

**UNITED STATES OF AMERICA**

**FEDERAL ENERGY REGULATORY COMMISSION**

	)	Project:
Public Utility District No. 1 of	)	San Juan Channel Tidal
Snohomish County, WA	)	Energy Project
	)	12692-000
Application for Preliminary Permit	)	
For San Juan Channel Tidal Energy	)	<b>MOTION TO INTERVENE</b> by
San Juan County, WA	)	<b>FRIENDS OF THE SAN JUANS</b>
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**Introduction**

On June 22, 2006, the Federal Energy Regulatory Commission (FERC) issued a notice regarding a preliminary permit application of Snohomish County’s Public Utility District No. 1 (“PUD No. 1”) for the San Juan Channel Tidal Energy Project, 12692-000, in San Juan Channel north of San Juan Island. In accordance with FERC’s Rules of Practice and Procedure, 18 C.F.R. § 385.214, Friends of the San Juans moves to intervene in PUD NO.1’s application for a preliminary permit.

**Statement of Interest**

Friends of the San Juans (“Friends”) is a 501(c)(3) non-profit public interest organization based in San Juan County, WA. Friends represents environmental and community interests in protecting the land, sea, water, and livability of the San Juan Islands. Friends has been representing its approximately 1600 members for over 26 years in developmental and environmental issues affecting the San Juan Islands, Puget Sound, and the Northwest Straits region. Friends played a significant role as a co-petitioner in the recent listing of the San Juan Islands’ Southern Resident Orca Whales under the

Endangered Species Act. Friends has been active in forage fish, salmonid, eel grass research, mapping and habitat protection throughout the region.

Friends' members and staff sit on the San Juan County Economic Development Commission, the Water Resources Committee, and the Marine Resources Committee. Through these positions and numerous other local, state, and federal actions, Friends plays an important role in the continuing effort to protect, preserve, and restore the land, water, sea, and livability of the San Juan Islands.

Friends has legitimate, specific concerns about the individual and cumulative environmental, navigational, and aesthetic impacts of the proposed project, given the many unknown factors associated with the proposed technology. While Friends applauds the efforts of PUD NO.1 to change from dependence on traditional, fossil fuel-based power technologies to new, renewable energy resources, Friends is extremely concerned about the potential impact of having 116 20-meter turbines located in San Juan Channel on the southeast side of San Juan Island. Friends is especially concerned about the San Juan Channel project in light of the concurrent application of PUD NO.1 for a similar project in Spieden Channel on the north end of San Juan Island.

### **Grounds for Intervention**

Friends brings this motion for intervention in accordance with 18 CFR § 385.214 (b)(2)(iii). Under this section, parties may be added if the intervention is in the public interest. As there are presently no parties in this permit application other than the applicant, public and environmental interests in San Juan County are necessarily unrepresented. Friends has a well-established history of monitoring and enforcing development and environmental quality standards in and around the San Juan Islands on

behalf of its members. Friends is uniquely suited to provide insight into the potential effects of the proposed project on the environment, wildlife, marine traffic, and overall marine environment. The 26-year presence of Friends in the San Juan Islands and its commitment to original scientific research and monitoring makes Friends the right party to serve the public interest in the PUD No. 1's permit application.

Friends has a direct interest in this permit application, as most of our members live, work, and recreate on the Islands and in the surrounding waters. The massive tidal energy project proposed by the PUD No. 1 will likely have an adverse impact on our members and will potentially impair our restoration and conservation efforts in the waters, tidelands, and beaches of San Juan County. It is important that the PUD No. 1's proposed project be approached with an eye to maintaining the character and environmental quality of the county. Accordingly, Friends has a direct and substantial interest in the outcome of this preliminary permit application process, both on behalf of the organization itself as well as on behalf of its members.

Friends makes its motion to intervene in a timely manner. Public notice of PUD NO.1's application for a preliminary permit for the San Juan Channel Tidal Energy Project was published on June 22, 2006. This motion is submitted well within the statutorily mandated 60-day period for comments and motions to intervene.

As shown above, Friends brings this motion in accordance with applicable federal rules and statutes, in the public interest, with a direct and substantial interest on behalf of its affected members, and in a timely manner as required under 18 C.F.R. § 385.214.

### **Statement of Position**

San Juan Channel is an important part of our island communities. The passage is used by many kinds of wildlife and by both commercial and recreational boat traffic. Much of San Juan Channel is potential surf smelt and pacific sand lance spawning habitat. Such habitats are very sensitive to changes in conditions. Friends' 2004 eelgrass survey, performed in accordance with best available scientific methods, showed significant eelgrass beds along San Juan Channel. Eelgrass is essential habitat for forage fish and young salmonids, which serve as prey for adult salmon. Eelgrass is very sensitive to changes in light availability, water quality, and ocean wave currents. Additionally, orcas, minke, gray, and humpback whales, marine-foraging river otters, sea lions and seals, and several kinds of salmon all frequent the waters around San Juan Island. Because the type and extent of impacts on these species from the proposed major tidal power project are unknown, it is essential that Friends be allowed to intervene to assure that such issues are given appropriate consideration and attention throughout the process.

Though the expected depth of the turbines may put them out of the way of marine traffic, the technology is still new and must be adapted to the unique conditions of the Islands, particularly to survive violent winter storms. The size and proposed location of the turbines presents a potential navigational hazard, one that must be investigated thoroughly before implemented or utilized for power generation. Like navigational impacts, potential aesthetic impacts must be assessed, potentially minimized and mitigated.

Even if the proposed turbines will remain below the surface, there will likely have to be some shore construction in order for power to be brought ashore. This has the

potential to cause adverse visual impacts as well as shoreline and near shore environmental impacts. Many residents and visitors are attracted to the islands because of the natural beauty and pristine environment, so it is important to minimize impacts to these scenic and natural resources.

In light of the aforementioned concerns, Friends will be seeking appropriate licensing conditions and will oppose any license that does not adequately protect the environmental, navigational, and aesthetic interests highlighted above.

Friends requests that it be informed of any and all progress reports, documents, supplemental studies or application related materials, and all other filings by the PUD No. 1. This includes being added to all official service and mailing lists regarding the PUD No. 1's preliminary permit application. Please direct such information to the following contact:

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Submitted this \_\_\_\_ day of July, 2006

**FRIENDS OF THE SAN JUANS**

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