Tri-Cities C.A.R.E.S.

DATED and effective at Olympia, Washington, on the 9th day of March, 2023.

WASHINGTON ENERGY FACILITY
SITE EVALUATION COUNCIL

A handwritten signature in black ink, appearing to read 'Adam E. Torem', written over a horizontal line.

Adam E. Torem, Administrative Law Judge