

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

In the Matter of the Application of )  
 )  
PLACER COUNTY WATER AGENCY )  
 )  
 )  
For new major license for the )  
Middle Fork American Hydropower Project )

FERC Project No. 2079

**MOTION TO INTERVENE  
BY**

**FOOTHILLS WATER NETWORK, FOOTHILL ANGLER COALITION,  
CALIFORNIA SPORTFISHING PROTECTION ALLIANCE, CALIFORNIA  
OUTDOORS, AMERICAN WHITEWATER, PROTECT AMERICAN RIVER  
CANYONS, TROUT UNLIMITED, GRANITE BAY FLYCASTERS,  
FEDERATION OF FLYFISHERS, UPPER AMERICAN RIVER FOUNDATION,  
HORSESHOE BAR FISH AND GAME PRESERVE, BILL CARNAZZO, HILDE  
SCHWEITZER, AND JOHN DONOVAN**

Pursuant to Rule 214 of the Federal Energy Regulatory Commission's (hereinafter "FERC" or "Commission") Rules of Practice and Procedure, 18 C.F.R. § 385.214, Foothills Water Network, Foothill Angler Coalition, California Sportfishing Protection Alliance, California Outdoors, American Whitewater, Protect American River Canyons, Trout Unlimited, Granite Bay Flycasters, Federation of Flyfishers, Upper American River Foundation, Horseshoe Bar Fish and Game Preserve, Bill Carnazzo, Hilde Schweitzer, and John Donovan (Movants) move to intervene in the above captioned proceeding. By this motion, Movants seek to protect the non-developmental values of the river and to ensure that the Commission's decision and the parties' implementation with respect to this project are in the public interest.

Movants have worked in collaboration with the Licensee and other relicensing participants to achieve collaborative agreement on terms and conditions for the new license. At this time, we are very close to total agreement. Movants thank the Licensee and other relicensing participants for their constructive collaboration.

### **DESCRIPTION OF INTERVENORS**

Foothills Water Network's mission is to provide a forum that increases the effectiveness of conservation organizations to achieve river and watershed restoration and protection benefits for the Yuba, Bear, and American Watersheds. This includes negotiations at the county, state, and federal levels, with an immediate focus on the FERC relicensing processes. The Foothills Water Network works with over 20 conservation and recreation organizations and individuals who have interests in the watersheds affected by the Middle Fork American Hydropower Project, Yuba-Bear Hydroelectric Project, Drum-Spaulding Hydroelectric Project, and Yuba River Development Project. The Foothills Water Network was formed to help conservation and recreation stakeholders understand and create solutions for the simultaneous and interlinked hydropower relicensings affecting the Yuba, Bear, and American watersheds. The Licensee's application for a new license will directly affect the interests of the Network's members.

Foothills Angler Coalition is a fisheries and aquatic habitat conservation organization dedicated to the protection and restoration of Sierra Nevada trout, steelhead, and salmon resources, along with their habitat and the Sierra Nevada foothill watersheds that sustain those resources, as well as the enhancement of the sport of fishing. The Coalition supports an ecosystem-based approach to watershed management, and the

protection and preservation of all native species, including wildlife and plant populations. Many Coalition members fish at various places in the Middle Fork American watershed and at the Horseshoe Bar Fish and Game Preserve, located just downstream of the Project's Oxbow Reservoir. The Coalition members live in and around the Middle Fork American and Lower American Watersheds. The Licensee's application for a new license directly affects Foothills Angler Coalition's interests.

California Sportfishing Protection Alliance (hereinafter "CSPA") is a non-profit, public benefit fishery conservation organization incorporated in 1983 to protect, restore and enhance the state's fishery resources and their aquatic ecosystems. CSPA works to ensure that public fishery resources are conserved to enable public sportfishing activity. As an alliance, CSPA represents over one thousand members that reside in California. Since its inception, CSPA has been actively involved in the conservation of the fishery resources throughout the state, in proceedings before local, state and federal government entities. CSPA has been concerned about the prolonged and extensive decline of the state's fish species, and CSPA has worked with many government agencies to stop these fishery declines. The interests of CSPA and its members are directly affected by the outcome of this proceeding.

California Outdoors is a trade association consisting of 51 professional whitewater boating outfitters throughout the state of California. Members include 17 whitewater boating outfitters operating in the Middle Fork American watershed. California Outdoors' interest is in securing timely, reliable and predictable flows downstream of PCWA's Oxbow Reservoir in a quantity sufficient to allow a quality

whitewater rafting and kayaking experience. Applicants' application for new major license directly affects those interests.

American Whitewater is a national non-profit organization with a mission "to conserve and restore America's whitewater resources and to enhance opportunities to enjoy them safely." American Whitewater is a membership organization representing a broad diversity of individual whitewater enthusiasts, river conservationists, and more than 5,000 members and 100 local paddling club affiliates across America. The organization is the primary advocate for the preservation and protection of whitewater resources throughout the United States. Members of American Whitewater boat in eight river reaches affected by the Middle Fork American Project. The Applicant's application for new major license directly affects American Whitewater's interests.

Protect American River Canyons (PARC) is an Auburn-based grassroots watershed education group dedicated to the preservation of the wilderness, recreational, cultural, and historical resources of the North and Middle Forks of the American River and its canyons for all to responsibly care for and enjoy. PARC organizes the annual Confluence Festival, offers hikes and outings, and conducts river cleanups. PARC makes public presentations, publishes the American River Guide Book and a seasonal newsletter, and remains alert to the political situation of the canyons. Since the early 1970's when PARC was formed, its members enjoy recreating along the canyons and in the river impacted by the operations of the Applicant's hydropower project. Applicants' application for new major license directly affects PARC's interests.

Trout Unlimited (hereinafter "TU") is a national conservation organization with its national office in Arlington, Virginia, and California offices in Berkeley, Fort Bragg,

Salinas, and Truckee, California. TU is a non-profit corporation organized under the laws of the state of Michigan. TU is the nation's largest coldwater fisheries conservation organization. TU has approximately 150,000 members nationwide, and is dedicated to protecting, conserving, and restoring North America's trout and salmon resources. In California alone, TU has more than 10,000 members. Our members and the general public use and enjoy the creeks in and around the Middle Fork American Hydropower Project for recreational and aesthetic purposes, including, but not limited to fishing, and viewing and enjoyment of the outdoors. TU members, along with the general public, have significant recreational interests attached to healthy trout populations and habitat in the American watershed. Applicants' application for new major license is likely to affect those interests.

Granite Bay Flycasters is a non-profit corporation dedicated to fisheries and watershed conservation and education, the advancement of the art of fly fishing and good sportsmanship. Members fish, hike, and camp in the river reaches, reservoirs, and trails affected by the Project. Granite Bay Flycasters is a California Non-profit Corporation Applicants' application for new major license directly affects these interests.

The Federation of Fly Fishers (FFF) is an international non-profit organization dedicated to preservation of all resources relating to riverine environments, and watershed protection. FFF is dedicated to the furtherance of the sport of fly fishing, and to public education regarding the sport and conservation issues. Applicants' application for new major license is likely to affect those interests.

The Horseshoe Bar Fish and Game Preserve offers true wilderness fly-fishing in thousands of acres preserve in the American River Canyon Watershed. The

Preserve's founders want members to be able to enjoy the solitude of a wilderness experience that offers great fishing while being respectful conservationists. The Preserve is located near Foresthill, California on the Middle Fork of the American River just below Oxbow/Ralston Dam, a facility of the Middle Fork American Hydropower Project. The Preserve's annual Wounded Warrior event helps rehabilitate seriously wounded veterans by teaching them how to fly fish. The Applicants' application for new major license directly affects the interests of the Horseshoe Bar Fish and Game Preserve.

The Upper American River Foundation (UARF) group is a member-based organization founded to conserve and protect the unique qualities of the Upper American River watersheds in Placer and El Dorado Counties. Applicants' application for new major license is likely to affect those interests. The UARF is a California Non-profit Corporation. Applicants' application for new major license directly affects these interests.

Bill Carnazzo is a fly fishing guide. He guides on virtually all of the rivers and streams of the Middle and North Forks of the American River, with heavy emphasis on streams in the upper reaches of the canyons. He has fished and hiked these canyons for 40+ years, and is intimately familiar with all of the streams, their flora and biota, and the ecology of the watersheds. He has also hiked most of the many trails, many of which are historic routes into the canyons. Applicant's application directly affects and impacts these interests; in particular, instream flows and other flow related issues have a direct impact on fish, aquatic insect life, streamside vegetation, and all aspects of the watersheds. He has been an active participant in the Project relicensing process, on behalf of himself individually and on behalf of his fly fishing guide service, as well as Federation of Fly Fishers (both the international organization and the Northern California Council of the

Federation), the Foothills Angler Coalition, Granite Bay Flycasters, the Upper American River Foundation, and others. Applicants' application for new major license directly affects those interests.

Hilde Schweitzer is an unaffiliated private boater who lives near the Project and uses the Project-affected area to whitewater boat, hike, and bike. Ms. Schweitzer's interest as a participant in the Middle Fork Project (MFP) relicensing is to represent the private boating interests in the bypass reaches of the Project, most of which are unique Class 5 boating opportunities. Current project operations substantially limit or deny boating access and opportunities in the bypass reaches and in some cases these operations have a potential to create a detrimental effect on the habitat and environment. She seeks a balance between power generation and profit, flexibility, habitat protection, environmental health, and an equitable number of boating opportunities in the Class 5 bypass reaches. Applicants' application for new major license directly affects these interests.

John Donovan lives near the Project and visits the Project-affected area to whitewater boat, hike, and camp. Mr. Donovan's interest as a participant in the Middle Fork Project (MFP) relicensing is to contribute to a comprehensive examination of key issues and to a balanced approach between preservation, access, and operations. Mr. Donovan would like to see the rivers and canyons utilized in a sustainable fashion while being preserved for future use and enjoyment. He is particularly interested in the effects on private boaters running Class II and III whitewater, since that is an important gateway for new and casual visitors. The Project's operations have a direct effect on the convenience, quality, and safety of recreational visits by the public.

Thus, Movants have a direct interest in the conduit exemption process of the Middle Fork American Hydropower Project that is not represented by any other party.

All filings, orders, and correspondence respecting this intervention should be sent to the following:

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## **GROUNDS FOR INTERVENTION**

Movants and members of the Movants enjoy the recreational opportunities afforded directly or indirectly by the Middle Fork American Hydropower Project watershed.

Enjoyment of recreational opportunities in the Middle Fork American watershed depends upon healthy trout and other aquatic species. In-stream water flows and water quality greatly affect the health of these habitats. Furthermore, Movants and Movants' members who make use of the Middle Fork American watershed's recreational opportunities also have a direct interest in the health of whole system because hiking,

fishing, boating, waterplay, camping, horseback riding, biking, trail-running, and enjoying the wildlife in the watershed are among the popular activities around the area.

The application for a major new license for the Middle Fork American Hydropower Project potentially has a great effect on the health of the Middle Fork American Watershed fisheries, as well as the health of other aquatic species including sensitive species such as the Foothill Yellow-Legged Frog. Change of operations may positively or adversely affect physical river processes and the health of aquatic species and their habitat within the basin through variations in streamflow and water quality. The release of water into the Middle Fork American River is desirable on the general grounds of improved habitat. Through intervention Movants seek to obtain equal consideration of economic and natural resource values; adequate and equitable protection, mitigation, and enhancement measures for fish and wildlife; and the protection of recreation, water quality, and other public-interest conservation values for the Middle Fork American River watershed.

Movants have participated in the FERC process at various levels, including reviewing and providing written comments on documents and motions; providing scientific, economic and socioeconomic information; and working within the collaborative process. Movants have particular expertise in matters that are woven into the FERC proceedings, such as the laws governing in-stream flows, healthy river environments, and recreation. Our participation will facilitate development of a more complete record thereby ensuring more informed decision-making consistent with the public interest.

Thus, Movants have demonstrated a strong public interest in the application for major new license process of the Project and its impacts on the ecological health of Middle Fork American River watershed.

### **STATEMENT OF POSITION**

Movants seek to participate in these proceedings in order to ensure that the public resource values of the Middle Fork American River, its tributaries, and the surrounding environment are protected and retained and that the application for major new license process fully complies with all state and federal environmental laws. The outcome of the application process for a major license poses significant questions for future fishery resources, water quality and quantity, physical river processes, and recreational opportunities. Project operations, flow releases, and facilities impact water play, public angling, and whitewater boating opportunities for commercial outfitters and individuals. The impacts of these questions and how they relate to our specific and unique interests to members of our groups can only adequately be addressed by our intervention in these proceedings.


In these application for major license proceedings, Movants will continue to advocate for positions consistent with the protection, enhancement, and restoration of aquatic species and their habitat, and recreational opportunities. These positions have a basis in fact and law; namely, the beneficial use and public interest values of the watersheds.

**CONCLUSION**

WHEREFORE, Movants have a substantial interest in the outcome of these application proceedings for a major license and no party would adequately represent our interests. Movants respectfully request that the Commission grant intervention in the Middle Fork American Hydropower Project application proceeding for a major new license.

Dated this 2nd<sup>1</sup> day of August, 2011.

Respectfully submitted,

<p>FOOTHILLS WATER NETWORK</p>  <p>By _____</p> <p>Julie Leimbach Foothills Water Network</p>	<p>FOOTHILLS ANGLER COALITION</p> <p>By ____Thomas Bartos____</p> <p>Thomas Bartos Foothills Angler Coalition</p>
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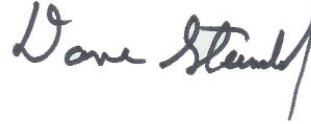
CALIFORNIA SPORTFISHING  
PROTECTION ALLIANCE



By \_\_\_\_\_

Chris Shutes  
California Sportfishing Protection Alliance

AMERICAN WHITEWATER



By \_\_\_\_\_

Dave Steindorf  
American Whitewater

CALIFORNIA OUTDOORS



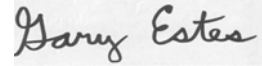
CALIFORNIA  
OUTDOORS

*Dedicated to preserving,  
promoting, and experiencing  
California's unique rivers.*



Nate Rangel  
President

PROTECT AMERICAN RIVER  
CANYONS

By 

\_\_\_\_\_  
Gary Estes  
Protect American River Canyons

TROUT UNLIMITED



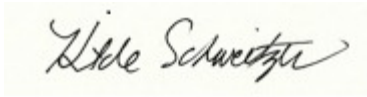
By \_\_\_\_\_

Brian Johnson  
Trout Unlimited

GRANITE BAY FLYCASTERS

By \_\_\_\_\_ Bill Carnazzo \_\_\_\_\_

Bill Carnazzo  
Granite Bay Flycasters

<p>FEDERATION OF FLYFISHERS</p> <p>By ____Bill Carnazzo_____</p> <p>Bill Carnazzo Federation of Flyfishers</p>	<p>UPPER AMERICAN RIVER FOUNDATION</p> <p>By ____Bill Templin_____</p> <p>Bill Templin Upper American River Foundation</p>
<p>HORSESHOE BAR FISH AND GAME PRESERVE</p> <p>By ____Thomas Bartos_____</p> <p>Thomas Bartos Horseshoe Bar Fish and Game Preserve</p>	<p>BILL CARNAZZO</p> <p>By ____Bill Carnazzo_____</p> <p>Bill Carnazzo Flyfisherman</p>
<p>HILDE SCHWEITZER</p>  <p>By _____</p> <p>Hilde Schweitzer Private Boater</p>	<p>JOHN DONOVAN</p> <p>By ____John Donovan_____</p> <p>John Donovan Member of the Public</p>


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PLACER COUNTY WATER AGENCY )  
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**Certificate of Service**

I hereby certify that the foregoing Notice of Intervention of Foothills Water Network, Foothill Angler Coalition, California Sportfishing Protection Alliance, California Outdoors, American Whitewater, Protect American River Canyons, Trout Unlimited, Granite Bay Flycasters, Federation of Flyfishers, Upper American River Foundation, Horseshoe Bar Fish and Game Preserve, Bill Carnazzo, Hilde Schweitzer, and John Donovan in the above-captioned proceeding has this day been filed online with the Federal Energy Regulatory Commission and served via email or mail upon each person designated on the Service List compiled by the Commission Secretary for this Project.

Dated at Berkeley, California, this 2nd day of August 2011.

  
Carla Miner  
American Whitewater



Service List for P-2079-000 Placer County Water Agency

Contacts marked \*\* must be postal served

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