

August 9, 2010

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

RE: Weed Dam (FERC Project 2464)

Dear Secretary Bose:

On June 28, 2010 Gresham Municipal Utilities (GMU) filed a Notice of Intent and Pre Application Document for the Weed Dam Hydroelectric Project (FERC P-2464). In this filing GMU requested permission to use the Traditional Licensing Process (TLP) in this proceeding. American Whitewater recommends that GMU's request to use the TLP not be approved and that the Integrated Licensing Process (ILP) be used for the reasons described below.

### **Interest of American Whitewater**

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954. We have over 6,500 members and 100 local-based affiliate clubs, representing approximately 80,000 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. As a conservation-oriented paddling organization, American Whitewater has an interest in the Red River. A significant percentage of American Whitewater members reside in Wisconsin and neighboring states and regularly utilize this river for whitewater recreation. The project has direct impacts on public use and enjoyment of this river.

### **Recommendation for Use of Integrated Licensing Process**

American Whitewater believes that our recommendation for use of the ILP is consistent with the reasons for which this process has been established, the purpose of which is to provide for "an efficient and timely licensing process that continues to ensure appropriate resource protections through better coordination of the Commission's processes with those of Federal and state agencies and Indian tribes that have authority to condition Commission licenses."<sup>1</sup> We do not believe that the request to use the TLP can be sufficiently justified under 18 CFR 5.3(c)(1) and outline our specific thoughts below:

#### *Likelihood of timely license issuance;*

We believe that use of the TLP is very unlikely to shorten the time required to obtain a license. There are significant natural resource issues associated with this project as well as recreational impacts to whitewater boating. We believe these issues can be more effectively evaluated and

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<sup>1</sup> 18 CFR 5.1(e)

addressed in a timely manner through the ILP. Our experience with the ILP at several projects across the country has been that addressing resource issues early and comprehensively with all interested parties avoids later disputes and the resulting delays and costs associated with those disputes.

*Complexity of the resource issues;*

There are several resource issues at this project including water quality and instream flow, aquatic habitat, fish passage, and whitewater recreation. Balancing other beneficial uses of the Red River with power production has proven complex. Recently this project was operated in a peaking fashion until concerns were raised by state resource agencies.<sup>2</sup> The complexity of issues at this project would benefit from the increased assistance by Commission staff, increased public participation, development of a Commission-approved study plan with a forum for informal resolution of study disagreements, better coordinator between agencies and tribes, and issuance of public schedules, all of which the ILP provides.

*Level of anticipated controversy;*

There is considerable public interest in the management of the Red River. For whitewater paddlers this is one of the most important instructional reaches in the Upper Midwest. Our local affiliate clubs that include the Wisconsin Hoofers, Northeast Wisconsin Paddlers, and Sierra Club River Touring Section of the John Muir Chapter, value the Red River as one of the region's most important whitewater resources. The interests of power production, whitewater recreation, and the fishery are not always compatible. While the level of controversy may be difficult to predict, the potential for controversy does exist. It has been our experience that the ILP provides a much better forum for stakeholder consultation and engagement at the beginning of the process in a manner that more efficiently addresses potential controversy. In several situations we have found that the ILP provides a mechanism to encourage dialogue on resource issues in a manner that mitigates or limits controversy before it fully emerges.

*Relative cost of the traditional process compared to the integrated process;*

GMU makes several references to the cost of relicensing and operations of these dams. In fact they argue that this is the principal consideration behind their request for using the TLP. We disagree that utilizing the TLP will result in a significant cost savings especially given the complexity of resource issues and stakeholder interests at this project. In fact it is more likely to result in additional costs resulting from disputes later in the process that occur when resource issues are not comprehensively evaluated with all interested parties as is the case with the ILP. The impacts of this project on the river are significant and if it is the case the dam is marginally profitable then we believe the option of dam removal should be formally considered. Low power projects such as this one can have big impacts on rivers.

*The amount of available information and potential for significant disputes over studies*

As evidenced by the preliminary information submitted in the Pre Application Document it is clear that additional and more current information will be necessary for this project. It is premature to define the scope of additional studies but the ILP is designed to help stakeholders

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<sup>2</sup> See letter from Congressman Mark Green with attached correspondence from Wisconsin Department of Natural Resources and US Fish and Wildlife Service, Issuance 20031030-0016).

collaboratively determine these needs so that resources of the applicant can be most efficiently utilized.

### **Conclusion**

Thank you for the opportunity to comment on this project. In light of the value of this river for whitewater recreation and significant interest expressed by our membership, we anticipate that this will be one of the more important FERC-licensed projects in the region for our organization. Please include our organization on the mailing list for this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. O'Keefe', with a stylized flourish extending to the right.

Thomas O'Keefe, PhD  
Acting Midwest Stewardship Director

## **CERTIFICATE OF SERVICE**

I hereby certify that I have this 9th day of August 2010, 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-2464-000 VILLAGE OF GRESHAM WISCONSIN

Contacts marked \*\* must be postal served

Party	Primary Person or Counsel of Record to be Served	Other Contact to be Served
Gresham Municipal Utilities	Art Bahr Utility Manager Gresham Municipal Utilities PO Box 50 Gresham, WISCONSIN 54128 UNITED STATES abahr@villageofgresham.us	
Gresham, Wisconsin, Village of		**PEGGY A HOFFMAN PRESIDENT Gresham, Wisconsin, Village of PO Box 50 Gresham, 54128-0050 Shawano
Gresham, Wisconsin, Village of		**JAMES C NEWBERG SUPERINTENT Gresham, Wisconsin, Village of PO Box 50 Gresham, 54128-0050 Shawano