



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
PORTLAND OFFICE
1201 NE Lloyd Boulevard, Suite 1100
PORTLAND, OREGON 97232-1274

F/NWR5

January 17, 2006

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

Re: Notice of Intervention for Tacoma Power's Application for Preliminary Permit,
Narrows Tidal Energy Project (FERC No. 12612-000)

Dear Secretary Salas:

On November 18, 2005, the Federal Energy Regulatory Commission (FERC) issued a *Notice of Application Accepted for Filing and Soliciting Motions to Intervene, Protests, and Comments* for Tacoma Power's Narrows Tidal Energy Project (FERC No. 12612-000) in the Tacoma Narrows area of Puget Sound in Pierce County, Washington. Attached for filing, please find the National Marine Fisheries Service's (NMFS) Notice of Intervention in the above-captioned proceeding and certificate of service.

Sincerely,

A handwritten signature in black ink that reads "Keith Kirkendall".

Keith Kirkendall
Chief, FERC and Water Diversions Branch
Hydropower Division

Enclosure

cc: Service List
Dan Haas, NPS, Seattle
Michelle Walker, Corps, Seattle
Brian Peck, USFWS
Lacey, Rex Thompson
WDNR, Enumclaw
Steven Reneaud, WA, AG, Olympia
Lauri Vigue, WDFW, Olympia
Jeff Marti, WDOE, Olympia
Gary Graves, NWIFC, Olympia
John Hollowed, NWIFC, Olympia



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

Tacoma Power)	FERC Project No. 12612-000
)	(Narrows Tidal Energy Project)
Application for Preliminary Permit)	
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**NATIONAL MARINE FISHERIES SERVICE'S
NOTICE OF INTERVENTION**

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, United States Department of Commerce, hereby provides notice pursuant to 18 C.F.R. §385.214(a), as amended at 68 Fed. Reg. 51,070 (Aug. 25, 2003) (Rule 214), that it is intervening in this proceeding. NMFS has a Federal statutory responsibility for protection, mitigation, and enhancement of marine and anadromous fish resources and marine mammals that may be directly affected by the results of this proceeding. NMFS therefore intervenes for the purposes of becoming a party, and to insure that its interests and those of the Department and the public are represented in this proceeding.

Service of process and other communications concerning this proceeding should be made to:

Keith Kirkendall
National Marine Fisheries Service
1201 NE Lloyd Blvd., Suite 1100
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and

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On September 14, 2005, Tacoma Power filed a Preliminary Permit Application with the Federal Energy Regulatory Commission (FERC) for a tidal energy project in Tacoma Narrows. The Tacoma Narrows is located in the southern portion of Puget Sound in Pierce County, Washington. The narrows is a constricted waterway between the mainland and the Kitsap Peninsula, funneling incoming and outgoing tides from the northern portion of Puget Sound.

Technologies that may be evaluated by Tacoma Power include units resembling windmills with slow-moving blades, tidal flow on a vertical shaft with blades, hour-glass shaped generators that use pressure differential to move a turbine, and cylindrical units that encase revolving blades. Anticipated energy output from these technologies could range from 90 to 750 kilowatts per unit. A 115-kilovolt transmission line would also be installed along with other appurtenant facilities. The proposed project would be connected to Tacoma Power's existing transmission system. The total surface area proposed for evaluation within Tacoma Narrows is about 5.3 square miles.

II. NMFS' Interests

NMFS is the Federal agency with jurisdiction over marine, estuarine, and anadromous fish resources and marine mammals. See Reorganization Plan No. 4 of 1970, 84 Stat. 2090, as amended; the Fish and Wildlife Coordination Act (FWCA) at 16 U.S.C. § 661

and 662; the Sustainable Fisheries Act, 16 U.S.C. § 1801 et seq.; the Federal Power Act (FPA) at 16 U.S.C. § 803(j) and 811; the Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. § 839 et seq.; the Pacific Salmon Treaty Act of 1985, 16 U.S.C. § 3631-3644; the Marine Mammal Protection Act 16 U.S.C. § 1361 et seq., as amended; and finally, the Endangered Species Act (ESA), 16 U.S.C. § 1531 et seq.

Pursuant to the above-cited authorities, NMFS has a statutory responsibility for protection and enhancement of marine mammals and marine and anadromous fish resources that may be affected by the outcome of this proceeding. The FPA and FWCA specifically authorize NMFS to participate in this proceeding. By carrying out its statutory responsibilities under the FPA, FWCA, ESA and other authorities cited above, NMFS acts in the public interest. In addition, NMFS is obligated to satisfy its tribal trust responsibilities in the exercise of its statutory authorities affecting tribal interests and tribal treaty obligations.

III. NMFS' Preliminary Comments

Please note that two species listed by NMFS under the ESA do occur in the Tacoma Narrows and may be adversely affected by the proposed Narrows Tidal Energy Project; these species are Puget Sound Chinook salmon (*Oncorhynchus tshawytscha*) and the Southern Resident killer whale (*Orcinus orca*). NMFS listed the Puget Sound Chinook salmon as a threatened species under the ESA on March 24, 1999 (64 Fed. Reg. 14,308), and designated critical habitat for this species on September 2, 2005 (70 Fed. Reg. 52,630). The area proposed by Tacoma Power for evaluation is within designated critical habitat. On November 18, 2005, NMFS listed the Southern Resident killer whale distinct population segment as an endangered species under the ESA (70 Fed. Reg. 69,903); critical habitat has

not been designated for this species. Take prohibitions for this species become effective on February 16, 2006.

Because these species are present, special consideration should be given to avoiding impacts from the proposed project. FERC may need to initiate consultation with NMFS. Please refer to the ESA section 7 implementing regulations, 50 CFR Part 402, for information on the consultation process.

IV. Conclusion

For the above-stated reasons, NMFS respectfully requests that its motion to intervene in this proceeding for the Project be granted.

DATED this 17th day of January, 2006, on behalf of the National Marine Fisheries Service.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Keith Kirkendall". The signature is written in a cursive style with a large initial "K".

Keith Kirkendall, Chief
FERC and Water Diversions Branch
Hydropower Division

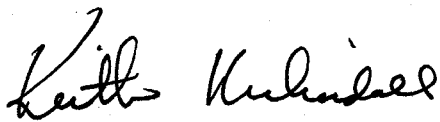
**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

Tacoma Power) **FERC No. 12612-000**
) **(Narrows Tidal Energy Project)**
Application for Preliminary Permit)
_____)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served, by first class mail, the National Marine Fisheries Service's Notice of Intervention, cover letter to Magalie Salas, FERC, and this Certificate of Service upon each person designated on the official service list compiled by the Commission in the above captioned proceeding.

Dated this 17th day of January 2006.



Keith Kirkendall

Submission Contents

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