

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD**

**IN RE: INVENERGY THERMAL DEVELOPMENT LLC :
 APPLICATION TO CONSTRUCT AND :
 OPERATE THE CLEAR RIVER ENERGY : SB-2015-06
 CENTER, BURRILLVILLE, RHODE ISLAND :
 TRIBAL COUNCIL OF THE NARRAGANSETT :
 INDIAN TRIBE - MOTION TO INTERVENE :**

ORDER

This matter came before the Energy Facility Siting Board (Board or EFSB) on a Motion to Intervene filed by a group identifying itself as the Tribal Council of the Narragansett Indian Tribe (Tribal Council). The Tribal Council asserts that Invenergy Thermal Development LLC’s (Invenergy) contract for water with the Narragansett Indian Tribe (Tribe) directly affects the interest of the Tribal Council and therefore, it should be permitted to intervene. The Tribal Council argues that its interests are directly affected as its water supply is potentially being sold. It claims that its intervention is necessary to safeguard and watch over its resources. It further asserts that its interests cannot be adequately represented by the Town of Charlestown (Charlestown) even though Charlestown shares the aquifer with the Tribe. The Tribal Council contends that its interests could be adverse to Charlestown because they are “competing for the same limited resource.” Both the Town of Burrillville and Conservation Law Foundation (CLF) supported the Tribal Council’s motion.

Invenergy objected to the Tribal Council’s motion, asserting that the Tribal Council is not authorized to speak on behalf of the Tribe. Furthermore, Invenergy averred that the Tribal Council

has been enjoined by the Tribal Court from identifying itself as the Tribal Council of the Narragansett Indian Tribe and from pursuing the Motion to Intervene before the Board.

Because there was insufficient evidence presented to establish that the Tribal Council has the authority to represent the Tribe and because the Board had before it a contract signed by the Tribal Historic Preservation Officer and the Tribe's Chief Sachem at the time the contract was signed, the Board ruled that it would take that contract at face value. The Board further ruled that it will not involve itself in the internal politics of the Tribe or make any findings on whether the Tribal Council represents the Tribe. The Board voted to deny the motion.

Accordingly, it is hereby

(127) ORDERED:

The Tribal Council of the Narragansett Indian Tribe's Motion to Intervene in the proceedings in this docket is denied.

EFFECTIVE AT WARWICK, RHODE ISLAND, NOVEMBER 27, 2017. WRITTEN ORDER
ISSUED FEBRUARY 1, 2018.

ENERGY FACILITY SITING BOARD



Margaret E. Curran, Chairperson



Janet Coit, Member

Parag Agrawal, Member*

*Member Agrawal did not participate in this decision.

