

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Okanogan Public Utility District No. 1
Enloe Hydroelectric Project

FERC No. P-12569

AMERICAN RIVERS, AMERICAN WHITEWATER, COLUMBIANA, METHOW
VALLEY CITIZENS COUNCIL AND TROUT UNLIMITED’S REQUEST TO
PUBLICLY NOTICE OKANOGAN PUD NO. 1’S REQUEST FOR STAY AND
MOTION TO INTERVENE

(Submitted August 2, 2017)

On June 22, 2017, Okanogan Public Utility District No. 1 (“District”) requested that the Federal Energy Regulatory Commission (“FERC” or “Commission”) grant a two-year stay of the deadlines to commence and complete construction established under Article 301 of the license for the Enloe Hydroelectric Project (“Project”). Commission staff have not yet publicly noticed the draft or solicited motions to intervene or comments. American Rivers, American Whitewater, Columbiana, Methow Valley Citizens Council and Trout Unlimited (“Conservation Groups”) respectfully request that it do so without further delay. Additionally, Conservation Groups hereby move to intervene in the District’s request for stay.

I. Request that FERC Notice the District’s Request for Stay

Under its guidance, Commission will issue public notice when a “filing proposes material changes to the project or its operation or includes provisions that were not considered during the licensing/relicensing process.”¹ On July 9, 2013, the Commission issued an original license to the District to construct the Enloe Hydropower Project. License Article 301 required the District to commence construction within two years of

¹ Division of Hydropower Administration and Compliance (DHAC) Handbook (2015) at p. 5. (Available at: <https://www.ferc.gov/industries/hydropower/gen-info/handbooks/compliance-handbook.pdf>, last visited July 24, 2017).

the issuance date of the license, i.e. by July 9, 2015.² On March 19, 2015, the District requested a two-year extension of the deadline to commence construction.³ The Commission granted that request on July 31, 2015, requiring that the District commence construction by July 9, 2017.⁴ Granting the District's request for stay would extend the deadline for construction to July 9, 2019.

A four-year delay in the authorized start for construction represents a material change to the terms and conditions of the license (Article 301) that was not contemplated at the time of licensing. As a result, the Commission should issue notice of the District's request for stay and solicit motions to intervene and comment. Issuing notice is in the public interest because it will allow federal, state and tribal resource agencies and other interested stakeholders, including those that were parties to the licensing proceeding, the opportunity to formally comment on the request.

II. Motion to Intervene

In accordance with 18 CFR § 385.214, American Rivers, American Whitewater, Columbiana, Methow Valley Citizens Council and Trout Unlimited hereby move to intervene in opposition to the District's Request for Stay of the deadline to commence construction for the Enloe Hydroelectric Project (P-12569). Service of process and other communications should be made via electronic communications to:

Wendy McDermott
Associate Director, Rivers of Puget Sound and Columbia Basin
American Rivers
P.O. Box 1234
Bellingham, WA 98227
wmcdermott@americanrivers.org

Thomas O'Keefe
Pacific Northwest Stewardship Director
American Whitewater

² *Pub. Util. Dist. No. 1 of Okanogan Cnty.*, 144 FERC ¶ 62,018, (July 9, 2013) (Order Issuing New License) (FERC Project No. P-12569, eLibrary Accession No. 20130709-3025).

³ *Pub. Util. Dist. No. 1 of Okanogan Cnty.*, letter to FERC re: Request for Extension of the Commencement of Construction Deadline for the Enloe Project, Project No. 12569, (March 19, 2017) (eLibrary Accession No. 20150319-5057).

⁴ *Pub. Util. Dist. No. 1 of Okanogan Cnty.*, (July 31, 2015) (Order Granting Extension of Time Pursuant to Article 301) (FERC Project No. P-12569, eLibrary Accession No. 20150731-3032).

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Jere and Rick Gillespie
President and Vice President/Secretary
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A. Identity and Interest of the Intervenors

Conservation Groups are local and national environmental and recreational nonprofit organizations with an interest in protecting and restoring rivers, streams and other natural resources in Washington State. Each organization and its members have a direct interest in the environmental health and recreational opportunities in the Similkameen River and have substantial interests in the outcome of this decision. Based on these interests, Conservation Groups hereby request Intervenor status in the District's Request for Stay.

American Rivers is a national non-profit 501(c)(3) river conservation organization. American Rivers protects wild rivers, restores damaged rivers, and conserves clean water for people and nature. Since 1973, American Rivers has protected and restored more than 150,000 miles of rivers through advocacy efforts, on-the-ground projects, and an annual America's Most Endangered Rivers® campaign. American Rivers and its members have an interest in the health of the rivers of Washington in general and the Similkameen River specifically, and its members use and enjoy the Similkameen River. American Rivers participated in the licensing process for the Enloe

Hydroelectric Project and was granted party status after intervening in the license application in 2008.⁵

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954. With approximately 5,400 members and 100 local-based affiliate clubs, the organization represents tens of thousands of 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. A significant percentage of our members reside in Washington, a short driving distance from this river. As a conservation-oriented paddling organization with an interest in protecting flows, American Whitewater has a direct interest in the outcome of this proceeding. American Whitewater actively participated in the licensing process for the Enloe Hydroelectric Project, and was granted party status after intervening in the license application in 2008.⁶ American Whitewater also litigated various aspects of the permits the District requires to operate the Project.

The mission of Columbiana (also known as Columbia River Bioregional Education Project) is to promote a context of economic and social development that sustains the health, beauty and structure of the native ecosystems of the Intermountain Northwest. Since 1978, the founders of this 501(c)(3) organization have engaged in public education and advocacy on behalf of the Similkameen and Okanogan Rivers. Columbiana's members recreate on and enjoy the Similkameen River. Columbiana actively participated in the licensing process for the Enloe Hydroelectric Project by filing comments in 2009 on the Application when it was Ready for Environmental Analysis,⁷ and on the draft Environmental Assessment.⁸ Columbiana also litigated various aspects of the permits the District requires to operate the Project.

Methow Valley Citizens Council (MVCC) is a local non-profit 501(c)(3) organization founded in 1977 based in Twisp, WA. The mission of MVCC is to raise a strong community voice for the protection of the natural environment and rural character of the Methow Valley; MVCC also focuses on issues in the broader Okanogan County that affect MVCC's members. Many of MVCC's 400-plus members recreate on and enjoy the natural environment of the Similkameen River, which is within an easy driving

⁵ American Rivers Motion to Intervene (December 8, 2008). (FERC Project No. P-12569, eLibrary Accession No. 20081208-5067).

⁶ American Whitewater Motion to Intervene (November 5, 2008). (FERC Project No. P-12569, eLibrary Accession No. 20081105-5003).

⁷ Comments and recommendations of Conservation Groups on the Notice of Application Ready for Environmental Analysis (February 26, 2010). (FERC Project No. P-12569, eLibrary Accession No. 20100226-5031).

⁸ Comments of Conservation Groups on the Draft Environmental Assessment (June 8, 2011). (FERC Project No. P-12569, eLibrary Accession No. 20110608-5154).

distance. In addition, many members are Okanogan PUD ratepayers who have concerns about increased costs of power generated from the proposed re-electrification of Enloe Dam. Because of members' concerns, MVCC has recently joined other conservation groups in working on Enloe Dam issues.

Trout Unlimited is a national 501(c)(3) non-profit organization with over 300,000 members and supporters organized into 400 chapters and councils nationwide. Our mission is to conserve, protect, and restore North America's coldwater fisheries and their watersheds. Trout Unlimited sees tremendous habitat restoration potential for historic Similkameen River fisheries, particularly for Upper Columbia River Steelhead, if barriers such as Enloe Dam are removed. Restoring steelhead to the Similkameen would open up a vast recreational fishery for TU members and the greater public.

B. Grounds for Intervention

Intervention by American Rivers, American Whitewater, Columbiana, MVCC and Trout Unlimited is in the public interest as required by 18 C.F.R. §385.214(b)(2)(iii). American Rivers, American Whitewater, Columbiana, MVCC and Trout Unlimited have significant interests in the natural and recreational resources of Similkameen River and seek to intervene to protect these values. The District, presently the only party to this proceeding, cannot represent the respective interests of the Conservation Groups. Further, no one organization can represent the organizational or membership interests of the other Conservation Groups. For this reason, each Conservation Group has a direct and substantial interest in the outcome of this process.

While each Conservation Group has unique interests in this matter, they commit to coordinate their participation and filings to the extent possible in the interests of efficiency. Granting them party status should not delay the proceeding. For these reasons, Conservation Groups respectfully request that the Commission grant intervention in the above referenced proceeding.

III. Conclusion

The Conservation Groups request that the Commission grant this Motion to Intervene, and publicly notice the District's Request for Stay so that resource agencies and other interested members of the public may also participate. Additionally, as noted in our July 11, 2017 filing, Conservation Groups will file a substantive response to the District's Request for Stay.

Respectfully submitted this 2nd day of August 2017.

Wendy McDermott
Associate Director, Rivers of Puget Sound and Columbia Basin
American Rivers

*Conservation Groups' Motion to Intervene
Okanogan Public Utility District No. 1, Enloe Project (P-12569)*

Thomas O'Keefe
Pacific Northwest Stewardship Director
American Whitewater

Jere and Rick Gillespie
President and Vice President/Secretary
Columbiana

Brian de Place
Executive Director
Methow Valley Citizens Council

Lisa Pelly
Director, Washington Water Project
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Enloe Hydroelectric Project
Public Utility District No. 1 of Okanogan
County, Washington

Docket No. P-12569

CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of the Commission's Rules of Practice and Procedure, I hereby certify that I have this day caused the foregoing **Request to Issue Notice and Motion to Intervene of American Rivers, American Whitewater, Columbiana, Methow Valley Citizens Council, and Trout Unlimited for the Enloe Hydroelectric Project (P-12569)**, to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 2nd day of August 2017.



Megan Hooker
Hydropower Reform Coalition
Pacific Northwest Coordinator