

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

**SPEIDEN CHANNEL TIDAL
ENERGY PROJECT**

PROJECT NO. 12689-000

**STATE OF WASHINGTON
DEPARTMENT OF TRANSPORTATION'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 State Department of Transportation hereby moves to intervene in the above-captioned proceeding. The grounds for this motion are as follows.

I.

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

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II.

WSDOT is an agency of the State of Washington with responsibility for construction, operation, and maintenance of the state highway system. RCW 47.01.260(1). WSDOT includes the Washington State Ferry system, which is a part of the state highway system. RCW 47.60.010. Pursuant to these statutory obligations, WSDOT brings this motion to intervene on behalf of the citizens of the State of Washington, who are users of the state highway system and the ferry system.

III.

Public Utility District No. 1 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 Spieden Channel Tidal Energy Project.

IV

WSDOT, through its division Washington State Ferries, operates vehicular and passenger ferry service through Spieden Channel between Anacortes, Sidney, B.C., and Friday Harbor on San Juan Island. Vessels under consideration for this route range from approximately 13 to 19 foot draft, which should be within the overhead clearance zone being proposed by the tidal energy project. However, WSF is concerned that projects in the vicinity of or transecting our daily route could impact vessel operations. This includes the potential use of the Friday Harbor, as well as transit through San Juan Channel and other waters currently transited by WSF vessels, during project installation

and maintenance activities. The proposed turbine infrastructure for Spieden Channel includes use of approximately 7 transects (rows) of 26 to 32 turbines (168 total).

V.

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

VI.

THEREFORE, in order that this proceeding be fully developed in accordance with the applicable law, and that the Commission have before it all the material facts relating to this project, the Commission should grant WSDOT intervener status.

As a party in the above-entitled proceedings, WSDOT requests the right to have notice of and to 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.

DATED this 17th day of August, 2006.

Respectfully submitted:

ROB MCKENNA
Attorney General



DEBORAH L. CADE
Assistant Attorney General

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 17th day of August, 2006, at Olympia, WA.

/S/ LISA M. SAVOIA
LISA M. SAVOIA

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