

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

January 24, 2013

**Re: American Rivers Motion to Intervene on Preliminary Permit Application and comments for the Peabody Trout Creek Reservoir Hydroelectric Project, FERC Project No. P-14446**

Dear Secretary Bose:

Enclosed for filing in the above referenced proceeding is American Rivers MOTION TO INTERVENE on the Peabody Trout Creek Reservoir Hydroelectric Project Application for a Preliminary Permit. Copies of this filing have been served electronically on all parties of record to this proceeding. Thank you for your assistance. Please call if you have any questions or need additional information. I can be reached at 303-454-3395.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matt Rice", is written over a light yellow rectangular background. A long, thin horizontal line extends to the right from the end of the signature.

Matt Rice  
Colorado Director, American Rivers  
1536 Wynkoop Street, Suite 100  
Denver, Colorado 80202  
mrice@americanrivers.org

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

_____	)	
Peabody Trout Creek Reservoir LLC	)	Project No. 14446
Trout Creek Reservoir Hydroelectric Project	)	
	)	
Application for Preliminary Permit	)	
_____	)	

**AMERICAN RIVERS MOTION TO INTERVENE ON THE PRELIMINARY PERMIT  
APPLICATION FOR THE PEABODY TROUT CREEK RESERVOIR  
HYDROELECTRIC PROJECT, PROJECT NO. 14446**

**I. Introduction**

On November 30, 2012 Peabody Trout Creek Reservoir LLC (Applicant) filed an application for a Preliminary Permit from the Federal Energy Regulatory Commission (“Commission”) for The Peabody Trout Creek Reservoir Hydroelectric Project (P-14446). On December 4, 2012, the Commission issued a “Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene and Competing Application.” The Notice provided 60 days for the submission of filings regarding the application. Pursuant to 18 C.F.R. § 385.214, American Rivers hereby moves to intervene in this proceeding. Service of process and other communications should be made to:



\_\_\_\_\_  
Matt Rice  
Director of Colorado Conservation  
American Rivers  
1536 Wynkoop St., Suite 100  
Denver, Colorado 80202  
[mrice@americanrivers.org](mailto:mrice@americanrivers.org)

## **II. Motion to Intervene**

### **A. Interest of the Intervenor**

American Rivers is a national, non-profit, 501(c)(3) conservation organization with a Colorado office in Denver, Colorado, offices nationwide and headquarters in Washington, DC. American Rivers serves more than 100,000 members and supporters nationwide and over 3,000 members in Colorado. American Rivers is dedicated to protecting and restoring America's river systems and to fostering a river stewardship ethic. Additionally, American Rivers promotes public awareness about the importance of healthy rivers and the threats that face them. American Rivers' programs address flood control and hydropower policy reform, endangered aquatic and riparian species protection, in-stream flow, clean water, and urban rivers. One of its principal programs is the protection of rivers from unwise hydroelectric development that fails to take into account the needs of fish and other aquatic organisms, water quality, and the other natural, recreational, and cultural values of North American rivers. Our members have a direct interest in ensuring the protection of the natural and recreational values of Trout Creek and the Yampa River.

### **B. Grounds for Intervention**

Intervention by American Rivers is in the public interest as required by 18 C.F.R. § 385.214(b)(2)(iii). American Rivers has significant undeniable interests in the preservation, restoration, and enhancement of Trout Creek and the Yampa River. No other party to the proceeding will be able to adequately represent those interests. Accordingly, American Rivers has a direct and substantial interest in the outcome of this process and requests that it be permitted to intervene.

## **III. Conclusion**

American Rivers represent interests not represented by any other party to the proceeding. Our intervention is in the public interest as required by 18 C.F.R. § 385.214(b)(2)(iii). Therefore, we respectfully request that the Commission grant this timely motion for intervention.

Respectfully submitted this 24<sup>th</sup> day of January 2013,



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Matt Rice  
Director of Colorado Conservation  
American Rivers

**CERTIFICATION OF SERVICE**

**Peabody Trout Creek Reservoir LLC, Trout Creek Reservoir Hydroelectric  
Project, No. 13254**

I, Matt Rice, hereby certify that I have this day served by electronic mail the foregoing document, "American Rivers Motion to Intervene on the Preliminary Permit for the Trout Creek Reservoir Hydroelectric Project, Project No. 14446," upon each person designated on the official service list compiled by the Secretary in the P-14446 docket.

Dated: January 24, 2013

By:

A handwritten signature in black ink, appearing to read "Matt Rice", followed by a horizontal line extending to the right.

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Matt Rice  
Director of Colorado Conservation  
American Rivers  
1536 Wynkoop St., Suite 100  
Denver, Colorado 80202  
[mrice@americanrivers.org](mailto:mrice@americanrivers.org)

Party	Primary Person or Counsel of Record to be Served	Other Contact to be Served
Peabody Trout Creek Reservoir LLC	Brian Yansen Director, Real Estate Development Peabody Energy Peabody Energy 701 Market Street St. Louis, MISSOURI 63101 UNITED STATES BYansen@peabodyenergy.com	
