

July 24, 2012

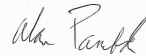
The Honorable Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
Room 1A East  
888 First Street, N.E.  
Washington, D.C. 20426

**Re: Electronic Filing:** Project No.: 9690-109; American Whitewater and  
Kayak and Canoe Club of New York Motion to Intervene

Dear Secretary Bose:

Enclosed is a Motion to Intervene for the above-referenced proceeding, submitted by American Whitewater and the Kayak and Canoe Club of New York by electronic filing and distributed via U.S. Mail to persons identified on the Commission's service list for this proceeding. Please add those identified within as American Whitewater's representatives to the Commission's official service list for this project. Thank you.

Very truly yours,



Alan Panebaker  
American Whitewater  
Northeast Stewardship Director



Lauren J. Cook  
Kayak and Canoe Club of New York  
Conservation Committee Chair

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

Rio Hydroelectric Project

Docket No. P-9690-109

Eagle Creek Hydropower, LLC  
Eagle Creek Land Resources, LLC  
Eagle Creek Water Resources, LLC

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**AMERICAN WHITEWATER AND KAYAK AND CANOE CLUB OF NEW YORK  
MOTION TO INTERVENE REGARDING FERC PROJECT NUMBER 9690-109**

Pursuant to Rule 214 of the Rules of Practice and Procedure, 18 CFR § 385.214, American Whitewater and the Kayak and Canoe Club of New York hereby move to intervene in the above-captioned proceeding. The persons to whom communication regarding this notice should be addressed and upon whom service of all pleadings or other documents in this proceeding should be made are:

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Lauren J. Cook  
Conservation Committee Chair  
Kayak and Canoe Club of New York  
517 South 27<sup>th</sup> Street  
Philadelphia, PA 19146  
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In response to FERC's July 12, 2012 Notice of Application for Filing, Soliciting Motions to Intervene, Protest, and Comments regarding P-9690-190, and as grounds for this Motion to Intervene, American Whitewater the Kayak and Canoe Club of New York respectfully assert:

1. American Whitewater ("AW") is a national non-profit organization (Non-profit # 23-7083760) with a mission "to conserve and restore America's whitewater resources and to enhance opportunities to enjoy them safely." The membership organization represents a broad diversity of individual whitewater enthusiasts, river conservationists, and more than 100 local paddling club affiliates across America. The Kayak and Canoe Club of New York (KCCNY) is a paddling club representing boaters primarily in New York, New Jersey, and Pennsylvania, and has played an active role in the boating community in coordinating recreational activities and trips on the Rio Reach of the Mongaup River.

2. For more than 15 years, AW and KCCNY members have regularly enjoyed and continue to enjoy the Class II/III rapids in the stretch of the Mongaup River below the Rio Hydroelectric Project in significant numbers, and rely on scheduled releases for recreation that are provided by the Rio Project. Both AW and KCCNY have been active participants in the implementation of the license for the Rio Project, and are committed stakeholders in Mongaup River management.

3. As 501(c)(3) organizations, AW and KCCNY advocate for the preservation and protection of whitewater rivers. Our focus on preserving the publicly available recreational opportunities and ecological qualities of the nation's rivers is in the interest of its members and the public in general, pursuant to Rule 214. 18 C.F.R. § 385.14(b)(2)(iii).

4. AW and KCCNY do not oppose the application to amend the license, but our organizations would be concerned if the project interfered with mandated whitewater releases on the Mongaup River.

5. No disruption to this proceeding will result from AW and KCCNY participating as parties.

6. As the only national river conservation organization representing the interests of whitewater boaters, and based on our significant experience with the management of the Rio Project, AW's interest is not adequately represented by any other party hereto. As a local recreational club with a long history of concern and involvement with the Rio Project, KCCNY's interest is not adequately represented by any other party hereto.


7. Existing parties will not be prejudiced by, nor will they sustain any additional burden by AW and KCCNY becoming parties to this proceeding.

## **MOTION TO INTERVENE**

Pursuant to 18 C.F.R. § 385.214, with good cause having been shown, and for the benefit of the public interest in the Mongaup River, American Whitewater and KCCNY hereby move to intervene in the license amendment process for the Rio Project on the Mongaup River, FERC Project No 9690-109.

Thank you for considering our motion and concerns regarding this project.

Respectfully submitted,



Alan Panebaker  
Northeast Stewardship Director  
American Whitewater

Dated: July 23, 2012  
Montpelier, Vermont



Lauren J. Cook  
Conservation Committee Chair  
Kayak and Canoe Club of New York

Dated: July 23, 2012  
Philadelphia, Pennsylvania

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

Rio Hydroelectric Project

Docket No. P-9690-109

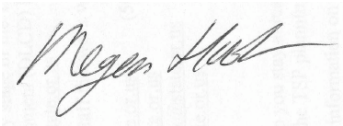
Eagle Creek Hydropower, LLC  
Eagle Creek Land Resources, LLC  
Eagle Creek Water Resources, LLC

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**CERTIFICATE OF SERVICE**

Pursuant to Rule 2010 of the Commission's Rules of Practice and Procedure, I hereby certify that I have this day caused the foregoing **American Whitewater and Kayak and Canoe Club of New York MOTION TO INTERVENE in the Rio Hydroelectric Project (P-9690-109)** to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 24th day of July 2012.

A handwritten signature in black ink, appearing to read "Megan Hooker", is written over a light gray rectangular background.

Megan Hooker  
American Whitewater

### SERVICE LIST

Party	Primary Person or Counsel of Record to be Served	Other Contact to be Served
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American Whitewater		Kevin Richard Colburn National Stewardship Director American Whitewater 2725 Highland Ave Missoula, MONTANA 59802 kevin@amwhitewater.org
American Whitewater	Lauren Cook Conservation Chair Kayak and Canoe Club of New York 517 S. 27th Street Philadelphia, PENNSYLVANIA 19146 UNITED STATES mongaup@planet-save.com	Kevin Richard Colburn National Stewardship Director American Whitewater 2725 Highland Ave Missoula, MONTANA 59802 kevin@amwhitewater.org
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