



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
500 NE Multnomah Street, Suite 356
Portland, Oregon 97232-2036



9043.1

IN REPLY REFER TO:
ER06/430

Honorable Magalie Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

June 30, 2006

Subject: COMMENTS – Notice of Application for Preliminary Permit; Deception Pass Tidal Energy Hydroelectric Project, FERC No. 12663-000; Skagit and Island Counties, Washington

Dear Ms. Salas:

The Department of the Interior (Department) has reviewed the preliminary permit application for the Deception Pass Tidal Energy Hydroelectric Project, FERC Project No. 12663. The Department offers the following comments and recommendations to the Federal Energy Regulatory Commission (Commission) on the application.

The applicant, Washington Tidal Energy Company (WA Tidal) describes three phases under section 5, Term of Permit, within their Preliminary Permit Application dated March 31, 2006. The Department recommends that the Commission issue the preliminary permit to only include the first phase of the project, and that phases two and three would then be initiated under FERC's licensing process, only after WA Tidal decided to pursue a license. The first phase of the project should be limited to allow for one pilot Tidal In-Stream Energy Conversion device in order to initially test and refine the design components, and subsequently installing and delivering the device's power onshore to a distributing entity.

The proposed project would be located within bull trout foraging, migration, and overwintering habitat and designated Critical Habitat. Resources that may be affected by the project include but are not limited to seabirds, including marbled murrelets (*Brachyramphus marmoratus*) and pigeon guillemots (*Cepphus columba*); raptors, including peregrine falcon (*Falco peregrine*) and bald eagle (*Haliaeetus leucocephalus*); and fish, including bull trout (*Salvelinus confluentus*), coastal cutthroat trout (*Onocorhynchus clarki clarki*), forage fish, and salmon species. Based on the information provided in the application, the Department supports the proposed study concepts listed in the application. We recommend that the applicant be directed to confer with the U.S. Fish and Wildlife Service's (Service) Western Washington Fish and Wildlife Office prior to undertaking any scientific study, investigation, or other work required by the preliminary permit, and that WA Tidal consult throughout the term of the preliminary permit to determine the details of these studies and any additional appropriate studies. This consultation with the Service would be for the purpose of developing measures to avoid, minimize, and mitigate study impacts on federally-listed, threatened, or endangered species.

Please include Mr. Brian Peck and Mr. Jim Michaels, U.S. Fish and Wildlife Service, Western Washington Fish and Wildlife Office, 510 Desmond Drive SE., Lacey, WA 98503-1273, on the Commission's and WA Tidal's mailing list for all matters related to this project. If you have any questions regarding this response, please contact Mr. Brian Peck by telephone at (360) 753-9560, or by email at brian_peck@fws.gov.

The Department appreciates the opportunity to comment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Preston Sleeper". The signature is stylized and cursive.

Preston A. Sleeper
Regional Environmental Officer

cc:

FWS, Portland, OR (E. Mead)

WWFWS, Spokane, WA (B. Peck)

Submission Contents

ER06_430_12663.pdf..... 1-2