

# F.P.C. HIGH ROSS DAM HEARINGS

## western washington phase by the kaopectate kid

What we have been looking forward to (and stalling off) for five years; finally burst upon the North Cascades Conservation Council (N3C) in late April of 1974. The Federal Power Commission, in a rare gesture to public opinion, announced on April 4 that it would hold a public interest hearing in Seattle on April 16. The announcement came, of course, too late for cooperating environmental organizations to put it in their May newsletters.

The N3C began to tool up to notify members of the hearing date. Then, a few hours before notices were to be mailed, we learned (by telephone call to Washington, D.C.) that the hearing was postponed to April 23, the place changed to Bellingham, and that there would be a Seattle hearing on April 25. Although it appeared almost to be a conscious attempt on the part of F. P. C. to prevent any organized effort to "call out the troops", we will give them the benefit of the doubt and assume it was their unfamiliarity with public hearings that led them to screw things up so badly.

The Bellingham hearing was held in a tiny courtroom in the Federal Building. Around 150 people, mainly Canadians, filled the 75 or so seats, stood along the walls and crowded the corridor outside. As his first action in a long, confused day, Presiding Judge Allen C. Lande ejected TV newsmen and cameras from the courtroom.

Chief Vickery and Councilman Wayne Larkin, present as observers, left after the first few minutes of testimony (all in violent opposition). This made several seats available for Canadian witnesses.

Before the hearing dragged to a close in the late afternoon, 42 witnesses had spoken, of whom only two were friendly to City Light's proposal. The remaining 40, all but five of whom were Canadians, presented their "briefs" and uniformly castigated City Light for being a poor

neighbor. Perhaps their frustration was best expressed by Jim Bohlin of the Sierra Club of Western Canada, who berated the judge for holding the hearing in such an unsuitable place. "It's not a real hearing", he said. "The media were excluded. We Canadians will leave here with the feeling that we're going to be shafted!"

On Thursday, April 25, the F. P. C. road show opened in Seattle for a two-day stand. Only protests by N3C counsel had kept the hearings from being conducted in a small court room in the Federal Building, and the auditorium in the Seattle-First Building held almost all who appeared. Supporting cast to Judge Lande were four staff counsel for F. P. C. and a bevy of City Light lawyers.

Conspicuously absent were the legions of retired City Light employees who had packed the 1972 City Council hearings, wearing their big badges about "Ross Dam and Clean Power". Apparently Chief V.'s employee relations problems had cost him support in the City Light Family on the High Ross issue, too.

Testimony on Thursday and Friday ran about 2-1 against the high dam, with various Chamber of Commerce types and big energy users confronting representatives of environmental organizations and just plain concerned citizens. A nadir of public responsibility was reached by our enlightened Councilman, Wayne Larkin, who described Big Beaver Valley as an area of bogs and swamps where he was almost eaten alive by mosquitoes and yellow-jackets. Judging by the size of what's left of Mr. Larkin, we'd say the bugs only took a few hors d'oeuvres off him.

Judge Lande precipitated a near-riot when, after listening to several high-school students, he asked the rest just to submit written statements for the record. All over the auditorium young people jumped up, protesting that he was letting older people ramble on and

that they had just as much right to be heard. Several adults, probably teacher-types, took His Honor to task, pointing out that a common criticism of young people is their apathy and that he should encourage students to participate in a governmental forum rather than turn them off.

On Friday N3C President Patrick Goldsworthy pointed out to the judge that most citizens were unable to take off from work or school to attend weekday hearings and requested a continuance on Saturday morning. To his credit, Judge Lande agreed to hold a Saturday session if a place could be found. Also to the credit of Seattle City Light, last minute permission was given to use their auditorium.

The Saturday session ran 35-0 against High Ross Dam, and the undoubted highlight was the appearance of Joan Reed and her husband with a complete stereo sound system to play her poignant tape - recorded folksong, "Farewell to the Wilderness".

On Monday, April 29, the formal or "evidentiary" hearings began in the Customs Court in the old Federal Office Building. N3C and the ROSS Committee (Run Out Skagit Spoilers) had learned only on Thursday that these hearings were to take place the following week. All efforts to postpone for a two-week period were denied.

The five days of evidentiary hearings afforded every interested person a chance to see just what City Light was getting for the \$400,000 plus it had so far paid the prestigious Washington, D. C. law firm of McCarty and Noone. It really didn't seem like a bargain!

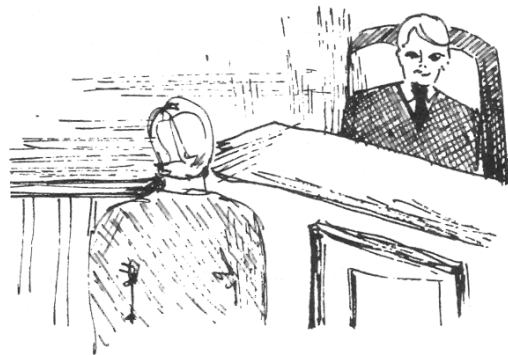
All day Monday was occupied with the cross-examination of Bryan Gates, a B.C. wildlife biologist who was appearing as a staff witness for F. P. C. He could not be shaken in his testimony that raising the dam would reduce the population of deer and other wildlife in the Canadian Skagit.

Tuesday was reserved for cross-examination of two more F. P. C. witnesses, a fisheries biologist and a recreational economist. On Wednesday morning, N3C President Patrick Goldsworthy got the full treatment from Robert McCarty, the chief opposing counsel. Now we could see how the 400 grand was spent. Mr.

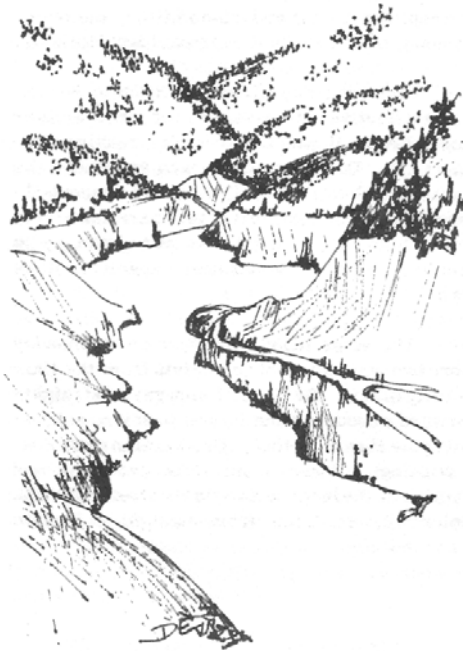
McCarty's staff had researched every word Pat had written or uttered in public hearings for the past 10 or 12 years. Mr. M. even had bound copies of the Wild Cascades dating back to the olden days when our publication was mimeographed. The purpose of all this legal nitpickery was to try to discredit our president's testimony by catching him up in some inconsistency. With the help of Ric Aramburu, N3C's alert young attorney, President Pat succeeded in keeping his cool and discomfiting the over-anxious, over-rated and over-paid Mr. McCarty.

On Wednesday afternoon, ROSS presented three effective witnesses for cross-examination. Lead-off was our ever-impressive northern ally, Dave Brousson, who announced the Canadian intention to roll back the present illegal Skagit flooding to the 49th parallel. This would lower the present reservoir level by 20 feet and reduce the generating capacity at Ross Dam.

The other ROSS witnesses on Wednesday were two eminent plant ecologists from the University of B.C. Dr. V. C. Brink gave a straightforward account of the losses to science of flooding the Skagit ecotone. Dr. Vladimir Krajina, a political refugee from Czechoslovakia and founder of the biogeoclimatic zonation of British Columbia, departed from straight scientific



De Henault drawing



De Henault drawing

testimony to discuss the bitterness and dissension raising Ross Dam would cause between the two countries.

On Thursday, N3C's ecological witnesses, Joe and Margaret Miller, spent 2 1/2 hours defending their studies in Big Beaver Valley under

cross-examination by Howard Johnson, the City Light attorney who had spent a whole day working over Bryan Gates. The Millers had done their homework well, and Mr. Johnson had to retire without finding any major holes in their testimony. At the end of their testimony a somewhat incomprehensible question was asked by Judge Lande, who at this point had listened to four days of public hearings and 3 1/2 days of evidentiary hearings. "Mr. Miller", he asked, "Do you own any land up in that valley?" A startled Joe Miller replied, "No, Your Honor. All that land belongs to the people of the United States!"

Thursday PM was the ROSS Committee's turn again. Secretary Ken Farquharson's testimony and exhibits were ruled inadmissible by Judge Lande as being "subjective". However, Ken was later allowed to return to the stand and make an oral statement in which he warned that flooding the Skagit would jeopardize future cooperative development on the Pend d'Oreille, Columbia, Okanogan and Kootenay Rivers.

Two charming academic types from Simon Fraser University, Drs. McClaren and Hendy, discussed recreational values of the unflooded Skagit and finished off the Thursday session on a lighter note. Dr. Hendy had the court room in stitches as he described the values of outdoor exercise to "old folks" (past 55).

On Friday, May 3, President Pat returned to finish his cross-examination by Mr. McCarty. Much time was spent in trying to show that a chart drawn by Pat from U. S. G. S. maps was "hearsay" because he didn't personally survey the area. After some more similar minutiae, the Seattle hearings were adjourned.

As of this writing, they are to resume in Washington, D. C. on May 20, when N3C will have an opportunity to cross-examine the City's witnesses. All efforts by our attorneys to have them continued in Seattle were in vain. We are forced to think the F. P. C. really hopes our lack of finances will cause us to withdraw from this David/Goliath struggle. Well, we can't give up now after five long, expensive years. Like Elijah, the ravens or our good friends will provide. Remember, gifts to the North Cascades Foundation are honest-to-God tax deductible. We're only spending 1.5% of what City Light is throwing down the Ross Dam rathole, and we're getting a helluva lot more for our money.