

Hydrodynamics, Inc.
Project No. 13532-000
West Rosebud Hydroelectric Project
West Rosebud Creek, MT

AMERICAN WHITEWATER, BEARTOOTH PADDLERS SOCIETY, JACKSON
HOLE KAYAK CLUB, AND RENDEZVOUS RIVER SPORTS
MOTION TO INTERVENE AND COMMENTS

In Response to the
Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments,
Motions to Intervene, and Competing Applications
for the Proposed East Rosebud Creek Hydroelectric Project, FERC Project Number
13532-000

(Submitted on December 21, 2009)

American Whitewater is a national nonprofit organization dedicated to protecting and restoring our nation's whitewater resources while enhancing opportunities to enjoy them safely. American Whitewater has roughly 6,500 members and over 100 affiliate clubs. Beartooth Paddlers Society and Jackson Hole Kayak Club are regional paddling clubs based near the Project. Members of AW, BPS, and JHKC live near, and recreate on West Rosebud Creek, in a reach subject to significant impacts (ie dewatering) from the proposed project. As conservation oriented paddling organizations that enjoy the waters of West Rosebud Creek, we have a direct interest in changes to flows, river access, flow information, land management, and other topics that will arise in the consideration of a hydropower project on the West Rosebud Creek, and that could greatly impact our enjoyment of West Rosebud Creek. Importantly, AW and BPS were directly involved with the recent relicensing of the Mystic Lake Hydroelectric Project (p-2301). Based on a settlement agreement, the new license for the project requires that the Licensee enhance whitewater boating opportunities in the river reach that the proposed West Rosebud Hydroelectric Project would de-water. Essentially, the proposed project would eliminate the recently FERC ordered mitigation on an existing project.

Rendezvous River Sports is a store and outfitting company located in Jackson, Wyoming that specializes in whitewater paddling. Jackson paddlers regularly visit the rivers and streams of south-central Montana, including West Rosebud Creek. Thus, decisions affecting West Rosebud Creek could have direct financial effects on Rendezvous River Sports.

Based on the interests stated above, American Whitewater, Beartooth Paddlers, Jackson Hole Kayak Club, and Rendezvous River Sports hereby request Intervenor status and offer comments on the Preliminary Permit Application in this filing.

MOTION TO INTERVENE

With good cause having been shown, American Whitewater, Beartooth Paddlers Society, Jackson Hole Kayak Club and Rendezvous River Sports hereby respectfully request that we each be permitted to intervene in the above-entitled proceedings and be made parties thereto.

COMMENTS

1. Inconsistency With Other FERC Orders

The proposed project relies upon a new dam, impoundment, and diversion immediately downstream of the recently licensed Mystic Lake Hydroelectric Project (p-2301). The proposed project works and the significant flow diversions would destroy specific mitigation measures ordered by FERC. Thus, FERC could not possibly license the project without upsetting the balance on power generation and non-power values on West Rosebud Creek. We ask that FERC conduct a detailed review of the Mystic Lake Project license and consider the impacts that the proposed West Rosebud Creek Project would have in any iteration. We feel that FERC should deny this preliminary permit because it is impossible for any project to be constructed in this location without impacting the public interest as defined in the Mystic Lake Project license.

2. Whitewater Boating

West Rosebud Creek, from Emerald Lake to Pine Grove Campground is a regionally important whitewater boating resource of increasing importance. It offers paddlers a very high quality 3-mile long Class IV and V section of nearly continuous whitewater, which flows later in the summer season than most regional creeks. Based on the new FERC license for the Mystic Lake Hydropower Project, past project impacts on paddling opportunities will be mitigated through enhanced flows for the life of the license. The American Whitewater National Rivers Database page for West Rosebud Creek can be found at: <http://www.americanwhitewater.org/content/River/detail/id/1020/>.

The proposed project would create a new dam, reservoir, and 2.3 mile diversion on West Rosebud Creek. These features will each damage virtually all of the best whitewater on West Rosebud Creek, and specifically damage the reach in which flows are enhanced for paddling under the Mystic Lake Project license. Each of these project elements would have significant impacts on the paddling resources. The diversion in particular would remove an unknown quantity of water from most of the whitewater run, thereby eliminating and/or impacting recreational opportunities during portions of the year. Paddlers already are impacted by upstream management activities, which will now be adequately mitigated under the Mystic Lake Project license. Any additional impacts would upset this balance and severely impact paddling use of this reach.

3. Aesthetics

The proposed project would create a dam, reservoir, pipe, penstock, powerhouse, and transmission lines in the West Rosebud Creek corridor. In addition the proposed project would divert significant water out of an otherwise impressive whitewater stream on public lands with significant recreational visitation. All of these impacts would detract from the scenery of the river and the experience of visitors.

4. River Ecology

The proposed project would divert significant flows from at least 2.3 miles of West Rosebud Creek, thereby significantly impacting the in-stream and riparian ecology. It would include a dam that would fragment aquatic habitat and potentially trap sediment. It would include a reservoir which would inundate terrestrial land and change aquatic communities. All told this project is high impact on an otherwise virtually pristine creek.

CONCLUSIONS:

The proposed project would have significant negative impacts on recreational, aesthetic, and ecological values, as well as the free flowing nature, of West Rosebud Creek. The proposed project would severely impact the many interests and issues balanced in the recent license for the Mystic Lake Hydroelectric Project. For these reasons, it would not be responsible of FERC to issue preliminary permit for this project. We ask that FERC reject this application for a preliminary permit, because licensing this project would violate the balance struck in the Mystic Lake Project license, and therefore the preliminary permit would not be in the public interest.

Thank you for considering these comments.

Sincerely,



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CERTIFICATE OF SERVICE

I hereby certify that I have this 21st day of December 2009, served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Carla Miner

Carla R. Miner
Stewardship Assistant
American Whitewater
Service List for P-13532-000 Hydrodynamics Inc.

Contacts marked ** must be postal served

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