

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

<b>IN THE MATTER OF THE APPLICATION</b>	)	
<b>FOR A PRELIMINARY PERMIT FOR</b>	)	<b>PROJECT NO. 12495-003</b>
<b>CASCADE CREEK, LLC</b>	)	
	)	
<b>CASCADE CREEK HYDROELECTRIC</b>	)	
<b>PROJECT</b>	)	

**SOUTHEAST ALASKA CONSERVATION COUNCIL**

**MOTION TO INTERVENE**

**Introduction**

On March 15, 2011, the Federal Energy Regulatory Commission (FERC) issued a notice regarding a preliminary permit application for the Cascade Creek Hydroelectric Project on Ruth Lake near Thomas Bay, Alaska. In accordance with Rule 214 of FERC’s Rules of Practice and Procedure, 18 C.F.R. § 385.214, SEACC moves to intervene in Cascade Creek, LLC’s application for a preliminary permit so as to be kept fully informed of all matters related to this project.

**Statement of Interest**

The Southeast Alaska Conservation Council (SEACC) is a coalition of fifteen volunteer citizen conservation groups in eleven communities across Southeast Alaska. Our individual members include commercial and sport fishermen, Alaskan Natives, tourism and recreation business owners, small-scale wood product manufacturers, hunters and guides, and Southeast Alaskans from all walks of life. We are dedicated to safeguarding the integrity of Southeast Alaska's unsurpassed natural environment while providing for the sustainable use of our region's resources. For over 40 years, SEACC has been actively engaged in the protection of the natural resources of Southeast Alaska, including those of Thomas Bay and the surrounding area.

**Grounds for Intervention**

SEACC’s intervention on the Cascade Creek Hydroelectric Project preliminary permit application process is in the public interest as required by 18 C.F.R. § 385.214(b)(2)(iii). No other party in the proceeding will be able to adequately represent these interests. Accordingly, SEACC has a direct and substantial interest in the outcome of this preliminary permit application process.

**Statement of Position**

While SEACC supports the development of salmon-safe, community hydroelectric projects, we are concerned about the actions of Cascade Creek LLC and the impacts this project will have on the project area and surroundings. The actions of Cascade Creek LLC under their two antecedent preliminary permits have demonstrated that the company is likely to act in a manner incompatible with the public interest under a new preliminary permit. The company has ignored agency comments, completed resource stud-

ies too little and too late for meaningful review by agencies and the public, violated the agreed upon Communications Plan, and generally made review of this project very difficult. Please refer to SEACC's protest comments submitted to FERC on February 8, 2011 for additional concerns. The behavior of the company, and a lack of response from FERC, is eroding confidence in our region for the Alternative Licensing Process, as well as for this type of hydropower development in general.

Cascade Creek LLC submitted a Draft License Application (DLA) and Preliminary Draft Environmental Assessment (PDEA) with FERC on February 11, 2011. As a result of a lack of sufficient studies and incomplete explanation of project design, operation and transmission, the DLA and PDEA do not describe the project and its potential effects in a manner that allows for a review that will protect the public's interest. For this reason, we ask that FERC reject the applicant's DLA and PDEA documents. We also encourage FERC to use its discretion with regard to this third preliminary permit application to either reject it or add conditions that will force the company to complete the studies and actions necessary for meaningful project review.

Cascade Creek, Ruth Lake, and Thomas Bay are noted for their outstanding biological productivity, rich cultural and historical significance, unique tourism and recreation opportunities, and exceptional scenic beauty. SEACC shares the position held by many residents of Southeast Alaska that we must safeguard the capacity of this spectacular place to provide food, income, and recreational opportunities for current and for future generations.

### **Request**

For the reasons stated above, SEACC moves the Federal Energy Regulatory Commission to issue an order granting our MOTION TO INTERVENE in any proceedings that may be convened regarding the Cascade Creek Hydroelectric Project. SEACC wishes to be informed regarding progress reports or any other filings by the preliminary permit applicant. This includes being added to all official service and mailing lists regarding this preliminary permit application.

Please send such information to the following contacts:

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Respectfully submitted on May 14, 2011,



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Dan Lesh, Energy Coordinator

CERTIFICATE OF SERVICE

I certify that on May 14, 2011, I served this MOTION FOR INTERVENTION upon the parties of record including the Federal Energy Regulatory Commission by eFiling; upon Chris Spens, Cascade Creek LLC by email; upon Barb Stanley, USFS by email; upon Dave Carlson, Southeast Alaska Power Agency by email; upon Jennifer Holstrum, Ketchikan Public Utilities by email; upon Joe Nelson, Petersburg Electric Light and Power by email; upon Monte Miller, Alaska Department of Fish and Game by email; and upon Joe Dunker, Alaska Department of Natural Resources by email.



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Dan Lesh

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