

# Update on the Applegate Dam Hydroelectric Project

BY MARGARET DELLA SANTINA

As the proposed Applegate Dam Hydroelectric Project appears close to final approval, we are thrilled that Symbiotics, Inc. has decided to bury the entire fifteen miles of high-voltage transmission lines, from Applegate Dam to the substation in Ruch. While residents support the idea of using the existing dam to generate electricity, we have long been worried about the impact of high-voltage power lines running along the easements on our properties, on poles that would have extended significantly higher than they presently do. Installing environmentally-*intrusive* power poles and lines to carry environmentally-*friendly* energy seemed counter-productive, and we hoped to find a way to convince Symbiotics, LLC to become our partners in this beautiful area, rather than marring the landscape with tall high-voltage transmission lines. This is why we view Symbiotics' decision to bury the transmission lines as a rare example of corporate interests actually listening and responding to community concerns.

So, a big THANK YOU to all who attended the September 21 "contested case hearing" regarding the Applegate Dam Hydroelectric Project. Despite the hearing being held on a weekday morning, the meeting room at the Ruch Public Library was overflowing (to the evident surprise of the judge, and the obvious distress of the attorney representing Symbiotics, Inc., the company proposing the project). The size of the crowd—and residents' articulate comments—conveyed clearly to the presiding Oregon Administrative Law Judge that the community had not received sufficient information from Symbiotics, Inc., nor sufficient opportunity to participate in decisions that would affect both private properties and public recreation areas along the Applegate River. Judge Han listened respectfully to residents' concerns, and repeatedly overruled the objections of Symbiotics' attorney to our comments being heard. Finally, deviating from convention, Judge Han took the hearing 'off the record' and turned it into a 'town hall meeting.' By that time, however, many residents had spoken, and these recorded comments were admitted to the public record of the case. So again, thanks to all who came; whether or not you spoke at the hearing, your presence helped shape this critical stage of the process.

On November 17, Judge Han informed the Oregon Water Resources Department that he had "affirmed" the Proposed Order for the hydroelectric project; this tentative ruling did not require Symbiotics to bury the line, nor did it include any other conditions related to transmission towers. However, the judge did allow comments made by residents at the Ruch hearing to remain as part of the public record of the case. The judge's tentative approval also outlined a (somewhat lengthy and complex) process for appealing the decision and by late November we were preparing to file an exemption to the ruling.

Then on December 3, Symbiotics issued a press release stating their intent to bury the lines. According to Erik Steimle of Symbiotics, the developer has amended their license application to include buried lines, and Jackson County Public Works is prepared "to green-light" the amended proposal. (Symbiotics is not going to pursue the idea of creating a bike path along Upper Applegate Road; however, I think they have met us more than halfway, at an additional cost of 14% to their project, so we may want to think about ways to do this as a grant-funded community project.) Asked what had influenced their decision, Steimle emphasized Symbiotics' desire to obtain community support for the project, which they hope to operate for 50 years. Having our statements on record as part of the recent Ruch hearing was certainly part of that decision! So again, thanks to all who signed the statement, wrote letters, attended the hearing, or made a comment. And thanks, too, to Erik Steimle at Symbiotics, who really became our ally on this issue!

In case you were unable to attend the hearing, below is the text of a statement submitted to Judge Han (which I read at the hearing) on behalf of over 100 residents who had signed it. The gist of the statement is that as residents who would receive no direct benefit from the hydroelectric project, we wanted some input into how that energy would be transmitted along our properties and down this beautiful river corridor. While the implementation of this project is still far from cer-

tain, it is gratifying to know that we have had significant input on its design.

## Residents' Statement

### Regarding the Applegate Dam Hydroelectric Project:

As residents of Upper Applegate Road and the surrounding area, we respectfully ask that our comments be included as a part of the record of this contested case hearing. The Notice announcing this hearing states, "no protests were received by the [Water Resources] Department." In fact, Applegate Valley residents wrote multiple letters to Mary Grainey at the WRD in advance of the June 10, 2010 deadline. These letters expressed concerns ranging from diminishing views and property values, to increased risk of wildfire. In these letters, residents have repeatedly requested that consideration be given to burying the high-voltage power lines; these letters, which never received a formal response, are appended to the official Proposed Order. Apparently our letters do not count as protests because we did not pay a \$600 fee requested by the WRD. We did not pay this fee because we found it to be—and still view it as—an outrageous condition for citizens' concerns to be heard. So we appreciate your hearing our concerns at this hearing. And, we look forward to hearing from you.

First, it is important to note that as residents of the Applegate Lake area, many of whom live within a mile or two of the Applegate dam, we are not opposed to using the dam to generate clean, hydroelectric power to contribute to our country's energy resources. We support hydroelectric power for its potential to produce energy with less negative environmental impact than fossil fuels. So we simply see it as counter-productive to install hydroelectric transmission lines that will result in greater negative impact on the environment and on residents than currently exists.

It may be worth noting that Upper Applegate Road is not "undeveloped" with "a few residences," as the FERC stated in approving the project; in fact, there are approximately 400 residences along the 15-mile stretch of Upper Applegate Road leading to the dam, and many hundreds more along the streets that connect to Upper Applegate. From the wording in the FERC EA, it appears that the project may have been approved at the Federal level in part on the mistaken idea that this is a sparsely populated remote rural area where the impact on residents would be small. This is not true: many people—residents and the many visitors who come to our beautiful valley alike—will be affected by this project.

So while we support the conversion of the dam to produce hydroelectric power, we are very concerned about *how* that conversion takes place, and the impact—on a large number of residents and on the environment—of the significantly taller high-voltage poles and lines that will be installed. If, as the proposal suggests, the new lines will be installed following the existing easement right-of-way, the result will be a significant negative impact on many residents' views, safety, property values, and quality of life.

County records show that the utilities easements on our properties, which currently grant Pacific Power (and its "successors and assigns") right-of-way to install and maintain power lines, were created as far back as 1948 and 1952. The easements give the power company broad discretionary power to clear the land and install supports for the power lines *both inside and outside of the easement boundaries*. This is a matter of great concern to us.

At the time they were initially recorded, the easements certainly did not anticipate the kind of high-voltage transmission that Symbiotics is proposing today. The purpose of the original easement was ostensibly to provide power that would benefit local residents. The proposed project vastly increases the amount of electricity being transmitted along a residential corridor. If, as the proposal states, the new power line simply follows the existing ones, it provides no benefit to local residents in return for far more intrusive power installations on our properties. The power lines will be much more visible than they currently are; in some cases this line passes directly

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