



**AMERICAN
WHITEWATER**

www.americanwhitewater.org

Kevin Colburn
National Stewardship Director
2725 Highland Drive
Missoula, MT 59802
406-543-1802
kevin@americanwhitewater.org

April 6, 2010

Little Potlatch Creek Pumped Storage Project
FERC Project No. 13303
Little Potlatch Creek
BPUS Generation Development, LLC
Latah County, Idaho

**MOTION TO INTERVENE OUT OF TIME
REGARDING THE PROPOSED LITTLE POTLATCH CREEK PUMPED
STORAGE PROJECT
ON BEHALF OF AMERICAN WHITEWATER**

Motion to Intervene:

Pursuant to 18 CFR 385.214(b), American Whitewater moves that we be granted late intervention as a party in the above-captioned proceeding. In support of this motion, American Whitewater offers the following information.

American Whitewater is a national non-profit 501(c)3 river conservation and recreation organization founded in 1954. We have over 5,600 members and 100 affiliate organizations across the nation. American Whitewater's mission is to conserve and restore our nation's whitewater resources and to enhance opportunities to enjoy them safely. As a conservation-oriented paddling organization, American Whitewater has a strong interest in the future of Little Potlatch Creek and therefore the preliminary permit activities of the proposed Little Potlatch Creek Pumped Storage Project which would inundate much of Little Potlatch Creek. A percentage of our membership resides in Idaho, Washington, Montana and adjacent states, and paddles Little Potlatch Creek. Federal actions that affect inundation, flow and access to this creek may potentially adversely impact opportunities for American Whitewater members to utilize the river resource.

Pursuant to Rule 214(d) of the Rules of Practice and Procedure, 18 C.F.R § 385.214 (d), in support of its request to intervene, American Whitewater states:

1. The Potlatch Watershed offers the only creek-oriented whitewater boating opportunities¹ within a 4 hour driving radius in the months of December, January, February, and early March, and the closest such opportunities to residents of Idaho, Montana, and other intermountain west states. For roughly one third of the year, it is the only challenging paddling available within a huge geographical area. This unique quality is the result of its low elevation, pacific northwest influenced climate which produces winter rains, basalt and granite/gneiss geology, and the unique topography which produces steep canyons and high quality rapids. All of the rivers and creeks in the watershed flow from the Palouse prairie, down through deep canyons to the Potlatch River and eventually the Clearwater River. All other regional watersheds originate in higher elevation mountains that receive snow rather than rain in the winter season, resulting in low flows and ice hazards.

Little Potlatch Creek offers the best paddling opportunities in the Potlatch Watershed (and thus the region for 1/3 of the year). No other river or stream offers as nearly many high quality rapids or more challenging rapids. No other river or stream in the watershed offers the rare and beautiful opportunity to paddle through a basalt slot canyon with towering rock spires. The river is so scenic that American Whitewater has used a photo of the lower canyon on our thank-you cards for the past several years. The Little Potlatch also requires a relatively short flatwater paddle out of the canyon following the whitewater, and offers paddlers legal bridge access at both the upstream and downstream ends. In short, the Little Potlatch is *the best place to go* for challenging whitewater paddling in the northern Rockies for 1/3 of the year.

The Little Potlatch canyon also contains extremely unusual and regionally unique basalt geological formations including a slot canyon and large rock spires. Upstream of the basalt canyon is a beautiful granite/gneiss canyon with large polished boulders. Spilling down from the canyon rim into the canyon is remnant Palouse prairie, one of the rarest plant communities on earth. It is estimated that less than 1% of Palouse prairie remains – the rest has primarily been converted to grain crops.² It is possible that the Palouse earthworm may inhabit the Canyon, a species long thought extinct but recently rediscovered. It is also quite possible that the Little Potlatch at times hosts rare, threatened, or endangered fish species like salmon and steelhead. Across a vast agricultural landscape the forests and grasslands found in the canyons of the Palouse offer the last respite for native wildlife including deer, elk and bears.

¹ Paddling activities and boat design is generally divided into creek boating, freestyle or play boating, and general river running. Creek boating is characterized by paddling relatively low volume, steep, and challenging streams. Creek boating is comparable to other common high-challenge backcountry recreational activities like telemark and alpine touring skiing, traditional rock climbing, mountain biking, and Wilderness hiking.

² Noss, R.F., E.T. LaRoe III, and J.M. Scott. 1995. Endangered ecosystems of the United States: a preliminary assessment of loss and degradation. U.S. National Biological Service. Biological Report 28.

The Little Potlatch Canyon is a geological, ecological, and recreational treasure, and the proposed project would drown the majority and the heart of the canyon under over 200 feet of water. Fluctuating reservoir levels would quickly erode steep canyon walls now covered in thick loess and native flora. Heavy sediment loads coming off the canyon walls and downstream from agricultural lands would quickly begin to fill the reservoir. Essentially a very special place would needlessly be obliterated under water and earth. The attached photos document a very small portion of the Little Potlatch Canyon.

It is the position of American Whitewater that no dam should be built in the Little Potlatch Canyon. Its recreational, ecological, and geological values are simply too high to sacrifice. Ample locations exist for off-channel pumped storage reservoirs. Such locations could be developed on private lands without impacting public trust waters. It would be irresponsible and not in the public interest to drown such a special river corridor, especially when the river's water is inconsequential to the project. We will strongly object to this project ever being built.

2. American Whitewater did not receive any notice of the proposed project, even though we are on FERC's list of recommended contacts.³ We learned of the project only late last week through conversations with other organizations regarding other matters. American Whitewater does not subscribe to the papers in which news of this proposed project was released. As we have no staff or volunteer regional coordinators in the project vicinity we simply had no way of learning of this project. See 18 C.F.R § 385.214 (d), (1)(i).
3. American Whitewater does not intend to retroactively challenge the preliminary permit, and thus our intervention will not interfere with the project during this stage. See 18 C.F.R § 385.214 (d), (1)(ii).
4. The position and interests of American Whitewater will not be represented adequately by any other person likely to be a party to this proceeding. No current party in the proceeding represents whitewater paddling interests, and/or the scenic and ecological values of Little Potlatch Creek. Our potential contribution to this process is unique, and without our involvement critical information may not be adequately shared with the FERC and other stakeholders and therefore our interests will not be adequately represented. It is obvious from the project record that the project proponent is either not aware of, or is not considering the many unique recreational, geological, scenic, and ecological values of Little Potlatch Creek. While other parties have expressed concerns regarding the Clearwater River, and generally the Potlatch drainage, no other party has expressed interests that are unique to Little Potlatch Creek itself. Indeed, in reading the application one would think the proposed lower reservoir is not even located on a natural stream. While See 18 C.F.R § 385.214 (d) (1)(iii).

³ <http://www.ferc.gov/industries/hydropower/enviro/consultlist.aspx?State=Idaho>

5. Intervention by American Whitewater will neither prejudice nor place any significant burden on any existing party. Quite to the contrary, American Whitewater will provide the project proponent with information that is vital to decisions regarding whether or not to pursue licensing. It is far better for the licensee to receive this information now than later, and to have American Whitewater available to work with as an intervenor. See 18 C.F.R § 385.214 (d), (1)(iv).
6. American Whitewater's motion conforms to the requirements of 18 C.F.R § 385.214 (b) because American Whitewater's motion states the position taken by American Whitewater, the basis for that position, good cause why the time limit should be waived, and that American Whitewater's participation is in the public interest. See 18 C.F.R § 385.214 (d), (1)(v).

CONCLUSION

For the above-stated reasons, American Whitewater requests that it be granted leave to intervene in the above-captioned proceeding and be treated as a party hereto for all purposes.

Respectfully Submitted By:

A handwritten signature in blue ink, appearing to read "K. R. Colburn", written in a cursive style.

Kevin R. Colburn

Photos of Little Potlatch Creek, Taken in January, 2007.

With the *possible* exception of the first two photos, all other photo locations would be inundated by the proposed lower reservoir associated with the Little Potlatch Creek Pumped Storage Project.



1. Upper Granite Canyon of Little Potlatch Creek at a low boatable flow.



2. Falls in Upper Granite Canyon of Little Potlatch Creek.



3. Lower Granite Canyon of Little Potlatch Creek



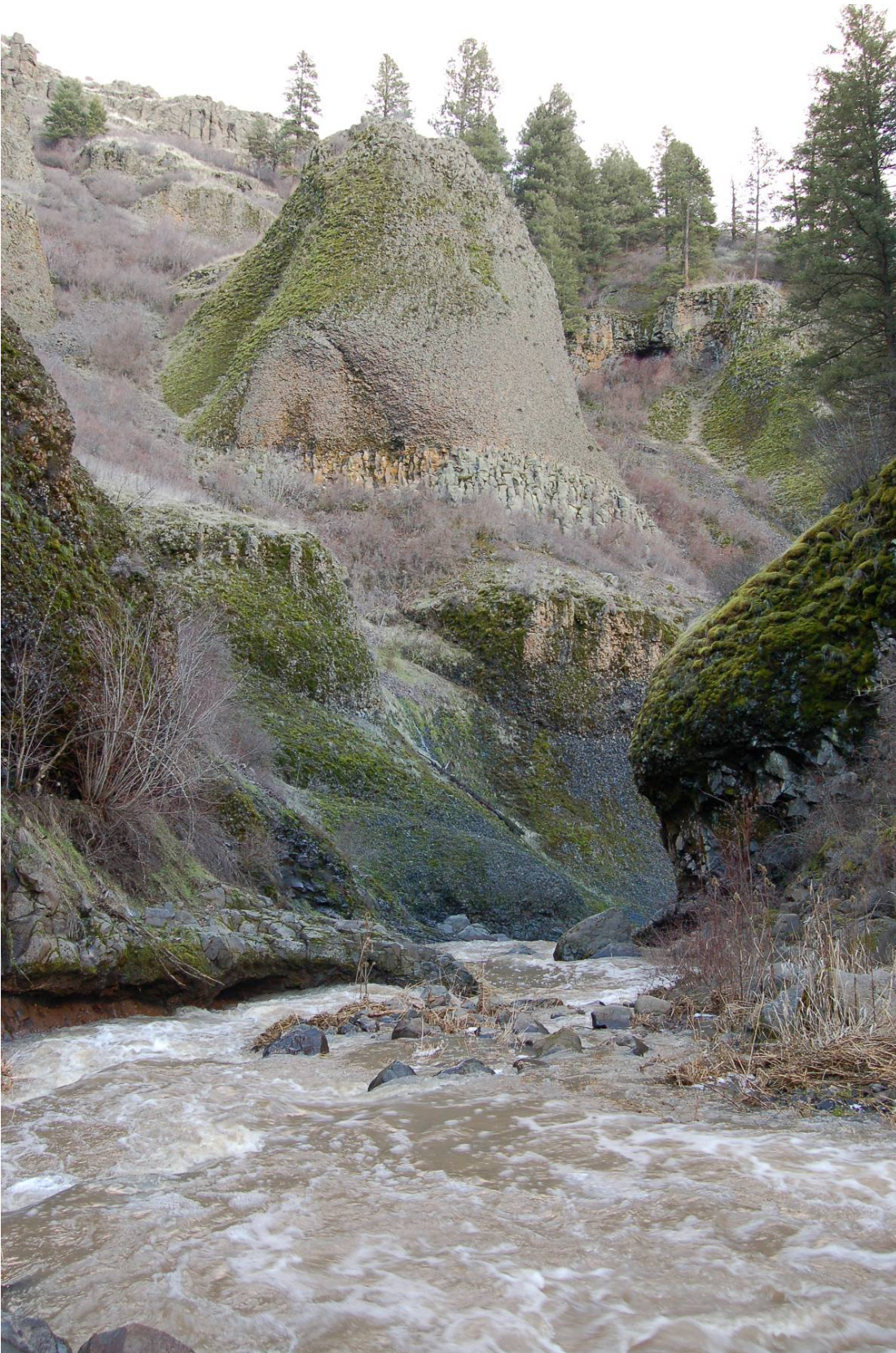
4. Drop in Lower Granite Canyon.



5. View downstream in the heart of the Lower Granite Canyon, featuring two high quality waterfalls, an easy portage, followed by a large exciting slide rapid.



6. One of the hallmark rapids deep in the Lower Granite Canyon on Little Potlatch Creek.



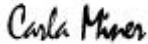
7. Basalt spire at the entrance to the Basalt Slot Canyon on Little Potlatch Creek. This unique place would be flooded under 200 feet of water by the proposed reservoir.



7. Paddler Jesse Sears entering the Basalt Slot Canyon at a low boatable flow

CERTIFICATE OF SERVICE

I hereby certify that I have this 6th day of April 2010, served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.



Carla R. Miner
Stewardship Assistant
American Whitewater

Service List for P-13303

Party	Primary Person or Counsel of Record to be Served	Other Contact to be Served
BPUS Generation Development LLC	John Whittaker BPUS Generation Development LLC 1700 K St. N.W. Washington, DISTRICT OF COLUMBIA 20006-3817 UNITED STATES jwhittak@winston.com	Jeffrey M Auser Chief Dam Safety Engineer BPUS Generation Development LLC 200 Donald Lynch Boulevard Suite 300 Marlborough, MASSACHUSETTS 01752 Onondaga jeffrey.auser@brookfieldpower.com
Idaho Department of Environmental Quality	Harriet Hensley Deputy Attorney General Idaho Office of Attorney General 700 W. State J. R. Williams Bldg., 2nd Floor Boise, IDAHO 83702 UNITED STATES harriet.hensley@ag.idaho.gov	
Idaho Department of Fish and Game	Harriet Hensley Deputy Attorney General Idaho Office of Attorney General 700 W. State J. R. Williams Bldg., 2nd Floor Boise, IDAHO 83702 UNITED STATES harriet.hensley@ag.idaho.gov	Cynthia Robertson Natural Resources Program Coor Idaho Department of Fish and Game PO Box 25 Boise, IDAHO 83707-0025 cindy.robertson@idfg.idaho.gov

Idaho Department of Parks and Recreation	Harriet Hensley Deputy Attorney General Idaho Office of Attorney General 700 W. State J. R. Williams Bldg., 2nd Floor Boise, IDAHO 83702 UNITED STATES harriet.hensley@ag.idaho.gov	Mary Lucachick Water Recreation Analyst Idaho Department of Parks and Recreation 5657 Warm Springs Ave Boise, IDAHO 83716 mary.lucachick@idpr.idaho.gov
Idaho Department of Water Resources	Harriet Hensley Deputy Attorney General Idaho Office of Attorney General 700 W. State J. R. Williams Bldg., 2nd Floor Boise, IDAHO 83702 UNITED STATES harriet.hensley@ag.idaho.gov	Phillip J. Rassier, ESQ Deputy Attorney General Individual PO Box 83720 Boise, IDAHO 83720-0098 phil.rassier@idwr.idaho.gov
Latah County	William Thompson Latah County Prosecuting Attor LATAH, COUNTY OF 522 S. Adams St. P.O. Box 8068 Moscow, IDAHO 83843 UNITED STATES pa@latah.id.us	
NEZ PERCE TRIBE	David Cummings Senior Staff Attorney NEZ PERCE TRIBE 100 Agency Road Lapwai, IDAHO 83540 UNITED STATES djc@nezperce.org	
State of Idaho	Harriet Hensley Deputy Attorney General Idaho Office of Attorney General 700 W. State J. R. Williams Bldg., 2nd Floor Boise, IDAHO 83702 UNITED STATES harriet.hensley@ag.idaho.gov	