



Thomas O'Keefe
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November 19, 2010

Ms. Kimberly D. Bose
Federal Energy Regulatory Commission
888 First Street North East
Washington, DC 20426

**Re: White River Falls Hydroelectric Project, Project No. 13833-000
Motion to Intervene**

Dear Secretary Bose:

Enclosed for filing in the above referenced proceeding is American Whitewater's MOTION TO INTERVENE on the White River Falls Hydroelectric Project Application for Preliminary Permit. Copies of this filing have been served on all parties of record to this proceeding.

Thank you for your assistance. Please call me at 425-417-9012 if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. O'Keefe', with a long horizontal stroke extending to the right.

Thomas O'Keefe, PhD
Pacific Northwest Stewardship Director

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Northern Wasco People’s Utility District)	Project No.13833-000
)	White River Falls
)	Hydroelectric Project
)	
Application for Preliminary Permit)	Motion to Intervene of
)	American Whitewater
_____)	

AMERICAN WHITEWATER’S MOTION TO INTERVENE IN THE WHITE RIVER
FALLS HYDROELECTRIC PROJECT APPLICATION FOR PRELMINARY PERMIT

I. Introduction

By notice dated September 22, 2010, the Federal Energy Regulatory Commission (Commission) solicited motions to intervene on Northern Wasco People’s Utility District (Licensee) application for a Preliminary Permit for the White River Falls Hydroelectric Project, FERC No. 13833-000. American Whitewater hereby moves to intervene in this proceeding pursuant to 18 C.F.R. § 385.210 and § 385.214. Service of process and other communications should be made to:

Thomas O’Keefe
Pacific Northwest Stewardship Director
American Whitewater
3537 NE 87th Street
Seattle, WA 98115

II. Motion to Intervene

A. Interest of the Intervenors

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954. We have over 5,000 members and 100 local-based affiliate clubs, representing whitewater paddlers across the nation. American Whitewater’s mission is to conserve and restore America’s whitewater resources and to enhance opportunities to enjoy them safely. As a conservation-oriented paddling organization, American Whitewater has an interest in the White River Falls reach of the White River affected by this project. A significant percentage of American Whitewater members reside in Oregon and neighboring states—a short driving distance from White River Falls which has been recognized by our members as a recreational and aesthetic resource. We have concerns with the proposed project and the impact project development will have on this river, and specifically a section that has been recommended for designation under the Wild and

Scenic Rivers Act.

The proposed project will affect the ability of American Whitewater members to use the White River and areas surrounding the Project for recreational and aesthetic purposes, including but not limited to whitewater recreation, viewing the scenic river landscape, and enjoyment of the outdoors. In recent years the Tygh Valley State Park has “closed” the falls to kayaking citing safety concerns, although recreational use of the lower falls for kayaking is specifically referenced in the river management plan and does take place. We therefore regard this closure as inconsistent with state and national river management practices and have found that these waterfall bans have generally been temporary on rivers where they have been instituted. Images of kayakers running the falls have been featured in national print media and a photograph of a kayaker on the falls was recently awarded the Windland Smith Rice International Award for People in Nature, and featured in an exhibition at the Smithsonian Institution.

The Omnibus Oregon Wild and Scenic Rivers Act of 1988 (P.L. 100-557) amended the 1968 Wild and Scenic Rivers Act adding parts of 40 Oregon rivers to the national system. The 1988 Act designated the White River from its headwaters on the southeast slope of Mt. Hood to its confluence with the Deschutes River just above Sherrars Bridge, excluding the 0.6 miles at White River Falls which at the time of designation was considered for hydropower development. Although the section including the falls was not designated, the Congressional Record specifically mentions the White River Falls as one of the features considered outstandingly remarkable. Following review conducted during the development of the River Management Plan and previous review by the Licensee, the River Management Plan recommends inclusion of the White River Falls segment and that it be designated with a scenic classification.¹

We have recently raised concerns with the Commission regarding the practice of granting preliminary permits for projects on segments of river that have been identified as candidates for inclusion in the Wild and Scenic Rivers system. While in this case we do not dispute the ability of the Commission to grant a preliminary permit we do believe that additional up front review must be conducted and clearly documented in progress reports. Specifically the Commission should require the licensee to engage in consultation with the river management agencies, outline the recognized Outstandingly Remarkable Values, and determine what legal and on-the-ground considerations would need to be met prior to licensing of this project. The Commission should direct the licensee to provide this information in the initial progress reports for this project. This section of the river has been recommended for designation and in our view the river management agencies are obligated to protect the flow-dependent values for this section of river.² This includes not allowing unnecessary or undue degradation to these values.

¹ White River National Wild and Scenic River Environmental Assessment, Appendix A <<http://www.americanwhitewater.org/content/Document/view/documentid/406/>>

² 8351.54B; Wild and Scenic Rivers—Policy and Program Direction for Identification, Evaluation, and Management, Department of the Interior, Bureau of Land Management.

B. Grounds for Intervention

Intervention by American Whitewater is in the public interest as required by 18 C.F.R. §385.214(b)(2)(iii). American Whitewater has significant undeniable interests in the preservation, restoration, and enhancement of the White River's natural and recreational resources. Interests of recreational boaters include access to public waters, and opportunities for whitewater recreation on the section of the White River impacted by the project. No other party to the proceeding will be able to adequately represent those interests. American Whitewater has a direct and substantial interest in the outcome of this proceeding.

C. Conclusion

Granting intervenor status to American Whitewater will not delay this proceeding. No other party represents American Whitewater's interests in this proceeding. For these reasons, the Commission should accept this motion to intervene in this proceeding

Respectfully submitted this 19th day of November 2010,

Thomas O'Keefe, PhD
Pacific Northwest Stewardship Director
American Whitewater
3537 NE 87th Street
Seattle, WA 98115

Service List for P-13833-000 Northern WASCO County People's Utility District

Contacts marked ** must be postal served

Party	Primary Person or Counsel of Record to be Served	Other Contact to be Served
Northern WASCO County People's Utility District	Michael Maloney Individual 13322 187th Court NE Woodinville, WASHINGTON 98072 UNITED STATES mmaloney@soartechinc.com	Bob Guidinger Hydro Dept Manager Northern Wasco PUD Northern Wasco PUD 2345 River Road The Dalles, OREGON 97058 Bob_Guidinger@nwasco.com
Northern WASCO County People's Utility District		Eileen McLanahan Meridian Environmental, Inc. 1900 N. Northlake Way Seattle, WASHINGTON 98103 emclanahan@meridianenv.com
Oregon Department of Environmental Quality	Marilyn Fonseca Water Quality Division Oregon Department of Environmental Quality 811 SW 6th Avenue Portland, OREGON 97204 UNITED STATES fonseca.marilyn@deq.state.or.us	Steve Kirk 45 NE Bellevue, Ste. 110 Bend, OREGON 97701 kirk.steve@deq.state.or.us