



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802- 4213

APR 20 2007

In response refer to:
SWR/F/SWR3:DKW

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

Re: Motion to Intervene and Comments, Application for Preliminary Permit, Pacific Gas and Electric Company's Humboldt WaveConnect Project (Project No. 12779-000)

Dear Secretary Bose:

Enclosed for filing in the above-referenced proceeding is the National Oceanic and Atmospheric Administration, National Marine Fisheries Service's motion to intervene and comments, together with a certificate of service.

If you have questions regarding these documents, please contact Mr. David White at (707) 575-6810.

Sincerely,

A handwritten signature in cursive script that reads "Rodney R. McInnis".

Rodney R. McInnis
Regional Administrator

Enclosures

cc: Irma Lagomarsino, Arcata NMFS
Service List



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

Pacific Gas and Electric Company)	Project No. 12779-000
Humboldt WaveConnect Project)	
_____)	

**NATIONAL MARINE FISHERIES SERVICE'S
MOTION TO INTERVENE AND COMMENTS**

I. Background

On April 17, 2007, the Federal Energy Regulatory Commission issued a "Notice of Application Accepted for Filing and Soliciting Motions to Intervene, Protests, and Comments" (Notice) in the above-referenced proceeding. The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, United States Department of Commerce, hereby timely moves for intervention in the above-referenced proceeding pursuant to 18 CFR § 385.214.

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

David K. White
National Marine Fisheries Service
Santa Rosa Area Office
777 Sonoma Ave., Room 325
Santa Rosa, CA 95404-6515
Phone (707) 575-6810
Fax (707) 578-3435
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Dan A. Hytrek
National Oceanic and Atmospheric Administration
Office of General Counsel, Southwest Regional Office
501 W. Ocean Blvd, Suite 4470
Long Beach, CA 90802
Phone (562) 980-4075
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II. The National Marine Fisheries Service's Interest

NMFS is a federal agency with jurisdiction over marine, estuarine, and anadromous fish resources and marine mammals that may be directly affected by the results of this proceeding. See Reorganization Plan No. 4 of 1970, 84 Stat. 2090, as amended; the Federal Power Act (FPA) at 16 U.S.C. §§ 803 and 811; the Fish and Wildlife Coordination Act (FWCA) at 16 U.S.C. §§ 661 and 662; the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1801 *et seq.*; the Marine Mammal Protection Act, 16 U.S.C. § 1361 *et seq.*; and the Endangered Species Act, 16 U.S.C. § 1531 *et seq.*

The FPA and FWCA confer upon NMFS a specific right to participate in this proceeding. The interests of NMFS as a regulatory agency with jurisdictional responsibility for marine, estuarine, and anadromous fish resources and marine mammals are not adequately represented by any other party in this proceeding. By carrying out its statutory responsibilities under the FPA, FWCA 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.

III. Comments

The Notice and Application in this proceeding do not provide adequate information to assess potential impacts of the project on the resources under NMFS' jurisdiction. Therefore, NMFS respectfully reserves the right to comment as additional information is developed in this proceeding.

IV. Conclusion

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

DATED this 20th day of April, 2007, on behalf of the National Marine Fisheries Service.

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

Pacific Gas and Electric Company)	Project No. 12779-000
Humboldt WaveConnect Project)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served, by first class mail or electronic mail, a letter to Secretary Bose, Federal Energy Regulatory Commission, the National Marine Fisheries Service's Motion to Intervene and Comments, and this Certificate of Service upon each person designated on the official service list compiled by the Commission in the above-captioned proceeding.

Dated this 26th day of April 2007



David K. White
National Marine Fisheries Service