



ibal Community

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66-7228
-4047

August 7, 2006

Magalie R. Salas
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Reference: **MOTION TO INTERVENE for Public Utility District No. 1 of Snohomish County application for a preliminary permit for Spieden Channel Tidal Hydroelectric Project (FERC Project Number P-12689-000)**

Dear Secretary Salas:

The Swinomish Indian Tribal Community reserved the right to take fish at usual and accustomed grounds and stations” in Section 5 of the Treaty of Point Elliott of 1855. That right, so crucial to the Tribe’s livelihood, survival, and culture may be affected by the Spieden Channel Tidal Hydroelectric Project. The Swinomish Indian Tribal Community is also by federal court order a co-manager of the fish and wildlife resources of the Skagit River Basin along with the Washington Department of Fish and Wildlife, Sauk-Suiattle Indian Tribe and Upper Skagit Indian Tribe.

Spieden Channel is a major migration route for all five species of Pacific salmon and steelhead that return to the Skagit River. The Spieden Channel Tidal Hydroelectric Project may alter migration or cause direct mortality on migrating salmon and steelhead that are vital to the Swinomish Tribe. Spieden Channel may also be used as a rearing area for salmon, steelhead, forage fish and shellfish. The project may reduce the productivity of rearing habitat or cause direct mortality of fish and shellfish rearing within the project area.

The Swinomish Tribe also conducts salmon and shellfish fisheries within the proposed project area that may be impacted by the project.

The Swinomish Indian Tribal Community respectfully request that its motion to intervene in project P-12689 be granted.

Contacts for this project should be listed as:

Brian Cladoosby
Chairman, Swinomish Indian Tribal Community
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LaConner, WA 98257

Stan Walsh
Hydropower Biologist
Skagit River System Cooperative
P.O. Box 368
LaConner, WA 98257

Sincerely,

Brian Cladoosby
Chairman,
Swinomish Indian Tribal Community

Cc: FERC service list

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