

FEDERAL ENERGY REGULATORY COMMISSION

Washington, D. C. 20426

March 12, 2007

OFFICE OF ENERGY PROJECTS

Project Nos. 12687-000; 12688-000;
12689-000; 12690-000; 12691-000;
12692-000; 12698-000 -- Washington
Deception Pass Tidal Energy; Rich
Passage Tidal Energy; Speiden Channel
Tidal Energy; Admiralty Inlet Tidal
Energy; Agate Passage Tidal Energy;
San Juan Channel Tidal Energy; Guemes
Channel Tidal Energy Projects
Public Utility District No. 1 of
Snohomish County, Washington

Steven Klein, General Manager
P.O. Box 1107
2320 California Street
Everett, WA 98206

Subject: License Application Preparation

Dear Mr. Klein:

The Office of Energy Projects, Division of Hydropower Licensing (DHL) is responsible for processing any license application you may file pursuant to your issued preliminary permit. We are writing this letter for two reasons: (1) to determine the status of, and to offer guidance on, the preparation of any license application; and (2) to make you aware of the Commission's Policy Statement on Consultation with Indian Tribes.¹

The Commission's regulations require that if, during the course of your investigation into the feasibility of the project, you decide to prepare a development application, you must first prepare a Notice of Intent (NOI) and Preliminary Application

¹ *Policy Statement on Consultation with Indian Tribes in Commission Proceedings*, Order 2002, 68 *Fed. Reg.* 51121, August 25, 2003, FERC Statutes and Regulations ¶ 31,150 (2003).

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Document (PAD) pursuant to sections 5.5 and 5.6 of the Commission's regulations,² 18 CFR 5.5 and 5.6. Under Part 5 of the Commission's regulations, you must use the Integrated Licensing Process unless the Commission grants a request to use either the Traditional or Alternative Licensing Processes. Under section 5.3, such a request must accompany the NOI and PAD and set forth specific information justifying the request. It is important that you contact us three to six months before you file any NOI and PAD, so we can provide you with guidance on the pre-filing licensing process.

In addition, our Policy Statement on Consultation with Indian Tribes notes that we will strive to improve communications with tribes affected by Commission actions. Our objective is to engage tribes in the consultation process at the earliest stage of the licensing process. As soon as you let DHL know that you have begun to prepare the PAD, we will contact the tribes to determine their interest in the potential project.

For further information or assistance on licensing matters, please contact Michael Hamilton at (202) 502-6567. We look forward to working with you.

Sincerely,

Jennifer Hill, Chief
Hydro West Branch 1

cc: Public Files
Mailing List

² *Hydroelectric Licensing Under the Federal Power Act*, Order 2002, 68 *Fed. Reg.* 51121, August 25, 2003, FERC Statutes and Regulations ¶ 31,150 (2003).