

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

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

Project No. 12689-000

**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:

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

Terry Doran, Northwest Region Manager  
Washington State Parks and Recreation Commission  
220 North Walnut Street  
Burlington, Washington 98233

Email: Terry.Doran@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 Spieden Channel Tidal Energy Project.

#### V.

The proposed Spieden Channel Tidal Energy Project would be located in Spieden Channel between San Juan Island and Spieden Island, in San Juan County, Washington. The proposed Spieden Channel Tidal Energy Project would consist of: (1) 168 Tidal In Stream Energy Conversion (TISEC) devices consisting of, (2) rotating propeller blades 20 meters in diameter, (3) integrated generators with a capacity of 50 kW, (4) anchoring systems, (5) mooring lines, and (6) interconnection transmission lines. The project is estimated to have an annual generation of 32.47 gigawatt-hours per-year, which would be distributed by the Snohomish County Public Utility District No. 1.

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, there are two moorage locations managed by State Parks for recreational use (Posey Island and Jones Island) that are located near Spieden Channel. State Parks also provides camping facilities at Posey Island and Jones Island, which are designated campsites for the Cascadia Marine Trail. In addition, State Parks has a number of other properties within the San Juan Islands, including Lime Kiln Point State Park on San Juan Island, which it administers for recreational use. 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.

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 16th 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 16th 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 16th day of August, 2006, at Olympia, Washington.

s/Dominique Starnes  
Dominique Starnes  
Legal Assistant

Submission Contents

motiointervene	
motiointervene.doc.....	1-5