

**BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

In the Matter of the Application of:	)	
	)	
DeepGreen Western Passage SPV LLC	)	Docket No. P-15424-000

**CENTER FOR BIOLOGICAL DIVERSITY
MOTION TO INTERVENE**

Pursuant to Rule 214 of the Federal Energy Regulatory Commission’s (“FERC”) Rules of Practice and Procedure, the Center for Biological Diversity (“Center”) moves to intervene in the proceeding regarding the DeepGreen Western Passage SPV LLC preliminary permit application for the proposed DeepGreen Western Passage Subsea-Compute & Infrastructure Hub (“Project”). 18 C.F.R. § 385.214. By this motion, the Center seeks to ensure that wildlife, including North Atlantic right whales, fin whales, and their habitats are protected and to pursue the public interest as FERC evaluates the application.

CONTACT INFORMATION

All filings, orders, and correspondence respecting these proceedings and this intervention should be sent to:

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I. DESCRIPTION OF INTERVENOR

This intervention motion is filed on behalf of the Center for Biological Diversity (“Center”). The Center is a 501(c)(3) non-profit corporation with offices nationwide. The Center advocates for biodiversity protection through science, policy, and law. The Center has programs focused specifically on endangered species, ocean protection, and public lands, among others. We have more than 1.8 million members and supporters, including members in Maine and throughout New England, who use and enjoy coastal and marine areas for wildlife observation, recreation, scientific study, and aesthetic enjoyment.

The Center has a long-standing interest in conserving wildlife in the Atlantic Ocean and has worked for decades to protect critically endangered North Atlantic right whales and their habitat, along with other whales such as fin and humpback whales. Its work includes advocacy to secure and defend critical habitat for North Atlantic right whales; reduce vessel-strikes of large whales; reduce entanglements in fishing gear of fin whales, humpback whales, minke whales, and right whales; and address ocean noise, which can harm all marine mammals. The Center’s members use the coast and waters off Maine to sail, kayak, photograph, study, and view whales, seabirds, fish, and other marine wildlife.

The Center and its members may be adversely affected by the outcome of this proceeding. The Project is proposed for 27.1 acres in Western Passage near Eastport, within the Bay of Fundy, which is used by North Atlantic right whales, minke whales, fin whales, humpback whales and other marine animals. Preliminary studies, construction, and operation of the underwater energy-generation facility and data center could increase vessel traffic and underwater noise, disturb whales and their prey, alter marine habitat, and create collision or

displacement risks. These effects could impair members' ability to observe, study, photograph, and otherwise enjoy wildlife and the Bay of Fundy ecosystem. The Center therefore has a direct interest in preventing and mitigating those harms.

II. THE PROPOSED PROJECT

On February 11, 2026, DeepGreen Western Passage SPV LLC ("DeepGreen") filed an application with FERC for a preliminary permit to study the feasibility of the DeepGreen Western Passage Subsea-Compute & Infrastructure Hub, Project No. 15424-000. The Project was amended on July 30, 2026. The Project would be located in Western Passage of the Bay of Fundy near Eastport, Maine. FERC issued a notice of the accepted application on August 25, 2026.¹

The preliminary-permit stage includes surveys and studies in preparation for pilot and commercial phases. At this initial stage, DeepGreen intends to conduct high-resolution bathymetric and geophysical surveys, mapping, year-round environmental monitoring, interconnection studies, and other studies. These activities would prepare for Phase 1, the Project's 27.1-acre pilot phase, which would generate 1 to 5 megawatts of energy from up to 16 tidal turbines to power a 34 subsea data-center pods and would include a 1.5-mile cable to shore and supporting facilities. The Phase 2 commercial expansion could extend the Project to as much as 400 acres, add up to 34 tidal turbines producing 10 to 15 megawatts of energy, and include an unspecified number of subsea data-center pods.

¹ FERC, DeepGreen Western Passage SPV LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications, 91 Fed. Reg. 54868 (Aug. 25, 2026) Motion to Intervene

III. GROUNDS FOR INTERVENTION

The Center has and represents interests that may be directly affected by the outcome of the proceeding, and the Center's participation is also in the public interest. Under FERC Rule 214, a party seeking intervention must state, "to the extent known," its position and the basis in fact and law for that position.² The party must also demonstrate an interest that may be directly affected by the outcome or that its participation is in the public interest.³ This motion is timely because it is submitted on or before the October 19, 2026, deadline established in FERC's notice.⁴

The Center has members and staff who reside on and visit the Maine coast. They use and enjoy coastal and marine waters to sail, kayak, photograph, study, and seek to view North Atlantic right whales, fin whales, and other species. Members have aesthetic and recreational interests in marine life and in the healthy marine ecosystems on which they depend. The Center has worked for more than two decades to protect the critically endangered North Atlantic right whale. In 2005, it petitioned for stronger Endangered Species Act protections and later sought expanded habitat protections for the whales. The Center has also repeatedly petitioned and litigated to strengthen federal vessel-speed rules to prevent vessel strikes of right whales, rules that also benefit fin whales and humpback whales. The Center has also advocated to protect right whales, as well as humpback whales, fin whales, and minke whales, from deadly fishing-gear entanglements, including through service on the Atlantic Large Whale Take Reduction Team.

² 18 C.F.R. § 385.214(b).

³ Id.

⁴ FERC, Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Competing Applications, 91 Fed. Reg. 54868 (Aug. 25, 2026).

The Center works to protect other wildlife in the Atlantic and Maine, including endangered Atlantic salmon, Atlantic sturgeon, bluefin tuna, other marine mammals, fish, and seabirds.

The proposed activities could increase risks to North Atlantic right whales and other species in the region. Western Passage is a biologically productive, high-current marine environment connected to the Bay of Fundy. For example, North Atlantic right whales use the Bay of Fundy as a traditional feeding and nursing habitat, and protecting these waters is important to the species' survival and recovery. The proposed activities would increase vessel traffic, underwater noise, and habitat disturbance and could reduce prey availability, adversely affecting right whales and their habitat. These industrial activities could also adversely affect fin whales, humpback whales, seals, fish, seabirds, and other marine animals.



A right whale named “Epic” had its head covered with reddish-brown mud from the Bay of Fundy. Credit: NOAA Fisheries/Alison Ogilvie

Activities during the preliminary-permit stage may harm the Center's interests. High-resolution surveys and monitoring may increase vessel traffic and noise pollution from the use of echosounders, sonar, or other survey equipment. These activities may disrupt the behavior of right whales, fin whales, and other marine wildlife, interfere with communication and foraging, affect prey, increase pollution, and impair habitat. If built, the Project would amplify those risks and raise additional concerns, including entrapment, thermal discharges, contaminants, noise, and construction impacts.

In short, the Center and its members have a substantial interest in participating in FERC's review of the Project and its potential effects on North Atlantic right whales, fin whales, humpback whales, other marine wildlife, fisheries, habitats, water quality, cultural resources, and public uses of Western Passage and the Bay of Fundy.

IV. STATEMENT OF POSITION

The Center seeks to participate in this proceeding to ensure that public-resource values, including conservation of North Atlantic right whales, fin whales, humpback whales and their habitats as well as other marine wildlife, are protected. The Center also seeks to ensure that any authorization of the Project complies with all applicable state and federal environmental laws.

The Center opposes the proposed preliminary permit due to concerns about the potential impacts on North Atlantic right whales, fin whales, humpback whales, and other wildlife and the integrity of the ecosystems upon which they depend. The Center aims to protect the public interest and ensure compliance with environmental laws. The Center reserves the right to modify or further develop its position as additional information becomes available.

V. CONCLUSION

Because the Center has substantial interests in this proceeding and in the Project's potential effects on Western Passage, the Bay of Fundy, and their wildlife and habitats, intervention is necessary for the Center to represent those interests and seek to avoid and mitigate harm. Those interests are not adequately represented by any other party. The Center respectfully requests that FERC grant its motion to intervene in the DeepGreen Western Passage Subsea-Compute & Infrastructure Hub, Project No. P-15424-000.

DATED: September 24, 2026

Respectfully submitted,

/s/ Miyoko Sakashita

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CERTIFICATE OF SERVICE

I certify that on the 24th day of September, 2026, I electronically filed the original document, Motion to Intervene on behalf of Intervenor, with:

Debbie-Anne A. Reese, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC 20426

I further certify that I served this Motion to Intervene and Certificate of Service electronically on all parties listed on the official service list compiled by the Secretary in this proceeding.

DATED this 24th day of September, 2026.

/s/ Miyoko Sakashita

Miyoko Sakashita
Oceans Program Director
Center for Biological Diversity