

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

**RICH PASSAGE TIDAL ENERGY
PROJECT – PUBLIC UTILITY
DISTRICT NO. 1 OF SNOHOMISH
COUNTY, WASHINGTON**

Project No. 12688-000

**WASHINGTON STATE PARKS AND RECREATION COMMISSION'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, the Washington State Parks and Recreation Commission (State Parks), hereby moves to intervene in the above-captioned proceedings. The grounds for this motion are:

I.

The names and addresses of the legal counsel and staff contacts for State Parks are listed below. Copies of all orders, notices, pleadings, and correspondence related to this proceeding should be directed to:

Karolyn R. Klohe, Assistant Attorney General
Office of the Attorney General
Fish, Wildlife and Parks Division
1125 Washington Street S.E.
Post Office Box 40100
Olympia, Washington 98504-0100

Email: KarolynK@atg.wa.gov

and to:

Don Hoch, Puget Sound Region Manager
Washington State Parks and Recreation Commission
2840 Riverwalk Drive SE
Auburn, Washington 98002-8207

Email: Don.Hoch@parks.wa.gov

II.

State Parks is an agency of the State of Washington charged with the responsibility of administering the state's park system. This responsibility includes the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes; the adoption, issuance, and enforcement of rules pertaining to the use, care, and administration of state parks and parkways; and permitting the use of state parks and parkways by the public. RCW 79A.05.030. State Parks is also the lead agency for the establishment of underwater parks in state waters. RCW 79A.05.355. In addition, State Parks is charged with administering the state's water trail recreation program. RCW 79A.05.380. Moreover, State Parks is authorized to cooperate with state and federal agencies in the promotion of parks and recreational opportunities, and to cooperate with the United States in any matter pertaining to the acquisition, development, redevelopment, renovation, care, control, or supervision of any park or parkway. RCW 79A.05.055, .030.

Pursuant to these statutory authorizations, State Parks brings this motion to intervene.

III.

State Parks is a state agency which is authorized to provide recommendations to the Commission for inclusion in any new license. Federal Power Act, 16 U.S.C. §

803(a). Moreover, in making its decision to issue a new license, the Commission is required to consider the protection of recreational opportunities. 16 U.S.C. § 797(e).

IV.

Public Utility District No. 1 of Snohomish County, Washington filed a Preliminary Permit Application pursuant to Federal Power Act, 16 U.S.C. §§ 791(a) – 825(r), for the project known as the Rich Passage Tidal Energy Project.

V.

The proposed Rich Passage Tidal Energy Project would be located in Rich Passage in Puget Sound, Kitsap County, Washington, between the southern end of Bainbridge Island and the mainland of the State of Washington. The proposed Rich Passage Tidal Energy Project would consist of: (1) 62 Tidal In Stream Energy Conversion (TISEC) devices consisting of, (2) rotating propeller blades 10 to 20 meters in diameter, (3) integrated generators with a capacity of 22 to 68 kW, (4) anchoring systems, (5) mooring lines, and (6) interconnection transmission lines. The project is estimated to have an annual generation of 8.56 gigawatt-hours per-year, which would be distributed by the Snohomish County Public Utility District.

The proposed project area provides and encompasses a wide range of recreational opportunities and resources, including many in which State Parks is actively involved. For example, part of the proposed project lies adjacent to Fort Ward State Park, which is administered for recreational use by State Parks. State Parks also manages an underwater marine park at Fort Ward to provide for recreational diving opportunities and to conserve and protect unique marine resources. Finally, Fort Ward State Park is part of the Cascadia Marine Trail, which is administered by State Parks and extends through all of Rich Passage. The preliminary permit application submitted by Public Utility District

No. 1 of Snohomish County, Washington raises significant issues of park and recreational interest which come within the jurisdiction of State Parks.

VI.

For the above reasons, State Parks has a significant interest which may be directly affected by the outcome of these proceedings, and this interest is not adequately represented by existing parties. The participation of State Parks in these proceedings is in the public interest.

VII.

THEREFORE, in order that these proceedings be fully developed in accordance with the applicable law and that the Commission have before it all the material facts relating to these projects, the Commission should grant the State Parks intervenor status.

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As a party in the above-entitled proceedings, State Parks 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 counsel in written and oral argument, to be served with copies of all pleadings, applications, and notices, and for any other such participation and relief as may be appropriate.

RESPECTFULLY SUBMITTED this 15th day of August, 2006.

ROB MCKENNA
Attorney General

s/Karolyn R. Klohe
KAROLYN R. KLOHE, WSBA No. 34219
Assistant Attorney General
Attorneys for Washington State Parks and Recreation
Commission
(360) 586-4034

PROOF OF SERVICE

I hereby certify that on the 15th day of August, 2006, I served copies of this document on all parties or their counsel of record as set forth in the official service list, in accordance with the rules of the Federal Energy Regulatory Commission, as follows:

United States 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 15th day of August, 2006, at Olympia, Washington.

 s/Dominique Starnes
Dominique Starnes
Legal Assistant

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