



ibal Community

A 98257  
66-7228  
-4047

June 28, 2006

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

Reference: **MOTION TO INTERVENE for Washington Tidal Energy Company's application for a preliminary permit for Deception Pass Tidal Hydroelectric Project (FERC Project Number P-12663-000)**

Dear Secretary Salas:

The Swinomish Indian Tribal Community reserved the right to take fish at usual and accustomed grounds and stations" in Section 5 of the Treaty of Point Elliott of 1855. That right, so crucial to the Tribe's livelihood, survival, and culture may be affected by the Deception Pass Tidal Hydroelectric Project. The Swinomish Indian Tribal Community is also by federal court order a co-manager of the fish and wildlife resources of the Skagit River Basin along with the Washington Department of Fish and Wildlife, Sauk-Suiattle Indian Tribe and Upper Skagit Indian Tribe.

Deception Pass is a major migration route for all five species of Pacific salmon and steelhead that return to the Skagit River. The Deception Pass Tidal Hydroelectric Project may alter migration or cause direct mortality on migrating salmon and steelhead that are vital to the Swinomish Tribe.

The Swinomish Tribe also conducts salmon and shellfish fisheries within the proposed project area that may be impacted by the project.

The Swinomish Indian Tribal Community respectfully request that its motion to intervene in project P-12663 be granted.

Contacts for this project should be listed as:

Brian Cladoosby  
Chairman, Swinomish Indian Tribal Community  
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LaConner, WA 98257

Stan Walsh

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Skagit River System Cooperative  
P.O. Box 368  
LaConner, WA 98257

Sincerely,

Brian Cladoosby  
Chairman,  
Swinomish Indian Tribal Community

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