

**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

**AGATE PASSAGE TIDAL ENERGY)
HYDROELECTRIC PROJECT)
_____)**

Project No. 12691-000

**WHIDBEY ENVIRONMENTAL ACTION NETWORK'S
MOTION TO INTERVENE**

Whidbey Environmental Action Network (WEAN) respectfully moves the Commission, pursuant to 18 C.F.R. §§ 385.210, 211, 212 and .214, to grant intervention in the above-entitled matter. WEAN is filing this motion for intervention in response to the July 3, 2006, Notice of application Accepted for Filing and Soliciting Motions to Intervene, Protests and Comments in Project No. 12691-000. The reasons in support of WEAN's right to participate in this matter are

1. Public Utility District No. 1 of Snohomish County, Washington ("Snohomish PUD") has filed an Application for a Preliminary Permit pursuant to Federal Power Act, 16 U.S.C. §§ 791(a) – 825(r), for a project known as Agate Passage Tidal Energy Project, to be located within the marine waters of Puget Sound. Snohomish PUD's application is to conduct feasibility studies on placement of in-water tidal-electric generating devices and transmission of the generated power to on-shore transmission facilities.

2. Whidbey Environmental Action Network is a tax exempt non-profit public interest organization incorporated pursuant to section 501(c)3 of the Internal Revenue Code. WEAN has been in existence since 1989. WEAN's purpose is to protect, conserve, and restore the natural environment of Whidbey Island and the Pacific Northwest. Its membership includes about 400 member households located on Whidbey Island and elsewhere. WEAN's members recreate, study, and work in, on, and around the waters of Puget Sound.

3. WEAN's member's may be adversely impacted by the project. The aesthetic character of

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the project area may be degraded. The natural environment, including aquatic resources, shorelines, and terrestrial sites with supporting infrastructure may be degraded. This may cause loss and degradation of the recreational, economic, and educational opportunities and experiences of WEAN's members. Therefore, WEAN has a significant interest which may be affected by the outcome of the proceeding. The interest of WEAN's members is not represented by any other current party.

4. In addition to representing its members, WEAN is an organization representing the broader public interest. Therefore, WEAN's intervention is in the public interest. WEAN's participation will assist full development and consideration of all material facts and issues required to be considered in this proceeding.

5. Therefore, good cause having been shown, WEAN respectfully requests pursuant to Commission rules that it be permitted to intervene and be made a party to these proceedings. It requests the right to have notice of and appear at any and all hearings or proceedings, to produce evidence and cross-examine witnesses, to be heard through its representative, through written and oral argument, to be served henceforth with copies of all pleadings, applications, and notices and for such other participation and relief as may be appropriate.

6. We request that the following individual be added to the official service list to receive filings and notice on behalf of WEAN in this proceeding and consent to receiving such service electronically:

Steve Erickson
Box 53
Langley, WA 98260
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(360) 579-4080 [fax]
wean@whidbey.net [email]

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8. Steve Erickson is a member of WEAN's Board of Directors and serves as WEAN's litigation coordinator

Submitted August 18, 2005



Steve Erickson
Appearing *pro se* for
Whidbey Environmental Action Network
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PROOF OF SERVICE

I hereby certify that on the 18th day of August 2006 I served copies of Whidbey Environmental Action Network's Motion to Intervene on all parties of record as set forth in the official service list, in accordance with the rules of the Federal Energy Regulatory Commission.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 12th day of July, 2006, at Langley, Washington.



Steve Erickson
(360) 579-4202