

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

**DECEPTION PASS TIDAL
ENERGY
HYDROELECTRIC PROJECT**

PROJECT NO. 12687-000

**STATE OF WASHINGTON
DEPARTMENT OF FISH & WILDLIFE'S
MOTION TO INTERVENE**

Pursuant to Rules 212 and 214 of the Federal Energy Regulatory Commission's (FERC or Commission) Rules of Practice and Procedure, 18 C.F.R. §§ 385.212, .214, Washington Department of Fish and Wildlife (Department), hereby moves to intervene in the above-captioned proceeding. The grounds for this motion are:

I.

The names and addresses of the legal counsel for the Department and the Department's main staff contact are below. Copies of all orders, notices, pleadings, and correspondence related to this proceeding should be directed to:

William C. Frymire, Senior Counsel
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and:

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Habitat Program
Washington Dept. of Fish & Wildlife
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II.

The Department is an agency of the State of Washington with jurisdiction over state fish, shellfish, and wildlife resources, and charged with the duty of protecting, conserving, managing, and enhancing those resources. Wash. Rev. Code, Title 77. Pursuant to these statutory obligations, the Department brings this motion to intervene on behalf of the citizens of the State of Washington, who, by the law of that state, own those resources, and utilize and enjoy said fish and wildlife.

III.

The Department is an agency of the State of Washington which has interests in determining losses to the food fish, shellfish and wildlife resources potentially caused by construction and operation of the proposed project, and interests in identifying the appropriate measures to protect, mitigate impacts to, and enhance those resources. Fish and Wildlife Coordination Act, 16 U.S.C. § 662(a), (b); National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321-4370e; Federal Power Act, 16 U.S.C. § 797, 803(a), (j); 18 C.F.R. §§ 4.32(b), 4.38. The Department is authorized to provide recommended terms and conditions to the Commission that shall be included in any new license unless the

Commission publishes written findings that the Department's recommendations are inconsistent with applicable law. Federal Power Act, 16 U.S.C. § 803(j); 18 C.F.R. § 4.34.

IV.

Public Utility District No. of Snohomish County, Washington, 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 Deception Pass Tidal Energy Hydroelectric Project.

V.

The proposed Deception Pass Tidal Energy Project would be located in Deception Pass, between Whidbey Island and Fidalgo Island, in the Puget Sound in Skagit and Island Counties, Washington. The proposed Deception Pass Energy Project would consist of: (1) four Tidal In Stream Energy Conversion (TISEC) devices consisting of, (2) rotation propeller blades 20 meters in diameter, (3) integrated generators, (4) anchoring systems, (5) mooring lines, and (6) interconnection transmission lines. This project is estimated to have an annual generation of 20.7 gigawatt-hours per-unit per year, which would be distributed by the Snohomish County Public Utility District. This Project may adversely affect fish or wildlife under the jurisdiction of the Department.

VI.

For the above reasons, the Department has a significant interest which may be directly affected by the outcome of this proceeding, and this interest is not adequately represented by existing parties. The Department's participation in this proceeding is in the public interest.

PROOF OF SERVICE

I certify that I served a copy of this document on all parties or their counsel of record on the date below as follows:

US Mail Postage Prepaid via Consolidated Mail Service, E-mail or State Campus Delivery

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

DATED this 14 day of July, 2006, at Olympia, WA.

/S
CLARA KIPP
Legal Assistant

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