

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Green Power Development, LLC) Docket No.
))
Allison Lake Project) Project No. 12530-000
))
Application for preliminary permit))

NATIONAL MARINE FISHERIES SERVICE

MOTION TO INTERVENE AND ENTRY OF APPEARANCE

Introduction

Green Power Development, LLC, has submitted an application for a preliminary permit for a hydropower project on Allison Lake in Valdez, Alaska. The National Marine Fisheries Service (NOAA Fisheries) hereby moves for an order permitting it to intervene pursuant to the Federal Power Act, 16 U.S.C 791a et seq. Service of process and other communications regarding this motion and the proceedings for relicensing should be made to:

Thomas Meyer, Attorney Advisor
Office of General Counsel, Alaska Region
National Oceanic and Atmospheric Administration
P.O. Box 21109
Juneau, AK 99802
Telephone 907/586-7414x234

National Marine Fisheries Service
Jeanne Hanson, Field Office Supervisor
222 West 7th Avenue, #43
Anchorage, Alaska 99513
Telephone 907/271-3029

Interest of the Petitioner:

NOAA Fisheries, an agency under the Department of Commerce, has primary responsibility for management of the Nations living marine resources. NOAA Fisheries conserves, protects, and manages living marine resources in a way that ensures their continuation as functioning components of marine ecosystems, affords economic opportunities, and enhances the quality of life for the American public. The Federal Power Act, 16 U.S.C. 791a et seq, authorizes NOAA Fisheries to prescribe license conditions necessary to protect, mitigate damage to, and enhance fish and wildlife (including spawning habitat) affected by the development, operation and management of a project. Additionally, NOAA Fisheries is interested in the protection of marine, estuarine and anadromous fishery resources pursuant to, among other authorities, the Anadromous Fish Conservation Act, 16 U.S.C. 757(a) et seq, the Magnusen-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., and the Pacific Salmon Treaty Act of 1985, 16 U.S.C. 3631-3644.

Grounds for Intervention:

Green Power Development LLC is requesting a preliminary permit for development and construction of a new hydropower generation facility on Allison Lake and Allison Creek near Valdez, Alaska. The proposed project would consist of : (1) a natural lake having a surface area of 243 acres with a storage capacity of 13,400 acre-feet and a normal water surface elevation

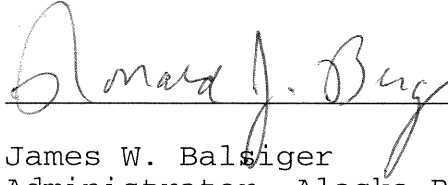
of 1,345 feet mean sea level, (2) a intake structure, (3) a 10,000-foot-long, 4-foot-diameter steel pipe lined tunnel, (4) a powerhouse containing one generating unit having an installed capacity of 4,950 kilowatts, (5) a 2.5-mile-long transmission line; and (6) appurtenant facilities. The project would have an annual generation of 20.4 megawatt-hours that would be sold to a local utility. The proposed project would operate in a run-of-river mode.

Allison Creek has been identified by the State of Alaska as being important for the spawning, rearing, or migration of anadromous fishes. In particular, Allison Creek is known to support pink and chum salmon. NOAA Fisheries has a statutory interest in the conservation of these salmon species.

Position of the Petitioner:

Pursuant to its statutory responsibilities to conserve, protect, and manage living marine resources, and based on preliminary information that the Allison Lake Hydroelectric Project could impact those resources, NOAA Fisheries hereby submits this Motion to Intervene. Furthermore, NOAA Fisheries requests intervention in this proceeding to reserve the authority of NOAA Fisheries to prescribe, in the future, terms and conditions necessary for the protection of anadromous fish.

Respectfully submitted for NOAA Fisheries this 26th day of
January, 2005, in Juneau, Alaska.



For
✓

James W. Balsiger
Administrator, Alaska Region

CERTIFICATE OF SERVICE

I hereby certify that I have this day served upon the Federal Energy Regulatory Commission, by Federal Express, a Motion to Intervene in this matter plus eight copies to its place of business located at 888 First Street, N.E., Washington D.C., 20426.

Mary B Goode

Program Support Assistant
NOAA Fisheries Habitat Division, Alaska Region

Enclosures: 8 copies