



WASHINGTON STATE DEPARTMENT OF
Natural Resources

DOUG SUTHERLAND
Commissioner of Public Lands

October 19, 2006

VIA ELECTRONIC FILING

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

RE: Docket P-12742

Dear Secretary Salas:

Washington State Department of Natural Resources (DNR) has received a Notice of Application Accepted for a competing preliminary permit submitted for the City of Port Townsend's Admiralty Inlet Tidal Energy Project located in Jefferson, Island, and Kitsap Counties in Washington State. Thank you for this notice.

Attached for filing, please find the DNR's Motion to Intervene for this proceeding and Certificate of Service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Doenges".

Richard Doenges
Division Manager
Aquatic Resources Division

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

**The City of Port Townsend's
Competing Preliminary Permit -
Admiralty Inlet Tidal Energy Project**

Project Nos. **P-12742**

**STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
MOTION TO INTERVENE**

Pursuant to Rules 211 and 214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure (18 C.F.R. §§ 385.211 and 385.214), the State of Washington Department of Natural Resources (DNR), hereby moves to intervene in the above-captioned proceeding.

The motion is based on the following grounds:

I.

The names and addresses of the contacts for the DNR on this project are below. Copies of all orders, notices, pleadings, and correspondence related to this proceeding should be directed to:

Elizabeth A. Ellis
Washington State Department of Natural Resources
Aquatic Resources Program
1111 Washington Street S.E.
PO Box 47027
Olympia, WA 98504-7027
elizabeth.ellis@wadnr.gov

Steve Jennison
Washington State Department of Natural Resources
Aquatic Region/Orca Straits District
919 North Township Street

Sedro-Woolley, WA 98284-9395
steve.jennison@wadnr.gov

**THE CITY OF PORT TOWNSEND'S
COMPETING APPLICATION -
ADMIRALTY INLET
DEPARTMENT OF NATURAL RESOURCES
MOTION TO INTERVENE**

I

**WASHINGTON STATE DEPARTMENT OF
NATURAL RESOURCES
Aquatic Resources Division
1111 Washington St SE
PO Box 47027
Olympia, Washington 98504-7027
Phone: (360) 902-1100**

II.

The DNR is an agency of the State of Washington created to manage the public trust lands and aquatic lands, including tidelands, shorelands, lakes and rivers, and beds of navigable salt and fresh waters. Pursuant to statutory authority granted under state law, the DNR possesses the right and the duty to manage said public lands for the benefit of the common schools, colleges, counties, and other institutions of the State of Washington. Furthermore, the DNR has a responsibility to ensure adherence with several recent agreements that establish specific requirements for protection of threatened and endangered species under the federal Endangered Species Act, and compliance with provisions of the federal Clean Water Act. These agreements include the Habitat Conservation Plan (HCP), approved by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service in 1997, and the Forests and Fish Agreement passed by the Washington State Legislature and signed by Governor Gary Locke in 1999. Pursuant to the Department of Natural Resources' constitutional, statutory, and contractual duties, the DNR brings this motion to intervene on behalf of specific trust beneficiaries, for whom DNR manages state-owned lands, and the citizens of the State of Washington.

III.

The City of Port Townsend filed a notice of application pursuant to Federal Power Act, 16 U.S.C. sections 791(a)-825(r) for a project known as the Admiralty Inlet Tidal Energy Project. The City of Port Townsend filed in Docket No. P-12742 an application for a Preliminary Permit for a proposed tidal energy project that 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.

IV.

The project is proposed to be bordered by Jefferson, Kitsap and Island Counties, near the City of Port Townsend, within Admiralty Inlet. The specific location of the project is yet to be determined, but further location details may be found in section 2.0 of the permit application. The state of Washington manages aquatic lands within and surrounding this vicinity.

V.

The proposed project may adversely affect state trust lands, aquatic lands, lands included in the HCP, and the state's natural resources, under the jurisdiction of the DNR. For the above reasons, the DNR has a significant interest, which may be directly affected by the outcome of this proceeding, and existing parties do not adequately represent this interest. The DNR's participation in this proceeding is in the public interest.

VI.

THEREFORE, in order that the Commission have before it all of the material facts relating to this project, the DNR requests that it be allowed to intervene as a party to this proceeding.

As a party in the above-entitled proceedings, the DNR 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.

DATED this 19 day of October, 2006.

Respectfully submitted:



Rich Doenges

Division Manager, Aquatic Resources Division

Washington State Department of Natural Resources

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

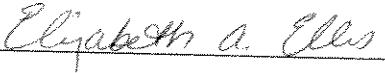
**The City of Port Townsend's
Competing Preliminary Permit for
Admiralty Inlet**

Project Nos. **P - 12742**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served, by depositing in the United States mail, the foregoing document on all parties of record to these proceedings in accordance with the Rules of Practice and Procedure.

DATED this 24 day of October, 2006.



Elizabeth A. Ellis

Submission Contents

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