



**Electronic Filing**

January 17, 2003

Magalie R. Salas  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

**Re: Bull Run Hydroelectric Project, Project No. 477 -024**

Dear Secretary Salas:

Enclosed for filing in the above referenced proceeding are American Rivers, Oregon Trout, Trout Unlimited, Oregon Council Trout Unlimited, and the Native Fish Society's MOTION TO INTERVENE and COMMENTS on the Bull Run Hydroelectric Project Amendment of License, Surrender of License, Settlement and Decommissioning Plan. Copies of this filing have been served on all parties of record to this proceeding.

Thank you for your assistance. Please call if you have any questions or need additional information.

Sincerely,

Brett Swift

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Service of process and other communications should be made to:

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P.O. Box 19570  
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## **II. Motion to Intervene**

### **A. Interest of the Intervenors**

American Rivers is a national, non-profit, 501(c)(3) conservation organization, with a Northwest regional office in Seattle, Washington. It serves approximately 2,266 members in the region and approximately 1,211 members in Washington. American Rivers is dedicated to protecting and restoring America's river systems and to fostering a river stewardship ethic. Additionally, American Rivers promotes public awareness about the importance of healthy rivers and the threats that face them. American Rivers' programs address flood control and hydropower policy reform, endangered aquatic and

riparian species protection, western instream flow, clean water and urban rivers. One of its principal programs is the protection of rivers from unwise hydroelectric development that fail to take into account the needs of fish and other aquatic organisms, and the other natural, recreational, and cultural values of North American rivers.

Oregon Trout is an Oregon-based, non-profit, 501(c)(3) native fish conservation organization, with offices in Portland, Corvallis, and Medford, Oregon. Oregon Trout was established in 1983, and has over a thousand dues-paying members, in addition to numerous supporters from throughout the region. Oregon Trout's mission is to protect and restore wild, native fish and the habitat upon which they depend. Oregon Trout accomplishes this mission through advocacy at the state and federal level, on-the-ground habitat restoration projects, and a comprehensive education program that targets middle and high school students. Many of our members recreate in the Sandy basin and our education staff leads numerous field trips to the Sandy basin each year. Oregon Trout is also a charter sponsor of the Oxbow Salmon Festival, held each year at Oxbow Park on the Sandy River.

Trout Unlimited (TU) is a national, non-profit conservation organization, headquartered in Arlington, VA, whose mission is to conserve, protect and restore North America's trout and salmon fisheries and their watersheds. TU has over 125,000 members nationwide and over 8,000 in the Pacific Northwest. TU has a regional office in Portland, Oregon. TU's program addresses habitat, genetic and harvest issues that affect wild trout and salmon. TU members, the vast majority of whom are anglers, have a deep interest in the conservation of trout and salmon and donate thousands of hours annually to

projects to restore habitat. Many TU members fish the Bull Run and Sandy Rivers and TU volunteers have worked on habitat restoration projects in that watershed.

The Oregon Council Trout Unlimited represents all Trout Unlimited members in the state of Oregon and is headquartered in Hillsboro, Oregon. The Council represents Trout Unlimited on various conservation issues in the state. The Sandy basin has been a primary focus of the Oregon Council for several years in order to restore the wild salmon runs of this river system. Many of the Council's 2500 members fish in the Sandy basin and have been involved in restoration or advocacy issues in this watershed.

The Native Fish Society is a non-profit 501(c)(3) organization. Our mission is to protect and restore native fishes and their habitats. We have members throughout the United States and Canada. The protection of wild, native salmonids in the Sandy Basin are of interest to us and we have been involved for many years with fish conservation work in the basin. We have also joined others in signing the decommissioning agreement for the dams owned by Portland General Electric Company.

All of the parties actively participated in the settlement negotiations for the Bull Run Hydroelectric Project, are signatories to the agreement, and have a substantial interest in this proceeding.

### **B. Grounds for Intervention**

Intervention by American Rivers, Oregon Trout, Trout Unlimited, Oregon Council Trout Unlimited, and the Native Fish Society is in the public interest as required by 18 C.F.R. § 385.214(b)(2)(iii). American Rivers, Oregon Trout, Trout Unlimited, Oregon Council Trout Unlimited, and the Native Fish Society have significant and undeniable interests in the preservation, restoration, and enhancement of the Sandy and Little Sandy

rivers' natural resources. No other party to the proceeding will be able to adequately represent those interests. Accordingly, American Rivers, Oregon Trout, Trout Unlimited, Oregon Council Trout Unlimited, and the Native Fish Society have a direct and substantial interest in the outcome of this process.

### **C. Background**

American Rivers, Oregon Trout, Trout Unlimited, and the Native Fish Society have been integrally involved in this proceeding since the outset when PGE initiated the relicensing process. We worked closely with PGE and other stakeholders to develop the communications protocol and process guidance documents for the alternative relicensing process. We filed comments on PGE's request to use the alternative process, on its initial scoping document, and on its draft surrender application and decommissioning plan. American Rivers, Oregon Trout, Trout Unlimited, Oregon Council Trout Unlimited, and the Native Fish Society actively participated in the settlement negotiations that PGE initiated in December 2001. These negotiations led to the recently filed Amendment of License, Surrender of License, Settlement Agreement and Decommissioning Plan.

### **III. Comments**

American Rivers, Oregon Trout, Trout Unlimited, Oregon Council Trout Unlimited, and the Native Fish Society strongly support the Amendment of License, Surrender of License, Settlement Agreement and Decommissioning Plan filed by Portland General Electric. It is the result of much analysis and input by PGE, federal and state fish and wildlife agency professionals, and non-governmental organizations. The landmark agreement will remove two dams, open up salmon and steelhead habitat that has been dewatered for close to 100 years, improve instream flows in the Sandy and

Little Sandy rivers, and contribute to creation of a 5,000 acre wildlife and public recreation area in the Sandy River Basin. It clearly represents the alternative for the Bull Run Hydroelectric Project that best serves the public interest. Accordingly, we urge FERC to approve the Amendment of License, Surrender of License, Settlement Agreement and Decommissioning Plan in their entirety.

#### **IV. Conclusion**

American Rivers, Oregon Trout, Trout Unlimited, Oregon Council Trout Unlimited, and the Native Fish Society represent interests not represented by any other party to the proceeding. Our intervention is in the public interest as required by 18 C.F.R. §385.214(b)(2)(iii). Therefore, we respectfully request that the Commission grant this timely motion for intervention.

In addition, for the foregoing reasons, it is our view that FERC should approve the License Amendment, Surrender, and Settlement and Decommissioning Plan for the Bull Run Hydroelectric Project, FERC No. 477 -024 on the Sandy and Little Sandy Rivers. The Settlement and Decommissioning Plan represents the best alternative as determined by state and federal resource professionals as well as non-governmental organizations and the public.

Respectfully submitted this 17 day of January, 2003.

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UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Portland General Electric )  
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Project No. 477 -024  
Bull Run Hydroelectric Project

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 17 day of January, 2003.

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Brett Swift  
American Rivers



Submission Contents

InteventionMotion01_03.doc	
InteventionMotion01_03.doc.....	1-8