

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

**ADMIRALTY INLET TIDAL  
ENERGY PROJECT – CITY OF  
PORT TOWNSEND’S COMPETING  
APPLICATION FOR PRELIMINARY  
PERMIT**

Project No. 12742-000

**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](mailto:KarolynK@atg.wa.gov)

and to:

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

Email: [Terry.Doran@parks.wa.gov](mailto:Terry.Doran@parks.wa.gov)

and to:

Kate Burke, Park Manager  
Fort Worden State Park  
200 Battery Way  
Port Townsend, Washington 98368

Email: [Kate.Burke@parks.wa.gov](mailto:Kate.Burke@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-.370. 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.

The City of Port Townsend, Washington filed a Competing Application For Preliminary Permit pursuant to Federal Power Act, 16 U.S.C. §§ 791(a) – 825(r), for the project known as the Admiralty Inlet Tidal Energy Project.

### V.

The proposed City of Port Townsend's Admiralty Inlet Tidal Energy Project would be located under water in a section of Admiralty Inlet in the Puget Sound in Island, Jefferson and Kitsap Counties, Washington. Admiralty Inlet lies between the Olympic Peninsula on the mainland of the State of Washington and Whidbey Island in the Puget Sound. The proposed project would consist of (1) 450 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 146.2 gigawatt-hours-per-year, which would be used within City limits or service area limits.

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, one of the possible turbine transects identified in the application is located adjacent to Fort Worden State Park and Fort Casey State Park; another is located adjacent to Fort Casey State Park and Fort Flagler State Park. State Parks also manages underwater marine parks at Fort Casey and Fort Worden to provide for recreational diving opportunities and to conserve and protect unique marine resources. Finally, State Parks administers two marine campsites on Marrowstone Island at Fort Flagler and Kinney Point, which are part of the Cascadia Marine Trail. The preliminary permit application submitted by the City of Port Townsend, 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 October, 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 certify that I served a copy of this document on all parties or their counsel of record on the date below 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 October, 2006, at Olympia, Washington.

s/Dominique Starnes  
Dominique Starnes  
Legal Assistant

Submission Contents

motiointervene	
motiointervene.doc.....	1-6