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December 11, 2008

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1-A
Washington, DC 20426

RE: **Enloe Hydroelectric Project**
FERC Project No. 12569-001

Dear Secretary Bose:

Enclosed for filing in the above-referenced matter are the State of Washington, Department of Ecology's Motion to Intervene and Certificate of Service.

Thank you for your assistance.

Sincerely,

s/ Thomas J. Young

THOMAS J. YOUNG
Assistant Attorney General
(360) 586-4608

TJY:ndj
Enclosures
cc: Service List

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

**ENLOE HYDROELECTRIC
PROJECT**

Project No. 12569-001

**STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY'S
MOTION TO INTERVENE**

The State of Washington, Department of Ecology (Ecology) respectfully moves the Commission, pursuant to 18 C.F.R. §§ 385.210 and .214, for the authorization to intervene in the above-entitled matter. Ecology 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 in Project No. 12569-001. The reasons in support of Ecology's right to participate in this matter are:

1. Ecology is the agency created to administer the State of Washington's Water Management Program, including its comprehensive water quality and water rights programs, and to present the views and recommendations of the state regarding any federal license or permit relating thereto at any proceeding, negotiation, or hearing in such regard conducted by the federal government. Wash. Rev. Code 90.48.260; Wash. Rev. Code 43.21A.020; Wash. Rev. Code 43.27A.090; Wash. Rev. Code 90.03.010; Wash. Rev. Code 90.54.010; Wash. Rev. Code 90.58.010; 16 U.S.C. § 803(a); and 16 U.S.C. § 821. Ecology has the responsibility to issue the Section 401 certification under the Clean Water Act which is required for this relicense. *See* Wash. Rev. Code 90.48.260. Ecology also has the responsibility of issuing National Pollution Discharge Elimination System (NPDES) permits and certifying compliance with the Coastal Zone Management Act (CZMA). Ecology also has statutory responsibilities in the matters of environmental review and coordination, pursuant to the state's environmental policy statute. Wash. Rev. Code 86.16.010, *et seq.*; Wash. Rev. Code 90.48.260; Wash. Rev. Code 90.48.010, *et seq.*; Wash. Rev. Code 90.58.020, *et seq.*; and Wash. Rev. Code 43.21C.010, *et seq.*

2. The interest of Ecology is not adequately represented by any other party in the proceeding, and its participation in this proceeding is in the public interest. It is in the public interest that the state's water resource laws and water quality standards be represented before the Commission. Ecology desires to monitor and stay informed about the nature of this project and to be permitted to participate herein to the full extent authorized under Commission rules.

3. The operation of this project has the potential for material adverse impacts to water quality in Washington. As such, a Section 401 water quality certification is required and FERC should require the applicant to make a request for water quality certification to the Department of Ecology.

Therefore, good cause having been shown, Ecology respectfully requests pursuant to Commission rules that it be permitted to intervene in the above-entitled proceedings and be made a party thereto. It 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, through written and oral argument, to be served henceforth with copies of all pleadings, applications, and notices and for such other participation and relief as may be appropriate. We request that the following individuals be added to the service list to receive filings and notice on behalf of Ecology for this proceeding:

Thomas J. Young, Assistant Attorney General
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RESPECTFULLY SUBMITTED this 11th day of December 2008.

ROBERT M. MCKENNA
Attorney General

s/
THOMAS J. YOUNG, WSBA #17366
Assistant Attorney General

MOTION TO INTERVENE

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of December 2008, I served copies of the State of Washington, Department of Ecology's Motion to Intervene to all parties of record, as set forth in the service list, in accordance with the rules of the Federal Energy Regulatory Commission.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

s/ Thomas J. Young
THOMAS J. YOUNG

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