



## COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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November 17, 2000

David Boergers, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

RE: **FERC Docket No. RTO1-35-000**  
**MOTION TO INTERVENE of the Columbia River Inter-Tribal Fish Commission**

Dear Mr. Boergers:

Enclosed for filing are the original and fourteen copies each of the Columbia River Inter-Tribal Fish Commission's MOTION TO INTERVENE in the above referenced matter.

In addition, we have mailed by U.S. Mail one copy of each document to all parties on the service list in this proceeding.

Please acknowledge receipt by time-stamping the additional copy enclosed and returning to my attention in the self addressed stamped envelope.

Sincerely,

Kenneth Johnston  
Columbia River Inter-Tribal Fish Commission

Cc: Parties on Official Service List

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

Avista Corporation, Bonneville Power Administration, )  
Idaho Power Company, Montana Power Company, )  
Nevada Power Company, Pacificorp, ) Docket No. RTO1-35-000  
Portland General Electric Company, Puget Sound )  
Energy, Inc., Sierra Pacific Power Company )

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Motion to Intervene  
Of the  
Columbia River Inter-Tribal Fish Commission

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Pursuant to 18 C.F.R. 385.214, and pursuant to the Commission's Order No 2000, 65 Fed. Reg. 809 (January 6, 2000), *order on reh'g*, Order No 2000-A, 65 Fed Reg. 12,088 (March 8, 2000), the Columbia River Inter-Tribal Fish Commission (CRITFC) hereby moves to intervene in the "Alternative Filing Pursuant to Order No. 2000" and the "Supplemental Compliance Filing and Request for Declaratory Order Pursuant to Order 2000" (the "Filing") of Avista Corporation, Bonneville Power Administration, Idaho Power Company, Montana Power Company, Nevada Power Company, Pacificorp, Portland General Electric Company, Puget Sound Energy, Inc., and Sierra Pacific Power Company (the "Filing Utilities").

**I. Background**

In order to comply with the Federal Energy Regulatory Commission's Order 2000, the Pacific Northwest is in the process of forming a regional transmission organization (RTO West) that will coordinate the use of the high voltage transmission system. The decisions of RTO West will have far reaching consequences for energy usage and the environment. Many of the details of how RTO West will operate have yet

to be determined. Furthermore, ramifications of RTO West decision making are unknown at this time. Formation of RTO West will continue with input from affected parties.

## **II. Interest of the Petitioner**

The Columbia River Inter-Tribal Fish Commission (CRITFC) was created in 1977 by the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes and Bands of the Yakama Nation. The governing body of CRITFC is composed of the fish and wildlife committees of the member tribes. CRITFC was created, *inter alia*, to formulate a broad general fisheries program designated to promote the conservation practices of its members. The CRITFC's member tribes' treaty rights to take fish that pass their usual and accustomed fishing places have been confirmed by numerous federal court decisions. *E.g.*, *Sohappy v. Smith*, 302 F.Supp. 899 (D.Or. 1969), *aff'd*, *United States v. Oregon*, 529 F.2d 570 (9<sup>th</sup> Cir. 1976); *Washington v. Washington State Commercial Passenger Fishing Vessel Ass'n*, 443 U.S. 658 (1979); *United States v. Winans*, 198 U.S. 371 (1905); *Confederated Tribes of the Umatilla Indian Reservation v. Alexander*, 440 F.Supp. 553 (D.Or. 1977).

RTO West will control the operation of the high voltage electricity transmission lines throughout the Pacific Northwest. Operation of the transmission system will also impact the operation of the generation system as well as choices affecting planning, conservation and siting of new generation sources. These decisions will have impacts on the environment including CRITFC's member tribes' treaty resources.

CRITFC's member tribes will also be affected by the formation of RTO West as consumers of electricity, as customers of Filing Utilities, and as regulators of certain electrical commerce on Indian lands and reservations. As RTO West is a new entity, there are other impacts to CRITFC's member tribes that are unknown at this time but could be substantial. CRITFC generally supports the filings of the Affiliated Tribes of Northwest Indians Economic Development Corporation to date and will continue to provide input concerning the treaty-tribes' opinions and legal rights.

### **III. Conclusion**

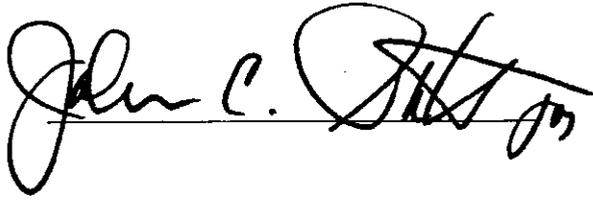
For the above reasons, the CRITFC has a significant interest that may be directly affected by the outcome of this proceeding and other parties do not adequately represent this interest. CRITFC's participation is in the public interest pursuant to 18 C.F.R. § 385.214(b)(2)(iii). Therefore the CRITFC respectfully requests intervention status in this proceeding with full rights as an intervener. Please direct all notices, correspondence, and pleadings related to this proceeding to:

Bob Heinith  
Columbia River Inter-Tribal Fish Commission  
729 N.E. Oregon, Suite 200  
Portland, OR 97232

With a copy to:

Kenneth Johnston  
Columbia River Inter-Tribal Fish Commission  
729 N.E. Oregon, Suite 200  
Portland, OR 97232

RESPECTFULLY SUBMITTED this 17<sup>th</sup> day of November, 2000.

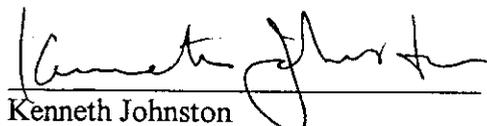
A handwritten signature in black ink, appearing to read "John C. Sampson". The signature is written over a horizontal line.

Donald Sampson  
Executive Director  
Columbia River Inter-Tribal  
Fish Commission

CERTIFICATE OF SERVICE

I hereby certify that I have this day served, by overnight or regular mail, postage prepaid, the Columbia River Inter-Tribal Fish Commission's Motion to Intervene dated November 17, 2000 to the parties of record to these proceedings in accordance with the Rules of Practice and Procedure.

DATED this 17<sup>th</sup> day of November, 2000.

  
Kenneth Johnston  
Policy Analyst  
Columbia River Inter-Tribal  
Fish Commission