

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

Enloe Hydroelectric Project

Applicant: Public Utility District # 1
of Okanogan County

Project Nos. P-12569

Type of Application: Major License

**STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
MOTION TO INTERVENE**

Pursuant to Rules 211 and 214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure (18 C.F.R. §§ 385.211 and 385.214), the State of Washington Department of Natural Resources (DNR), respectfully moves the Commission for a motion to intervene in the above-captioned proceeding. The Department of Natural Resources is filing this motion to intervene in response to the October 29, 2008, Notice of Application Accepted for Filing and Soliciting Motions to Intervene and Protests for Project No. 12569-001.

The motion is based on the following grounds:

I.

The names and addresses of the contacts for DNR on this project are below. Copies of all orders, notices, pleadings, and correspondence related to this proceeding should be directed to:

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Washington State Department of Natural Resources
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II.

DNR is an agency of the State of Washington created to manage the public trust lands and aquatic lands, including tidelands, shorelands, and beds of navigable salt and fresh waters. Pursuant to statutory authority granted under state law, DNR possesses the right and the duty to manage said public lands for the benefit of the common schools, colleges, counties, and other institutions and people of the State of Washington. In managing state-owned aquatic lands DNR must strive to provide a balance of public benefits for all citizens of the state. To this end, DNR must balance uses of state-owned aquatic lands which encourage direct public use and access, foster water-dependent uses, ensure environmental protection, and utilize renewable resources. Furthermore, in managing Washington's aquatic lands DNR must comply with numerous constitutional and statutory requirements, including compliance with provisions of the federal Clean Water Act. Other obligations that may affect DNR's management authority on public lands include binding agreements with other public and private entities. These agreements include the Habitat Conservation Plan (HCP), approved by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service in 1997, and the Forests and Fish Agreement passed by the Washington State Legislature and signed by Governor Gary Locke in 1999. Pursuant to the Department of Natural Resources' constitutional, statutory, and contractual duties, DNR brings this motion to intervene on behalf of specific trust beneficiaries, for whom DNR manages state-owned lands, and the citizens of the State of Washington for whom DNR manages Washington's aquatic lands.

III.

The Enloe Project would consist of major modifications to a dam constructed between 1919 and 1923 for power generation. The powerhouse contains two 1,600 kilowatt turbine generators and is located on the west bank of the Similkameen River, about 850 feet downstream of the dam. The original project was decommissioned in 1958. The project would be redeveloped on the east bank, opposite to the original project location. The new capacity is proposed to be 9.0 megawatts for 47.3 gigawatt hours annually.

Other components of the new project include a new substation adjacent to the powerhouse, a new 100-foot-long, 13.2-kilovolt primary transmission line from the substation connecting to an existing distribution line, new and upgraded access roads, and appurtenant facilities.

IV.

The project is located on the Similkameen River, which is navigable for title, near the town of Oroville in Okanogan County, Washington. The Okanogan PUD claims ownership of the existing dam structure. The October 29, 2008 Notice of Application, part (f) - Location, states that the project would occupy about 35.47 acres of federal land under the jurisdiction of the U.S. Bureau of Land Management, and also estimates that DNR manages slightly over 100.73 acres of shoreland and/or bedlands (Figure A-3) to be confirmed later by survey. Potential licensing decisions may adversely affect state trust lands, aquatic lands, lands included in the HCP, and the state's natural resources, under the jurisdiction of DNR. For the above reasons, DNR has a significant interest, which may be directly affected by the outcome of this proceeding, and existing parties do not adequately represent this interest. DNR's participation in this proceeding is in the public interest

V.

The proposed project has been operating in the past without a state-issued use authorization. DNR is currently working with Okanagon PUD to develop any use authorization the District may need for future operation of this facility. Accordingly, DNR does not have the details of the proposal and its interest herein and has good cause for filing this motion to intervene as prescribed in Rule 210 (18 C.F.R. 385.210).

VI.

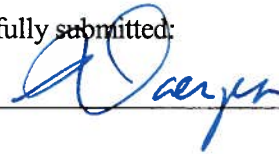
THEREFORE, in order that the Commission have before it all of the material facts relating to this project, DNR requests that it be allowed to intervene as a party to this proceeding.

As a party in the above-entitled proceedings, DNR 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 26 day of November 2008.

Respectfully submitted:



Rich Doenges

Division Manager, Aquatic Resources Division

Washington State Department of Natural Resources

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Project Nos. **P-12569**

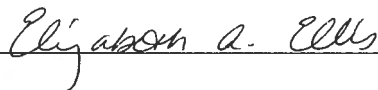
Applicant: Public Utility District # 1
of Okanogan County

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served, by depositing in the United States mail, the foregoing document on all parties of record to these proceedings in accordance with the Rules of Practice and Procedure.

DATED this 26th day of November 2008.



Elizabeth Ellis

Document Content(s)

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