

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

In the Matter of the Application of)	
)	
PACIFICORP)	Project No. 2082-062
KLAMATH RENEWAL CORP)	Project No. 14803-000
)	
for Amendment and Transfer of License)	
for the Klamath Project on the)	
Klamath River in Southern Oregon)	
and Northern California)	
)	

**MOTION TO INTERVENE OUT OF TIME
OF
Del Norte County**

In response to the Federal Regulatory Energy Commission’s (hereinafter “FERC” or “Commission”) October 5, 2017, “Notice of Application for Amendment and Transfer of License and Soliciting Comments, Motions to Intervene, and Protests” (Notice), and in response to the continuous new filings, and as provided in the Commission’s Rules of Practice and Procedure, 18 CFR § 385.214, Del Norte County moves to intervene out-of-time in the above captioned proceeding. Del Norte County seeks to protect and preserve the interests of the County and County constituents. Since the mouth of the Klamath River is located within Del Norte County and given the possible range of impacts on the near shore environment, County owned property, and the Crescent City Harbor no other party, including intervenors, adequately represent the interests of Del Norte County.

PacifiCorp and Klamath River Renewal Corporation (Applicants) filed an application to FERC on September 23, 2016 requesting that FERC amend the existing Klamath Project No. 2082 license to “remove the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate developments from the license and create a new project, the Lower Klamath Project, for those developments.” (Notice, p. 2.) Applicants also requested the transfer of the Lower Klamath Project from PacifiCorp to the Klamath River Renewal Corporation (KRRC). (Id.)

By filing this Motion to Intervene, Del Norte County asserts the interest of the County in obtaining mitigation for the County and the community. The County does not take a position for or against the Project at this time as the County's sole interest at this time is to advocate for adequate mitigation of County related impacts. The County reserves the ability to either support or object to the application based upon adequacy of mitigation. This Motion to Intervene is filed outside the time limits and therefore the County to intervene out-of-time.

DESCRIPTION OF INTERVENORS

Del Norte County is a small rural County located in far northern California. As a California County, Del Norte is a political subdivision of the State of California. The County is, however, a separate and distinct party from the State of California and is capable of suing and being sued. (California Government Code §23004). The fishing industry including the sports fishing industry is a large portion of the Del Norte County economy. Tourism provides another essential portion of the economy in Del Norte County which stands to be impacted by dam removal. The County contains the mouth of the Klamath River within the County boundaries as well as a significant share of the river. The County also contains the Crescent City Harbor within its boundaries. As stated in letters by the County to the State Water Resources Control Board, the Crescent City Harbor is an essential facility for Del Norte County's fishing industry and economy as a whole. The community is impoverished and does not have the resources to recover from any adverse impacts that may be associated with this project. The interests of Del Norte County and its residents are directly affected by the outcome of these proceedings.

Therefore, Del Norte County has a direct interest in the Klamath project license transfer proceeding that is not represented by any other party.

COMMUNICATIONS

All filings, orders, and correspondence respecting this intervention should be sent to the following address:

Del Norte County Counsel
981 H Street Suite 210
Crescent City, CA 95531

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Del Norte County consents to email service of process in lieu of hard copy US mail service.

GOOD CAUSE FOR A WAIVER OF TIME LIMITATION

There is good cause to grant Del Norte County's motion for intervention out-of-time because waiver of the time limit established by the public notice for intervention will not result in any disruption to this proceeding. There has not yet been an action in the proceedings that would prejudice any party to the proceedings. Further, the County's Motion does not contain, in itself, a support for or opposition against the project at this time and therefore no party should suffer prejudice in allowing the County intervenor status. Del Norte County's interests regarding the near shore environment, the Crescent City Harbor, and the County property will not be adequately represented by other intervenors as described herein. As the County becomes more knowledgeable about potential impacts based upon the most recent filings and the mitigation plans of the Klamath River Renewal Corporation become more clear, it becomes even more important for Del Norte County to preserve its rights through intervention. For the foregoing reasons, Del Norte County submits that good cause exists to waive the time limitation to Rule 214 and allow intervention out-of-time.

GROUNDS FOR INTERVENTION

Del Norte County moves to participate in this proceeding because the County has a duty, as a political subdivision of the State of California, to protect resources within the County. As stated in 18 CFR §385.214(b)(2)(iii), a movant may intervene if "the movant's participation is in the public interest."

Members of the Del Norte County community are involved in economic ventures which may be affected by the outcome of these proceedings. These include both direct effects to fisherman and consequential effects to industries such as hotels, motels, restaurants, and shops. The County owns property that may be directly affected by dam removal, either through sediment deposit or through flooding. The County's economic

interests range from concern for the local economy as a whole to direct impact on transient occupancy tax. Perhaps of the most importance, the Crescent City Harbor houses many of the boats that do business in Crescent City and is essential to the Del Norte County economy.

The County has been involved in advocating for and protecting the physical, environmental, and economic resources along the river for decades. This includes advocacy at the local, state, and federal levels as to the commercial and recreational fishing communities. Water quality has been of utmost concern to Del Norte County as well as entities, businesses, environmental groups, and individuals located within the County.

The participation of Del Norte County may be informative to FERC. Del Norte County's unique position including both concerns and knowledge about the near shore environment may help to provide more complete record thereby ensuring more informed decision-making consistent with the public interest.

STATEMENT OF POSITION

Del Norte County seeks to intervene in these proceedings in order to protect public resources within the County. Project operations and dam removal going forward under the amended and transferred license will affect resources within the County, including but not limited to fishery resources, water quality and quantity, as well as the near shore environment.

Del Norte County does not state a position either for or against the removal of the dams at this time. However, Del Norte County strongly advocates for mitigation of local impacts and believes that in order to preserve the ability to advocate for local mitigation, the County must preserve all rights in these proceedings. Del Norte County commends the efforts of KRRC thus far to engage with the community, but Del Norte County wishes to preserve the ability to either support or object to the dam removal depending upon the outcome of engagement by KRRC and the County's comfort level with any proposed mitigation. Until such time as the County feels local impacts will be thoroughly mitigated, it is absolutely essential that the County preserve all rights including intervention in these proceedings.

In these license transfer proceedings, Del Norte County will advocate positions consistent with mitigation of any potential local impacts. Intervention by the County will

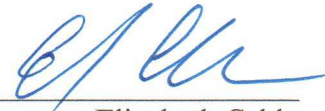
allow the County the ability to be noticed and heard. It will allow the County the best position to assure that County concerns are addressed.

CONCLUSION

WHEREFORE, Del Norte County has a substantial interest in the outcome of this license transfer proceeding and no party would adequately represent its interests, Del Norte County respectfully requests that the Commission grant this motion for intervention out of time in the Klamath license transfer proceedings.

Dated this 10th of September.

Respectfully submitted,




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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing documents upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 11th day of September, 2019.


Cynthia Vineyard
Administrative Analyst
Office of Del Norte County Counsel