

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

)	Rich Pass Project, P-12688
Public Utility District No. 1)	Spieden Channel Project, P-12689
Of Snohomish County Washington)	Admiralty Inlet Project, P-12690
)	Agate Passage Project, P-12691
)	San Juan Channel Project, P-12692
)	Guemes Channel Project, P-12698

**UPPER SKAGIT INDIAN TRIBE'S
MOTION TO INTERVENE**

The Upper Skagit Indian Tribe (“Tribe”) respectfully moves the commission, pursuant to 18 C.F.R. §§ 385.210 and .214, for the authorization to intervene in the above entitled matter. The Tribe is filing this Motion for Intervention in response to the Preliminary Permits for Wave Current and Instream Technology Hydropower Projects of February 15, 2007. The reasons in support of the Tribe’s right to participate in this matter are:

1. The Upper Skagit Indian Tribe, is a federally recognized Indian Tribe pursuant to Section 16 of the Indian Reorganization Act of 1934, and is a successor-in-interest to signatories of the Treaty of Point Elliott, 12 Stat. 927 (the “Treaty”); the Tribe exercises off-reservation fishing pursuant to the Treaty in the project area. Among other purposes, under the Treaty, the Tribe reserved off-reservation fishing rights which will be impacted by

the project. The proposed project is within the usual and accustomed fishing areas of the Tribe. Since time immemorial the Tribe has depended upon the water resources which the project will and does impact.

2. The Project area impacts the Tribe's traditional fish runs. The area is of great importance not solely from a resource prospective but culturally as well.
3. The interest of the Tribe is not adequately represented by any other party in the proceeding, and its participation in this proceeding is in the public interest. It is in the public interest that the Tribe's cultural and resource interest are represented before the commission. The Tribe desires to monitor and stay informed about the nature of this Project and to be permitted to participate herein to the full extent authorized under commission rules.

Therefore, good cause having been shown, the Upper Skagit Indian Tribe respectfully request, pursuant to commission rules, that it be permitted to intervene in the above entitled proceedings and be made a party thereto. The Tribe 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, through written and oral argument, to be served henceforth with copies of all pleadings, applications, and notices, and for such other participation and relief as may be appropriate. The Tribe requests the following individuals be added to the service list to receive filings and notice on behalf of the Tribe for this proceeding:

Scott Schuyler
Natural Resources Policy Coordinator
25944 Community Plaza Way
Sedro Woolley, WA 98284

David S. Hawkins
Tribal Attorney
25944 Community Plaza Way
Sedro Woolley, WA 98284

RESPECTFULLY SUBMITTED this 30th day of April 2007

UPPER SKAGIT INDIAN TRIBE



David S. Hawkins WSBA # 35370
Tribal Attorney Upper Skagit Indian Tribe

Submission Contents

Upper Skagit Indian Tribe's Motion to intervene mtn2intervene.pdf.....	1-3
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