

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

**DECEPTION PASS TIDAL
ENERGY HYDROELECTRIC
PROJECT –
WASHINGTON TIDAL ENERGY
COMPANY**

Project No. 12663-000

**WASHINGTON STATE PARKS AND RECREATION COMMISSION'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, the Washington State Parks and Recreation Commission (State Parks), hereby moves to intervene in the above-captioned proceedings. The grounds for this motion are:

I.

The names and addresses of the legal counsel and staff contacts for State Parks are listed below. Copies of all orders, notices, pleadings, and correspondence related to this proceeding should be directed to:

Karolyn R. Klohe, Assistant Attorney General
Office of the Attorney General
Fish, Wildlife and Parks Division
1125 Washington Street S.E.
Post Office Box 40100
Olympia, Washington 98504-0100

Email: KarolynK@atg.wa.gov

and to:

Terry Doran, Northwest Region Manager
Washington State Parks and Recreation Commission
220 North Walnut Street
Burlington, Washington 98233

Email: Terry.Doran@parks.wa.gov

II.

State Parks is an agency of the State of Washington charged with the responsibility of administering the state's park system. This responsibility includes the care, charge, control and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes; the adoption, issuance, and enforcement of rules pertaining to the use, care, and administration of state parks and parkways; and permitting the use of state parks and parkways by the public. RCW 79A.05.030. Moreover, State Parks is authorized to cooperate with state and federal agencies in the promotion of parks and recreational opportunities, and to cooperate with the United States in any matter pertaining to the acquisition, development, redevelopment, renovation, care, control, or supervision of any park or parkway. RCW 79A.05.055, .030.

Pursuant to these statutory authorizations, State Parks brings this motion to intervene.

III.

State Parks is a state agency which is authorized to provide recommendations to the Commission for inclusion in any new license. Federal Power Act, 16 U.S.C. §

803(a). Moreover, in making its decision to issue a new license, the Commission is required to consider the protection of recreational opportunities. 16 U.S.C. § 797(e).

IV.

Washington Tidal Energy Company filed an Application for Preliminary Permit pursuant to Federal Power Act, 16 U.S.C. §§ 791(a) – 825(r), for the project known as the Deception Pass Tidal Energy Hydroelectric Project.

V.

The proposed Deception Pass Tidal Energy Hydroelectric Proposed Project would be located under water in a section of Deception Pass, between Whidbey Island and Fidalgo Island, in Skagit and Island Counties, Washington. The proposed Deception Pass Energy Project would consist of 100 to 300 Tidal In Stream Energy Conversion (TISEC) devices consisting of rotating propeller blades, integrated generators with a capacity of 0.5 to 2.0 MW, anchoring systems, mooring lines, and interconnection transmission lines. The project is estimated to have an annual generation of 8.76 gigawatt-hours per-unit per-year, which would be sold to a local utility.

The Proposed Project area provides and encompasses a wide range of recreational opportunities and resources, including many in which State Parks is actively involved. For example, most of the proposed project lies within or adjacent to Deception Pass State Park, which is administered for recreational use by State Parks. The preliminary permit application submitted by Washington Tidal Energy Company raises significant issues of park and recreational interest which come within the jurisdiction of State Parks.

VI.

For the above reasons, State Parks has a significant interest which may be directly affected by the outcome of these proceedings, and this interest is not adequately

represented by existing parties. The participation of State Parks in these proceedings is in the public interest.

VII.

THEREFORE, in order that these proceedings be fully developed in accordance with the applicable law and that the Commission have before it all the material facts relating to these projects, the Commission should grant the State Parks intervener status.

As a party in the above-entitled proceedings, State Parks 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 27th day of June, 2006.

Respectfully submitted:

ROB MCKENNA
Attorney General

s/Karolyn R. Klohe
KAROLYN R. KLOHE, WSBA No. 34219
Assistant Attorney General
Attorneys for Washington State Parks and Recreation
Commission
(360) 586-4034

Submission Contents

State Parks Motion to Intervene motiointervene.doc.....	1-5
--	-----