



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
1201 NE Lloyd Boulevard, Suite 1100  
PORTLAND, OREGON 97232-1274

F/NWR5

VIA ELECTRONIC FILING

October 15, 2007

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

Re: Notice of Intervention for Public Utility District No. 1 of Okanogan County,  
Application for Preliminary Permit, Shanker's Bend Hydroelectric Project (FERC  
No. 12804-000)

Dear Secretary Bose:

On August 14, 2007, the Federal Energy Regulatory Commission (FERC) issued a *Notice of Application Accepted for Filing and Soliciting Motions to Intervene, Protests, and Comments* for the Shanker's Bend Hydroelectric Project (FERC No. 12804-000) in the Similkameen River in Okanogan County, Washington. Enclosed for filing, please find the National Marine Fisheries Service's Notice of Intervention in the above-captioned proceeding and certificate of service.

Sincerely,

for  
Keith Kirkendall, Chief  
FERC & Water Diversions Branch  
Hydropower Division

Enclosure

Cc: Dan Boettger, Okanogan PUD – Okanogan, WA  
Service List



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

|   |   |                              |
|---|---|------------------------------|
| <b>Public Utility District No. 1 of</b>   | ) | <b>Project No. 12804-000</b> |
| <b>Okanogan County</b>                    | ) | <b>Shanker's Bend</b>        |
|   | ) | <b>Hydroelectric Project</b> |
| <b>Application for Preliminary Permit</b> | ) |                              |
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**NATIONAL MARINE FISHERIES SERVICE'S  
NOTICE OF INTERVENTION**

**I. Communication and Notice of Intervention**

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, United States Department of Commerce (Department), hereby provides notice pursuant to 18 C.F.R. §385.214(a), as amended at 68 Fed. Reg. 51,070 (Aug. 25, 2003) (Rule 214), that it is intervening in this proceeding. NMFS has a Federal statutory responsibility for protection, mitigation, and enhancement of anadromous fish resources that may be directly affected by the results of this proceeding. NMFS therefore intervenes for the purposes of becoming a party, and to ensure that its interests and those of the Department and the public are represented in this proceeding.

Service of process and other communications concerning this proceeding should be made to:

Keith Kirkendall  
National Marine Fisheries Service  
1201 NE Lloyd Blvd., Suite 1100  
Portland, Oregon 97232-1274  
Phone: (503) 230-5431  
Email: Keith.Kirkendall@noaa.gov

Scott Carlon  
National Marine Fisheries Service  
1201 NE Lloyd Blvd., Suite 1100  
Portland, Oregon 97232-1274  
Phone: (503) 231-2379  
Email: Scott.Carlon@noaa.gov

Christopher Fontecchio  
NOAA Office of Northwest Regional Counsel  
7600 Sand Point Way, N.E  
Seattle, Washington 98115  
Phone: (206) 526-6153  
Email: Chris.Fontecchio@noaa.gov

## **II. Background**

On May 17, 2007, the Public Utility District No. 1 of Okanogan County (Okanogan PUD) filed a Preliminary Permit Application with the Federal Energy Regulatory Commission (FERC) for a hydroelectric project at river mile 7.3 of the Similkameen River in Okanogan County, Washington.

Okanogan PUD proposes to assess the potential for construction and operation of the Shanker's Bend Hydroelectric Project (Project) which may consist of : (1) a 260-foot-high, 1,200-foot-long dam; (2) an 18,000 acre impoundment with an average elevation of 1,289 feet mean sea level and a gross storage capacity of 1.7 million acre-feet; (3) a 210-foot steel penstock; (4) an existing 1,700 foot-long railroad tunnel enlarged to 20-foot-diameter; (5) a powerhouse containing two generating units with an installed capacity of 42-megawatts; (6) a 7.5-mile-long, 115 kV transmission line; and (7) appurtenant facilities. The proposed project would have an estimated annual generation of approximately 280,000 megawatts-hours. The applicant would sell the generated energy.

## **III. NMFS' Interest**

NMFS is the Federal agency with jurisdiction over marine, estuarine, and anadromous fish resources. See Reorganization Plan No. 4 of 1970, 84 Stat. 2090, as amended; the Fish and Wildlife Coordination Act (FWCA) at 16 U.S.C. § 661 and 662; the Sustainable Fisheries Act, 16 U.S.C. § 1801 et seq.; the Federal Power Act (FPA) at 16 U.S.C. § 803 and 811; the Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. § 839 et seq.; the Pacific Salmon Treaty Act of 1985, 16 U.S.C. § 3631-3644; and finally, the Endangered Species Act (ESA), 16 U.S.C. § 1531 et seq.

Pursuant to the above-cited authorities, NMFS has a statutory responsibility for protection and enhancement of anadromous fish resources that may be affected by the outcome of this proceeding. The FPA and FWCA specifically authorize NMFS to participate in this proceeding. By carrying out its statutory responsibilities under the FPA, FWCA, ESA and other authorities cited above, NMFS acts in the public interest. In addition, NMFS is obligated to satisfy its tribal trust responsibilities in the exercise of its statutory authorities affecting tribal interests and tribal treaty obligations.

#### **IV. Conclusion**

For the above-stated reasons, NMFS respectfully requests that its motion to intervene in this proceeding for the Project be granted.

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

Okanogan PUD

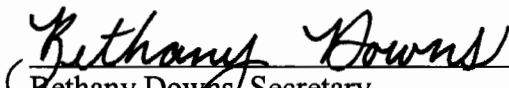
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**Shanker's Bend  
Hydroelectric Project  
FERC No. 12804**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served, by electronic mail, a letter to Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, from the National Marine Fisheries Service regarding Notice of Intervention for Okanogan PUD Application for Preliminary Permit, Shanker's Bend Hydroelectric Project (FERC No. 12804) and the foregoing document and this Certificate of Service has been served to each person designated on the official service list compiled by the Commission in the above captioned proceeding.

Dated on October 15, 2007

  
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Bethany Downs, Secretary  
FERC & Water Diversions Branch  
Hydropower Division