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This motion was originally filed 12/29/07, however, has been modified to show the sub-docket information. Although the text indicates the motion applies to all flowages, it was only recorded under Project 1864-083. This submission is intended to correct that error. Everyone on the Service list was served at the time of filing, however, this is being sent to those individuals added to the list since that time (for Prickett, AuTrain, Boney & Cataract). There are no changes to the content of this motion other than the addition of the sub-docket numbers.

UNITED STATES FEDERAL ENERGY REGULATORY COMMISSION

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| Re: Upper Peninsula Power Company's |) | Project No. 1864-083, Bond Falls; |
| Applications for Approval of Non-Project |) | 2402-108 Prickett; 10856-061, AuTrain; |
| Uses of Project Lands and |) | 2506-144, Escanaba River Dam #4, Boney Falls; |
| Approval of Shoreline Management |) | and 10854-080, Cataract. |
| Plans for the Upper Peninsula of Michigan |) | |

NORTHWOOD ALLIANCE'S MOTION
 TO INTERVENE AND PROTEST

I. INTRODUCTION

In accordance with Rule 214 of the Federal Energy Regulatory Commission's ("FERC") Rules of Practice and Procedure, 18 C.F.R. § 385.214, Northwood Alliance hereby moves to intervene in the Upper Peninsula Power Company's ("UPPCO") application for non-project uses of project lands, and supporting Shoreline Management Plans, for the Bond Falls; Prickett; AuTrain; Escanaba River Dam #4, Boney Falls; and Cataract Projects located in the Upper Peninsula of Michigan.

II. STATEMENT OF INTEREST AND GROUNDS FOR INTERVENTION

Northwood Alliance is a non-profit organization based in Wisconsin, with members in northern Wisconsin and Upper Michigan. Northwood Alliance has been actively involved in the planning process since UPPCO announced its intent to sell off non-project lands and issue leases for non-project uses of project lands. Northwood Alliance's members have regularly attended meetings, issued comments and requested information from both UPPCO and FERC concerning UPPCO's proposals, and organized public involvement. Ensuring that the provisions in UPPCO's licenses that assure public access and management for ecological values and water quality are enforced is currently Northwood Alliance's top organizational priority. As a group dedicated to the protection and preservation of the region's environmental quality and way of life, Northwood Alliance's intervention in this matter is in the public interest as required by 18 C.F.R. § 385.214(b)(2)(iii).

Northwood Alliance represents a wide array of interests that would be directly affected by the approval of UPPCO's proposed non-project uses of project lands. *See* 18 C.F.R. § 385.214(b)(2)(ii). Members of Northwood Alliance regularly and consistently use the project areas at issue, and plan to continue to use these areas, for recreational and environmental purposes, such as paddling, fishing, hunting, hiking, and wildlife viewing. The approval of UPPCO's request would negatively impair fish and wildlife in the area, substantially diminish the aesthetics of the project areas, and decrease public access to the project area lands, all of which would directly and negatively affect Northwood Alliance's members' use and enjoyment of these areas.

III. STATEMENT OF POSITION AND PROTEST

Through intervention, Northwood Alliance seeks full compliance with the terms of UPPCO's license that provide for environmental protection and public access, both of which would be compromised

by UPPCO's proposal currently before FERC. As set forth in our February 17, 2006, letters to FERC, Northwood Alliance first seeks a detailed environmental impact statement ("EIS"), as required by the National Environmental Policy Act ("NEPA"), and consultation with the United States Fish and Wildlife Service, as required by the Endangered Species Act, prior to FERC's approval of any non-project uses on project lands. Northwood Alliance also seeks to prevent any irreversible commitments of resources or adverse environmental harm to the project areas prior to completion of the mandatory procedures.

Northwood Alliance protests approval of the proposed non-project uses of project lands for these five projects based on the largely deficient Shoreline Management Plans that are currently before FERC. The process used by UPPCO to develop these plans was inadequate in two respects: lack of meaningful public input and lack of detailed environmental analysis.

To gather public input, UPPCO held **several** focus group meetings. UPPCO did not allow the general public to attend or observe these meetings. The focus group members primarily represented government and economic interests. During the meetings, issues raised were not voted on nor was any type of consensus sought. This process is a far cry from the NEPA process, did not allow the public to be fully and meaningfully engaged, and did not allow all concerned parties and members of the public to voice their concerns and ask relevant questions. The resulting plans were completed with inadequate public involvement and support.

The environmental studies and analysis conducted on each project area were also inadequate. These studies were conducted over a very short time span and failed to address potential impacts, especially those accumulating by consistent human intrusion on the project lands from adjacent small lot development. No development of this scale was hinted to or allowed for in the recent relicensing process.

FERC must now prepare its own EIS and consult with the United States Fish and Wildlife Service prior to approving the proposed non-project uses and prior to allowing any of the proposed non-project uses to proceed. The proposed use of the project lands threaten environmental, recreational, and public interests and require full public involvement and environmental analysis.

Substantively, many of the proposed uses of project lands are also not consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the five projects, as required by the Standard Land Use Article found within each of the five licenses. In addition, the cumulative impacts of the now proposed small-lot residential development within the adjacent non-project lands will lead to additional adverse environmental impacts. The proposed shoreline development would be in conflict with key objectives within each license. Northwood Alliance protests FERC approval of any activities that would conflict with current license agreements or otherwise allow environmental impacts and degradation not contemplated when the licenses were initially approved.

V. CONCLUSION

Northwood Alliance respectfully requests that FERC grants its motion to intervene and deny the proposed applications and SMPs pending meaningful public involvement, adequate environmental analysis, and full compliance with existing license agreements.

Dated this 29th day of December, 2007.

VI. CERTIFICATE OF SERVICE

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

Joseph Hovel

Joseph Hovel, NWA

12-29-07

Date

Respectfully submitted,

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Submission Contents

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