

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

**CITY OF PORT TOWNSEND
ADMIRALTY INLET TIDAL
ENERGY PROJECT**

PROJECT NO. 12742-000

**WASHINGTON STATE
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 contacts are below. Copies of all orders, notices, pleadings, and correspondence related to this proceeding should be directed to:

Mark S. Lyon
Assistant Attorney General
Office of the Attorney General
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Washington State Ferries
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Seattle, WA 98121

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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.

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

IV.

WSDOT currently operates daily ferry service between the hours of 6:30 a.m. and 9:45 p.m. in Admiralty Inlet. Two of the proposed locations for the tidal energy project in Admiralty Inlet would have a terminus at Admiralty Head, directly adjacent to ferry terminal facilities at Keystone Harbor. Vessels under consideration for this route range from 13- to 15-foot draft, which should be well within the overhead clearance zone being proposed by the tidal energy project. However, WSDOT is concerned that projects in the vicinity of or transecting our daily route could impact vessel operations.

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 intervenor 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 23rd day of October, 2006.

Respectfully submitted:

ROB MCKENNA
Attorney General

/s/ Mark S. Lyon
MARK S. LYON
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:

U.S. Mail Postage Prepaid via Consolidated Mail Service, Email, 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 23rd day of October, 2006, at Tumwater, WA.

/s/ Tiffany R. Gilbertson
TIFFANY R. GILBERTSON

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