

HARDY MYERS
Attorney General



ORIGINAL

PETER D. SHEPHERD
Deputy Attorney General

DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

December 18, 2002

FILED
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FEDERAL ENERGY
REGULATORY COMMISSION

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

Re: Applications for Amendment and Surrender of License;
Project No. 477-024

Dear Ms. Salas:

Enclosed for filing are the original and eight copies of the State of Oregon Motion to Intervene and Supporting Comments in this proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt Burkholder".

Kurt Burkholder
Assistant Attorney General
Natural Resources Section

KBB:la/GENE0702

Encl. & 8 copies
cc w/encl: Service List

ORIGINAL

FEDERAL ENERGY REGULATORY COMMISSION

UNITED STATES OF AMERICA

Portland General Electric Company)
)
Bull Run Hydroelectric Project)

Project No. 477-024

STATE OF OREGON
MOTION TO INTERVENE
AND
SUPPORTING COMMENTS

Pursuant to Rule 214, the State of Oregon, by and through the Oregon Water Resources Department, the Oregon Department of Fish and Wildlife, the Oregon Department of Environmental Quality, and the Oregon Division of State Lands, moves the Federal Energy Regulatory Commission ("Commission") for an order granting the state intervention in this proceeding.

1. Service of Process and Other Communications

The following persons are designated for the official service list in this proceeding:

Kristen Bonanno
Oregon Water Resources Department
158 Twelfth St. NE
Salem, OR 97310

John Zauner
Oregon Department of Fish and Wildlife
17330 SE Evelyn St.
Clackamas, OR 97015

Jeff Kroft
Oregon Division of State Lands
775 Summer St. NE
Salem, OR 97301

Avis Newell
Oregon Department of Environmental Quality
2020 SW Fourth Ave., Suite 400
Portland, OR 97201

Kurt Burkholder
Oregon Department of Justice
1515 SW Fifth Ave., Suite 410
Portland, OR 97201

2. State of Oregon's Interest

The state agencies are parties to the settlement agreement filed with the Commission on November 12, 2002, providing for interim measures and the decommissioning and removal of the Bull Run Hydroelectric Project.

In addition to this interest, the project affects resources subject to the statutory oversight and management expertise of the state agencies. The Oregon Department of Water Resources regulates the appropriation of waters of the state, including the administration of instream water rights for public uses. The Oregon Department of Environmental Quality administers the state's water quality laws and water quality certification under Section 401 of the Clean Water Act. The Oregon Department of Fish and Wildlife manages the state's fish and wildlife resources, including fish passage. The Oregon Division of State Lands manages the beds and banks of rivers to which the state claims ownership, and administers the state's removal/fill permit program.

3. State of Oregon's Position

The Application for Amendment of License and Application for Surrender of License were filed by the Portland General Electric Company ("PGE") to obtain Commission approval of interim operations and project removal as contemplated in the settlement agreement and decommissioning plan. As described in the Joint Explanatory Statement, the state agencies believe that PGE's performance of its obligations under the settlement agreement will satisfy state resource laws and

management objectives and serve the public interest by returning the Sandy and Little Sandy River systems to a free-flowing condition.

The state agencies therefore support PGE's applications for license amendment and surrender.

4. Conclusion

The State of Oregon requests that it be granted intervention in this proceeding. The state also requests that the Commission issue an order for the amendment and surrender of the project license as requested by PGE and effectuating the settlement agreement and decommissioning plan without material modification.

DATED December 18, 2002,



Kurt Burkholder
Assistant Attorney General
Oregon Department of Justice
Of Attorneys for State of Oregon

CERTIFICATE OF SERVICE

I certify that I have served the foregoing STATE OF OREGON MOTION TO INTERVENE, by U.S. Mail, upon each person designated on the official service list compiled by the Secretary in this proceeding, and upon:

Julie A. Keil
Hydro Licensing and Water Rights
Portland General Electric
121 SW Salmon St.
Portland, OR 97204

Dated: December 18, 2002



Kurt Burkholder
Assistant Attorney General