

# The People of Oregon have a stake in the Pelton Project

*you have a right to know the whole story*

Men and machines are commencing construction of an important new hydroelectric power source for Oregon: Pelton dam on the Deschutes river.

Pelton is important to the people of Oregon. Its 120,000 kilowatts of capability will make it one of the largest hydroelectric projects within the boundaries of the state. It is important because it will provide power for new jobs as our population increases and will be a long step in meeting the growing electrical needs of you and your neighbors at home, on the farm, in business and in industry. In common with just about every hydroelectric project which has been proposed to meet the power needs of the Pacific Northwest, Pelton has a controversy attached to it. You have a right to know what the controversy is about.

#### *Opposition to Pelton a Mixture of Political Ideology and Fish*

We believe that behind the opposition to Pelton dam—which dates back to 1949 when Portland General Electric Company took its first steps to have the project approved by the state of Oregon and the federal government—is a small, well-organized minority. Their motives are mixed.

One segment of this minority consists of those who are politically slanted against the development of any power project by private capital, just as they are opposed to the Eisenhower administration "partnership" policy of water resource development. In its consistent opposition to any project proposed by local agencies, this group had evidenced its preference for dependence on the federal government for hydroelectric development.

There has also been opposition arising from a conflicting economic interest represented by commercial and sports fishermen. They have—mistakenly we think—viewed the Pelton project as a threat to salmon and steelhead runs in the Deschutes river. Actually, the run of salmon in the stretch of the Deschutes where Pelton dam will be built is negligible. Moderate steelhead runs exist but neither the salmon nor steelhead runs were considered sufficiently important by the Oregon legislature in 1949 to approve legislation which would have made fish sanctuaries of the Deschutes and Metolius rivers. Nevertheless, the opposition of sport and commercial fishermen has continued to be aggressive.

This well-organized coalition of forces has made its opposition felt every step of the way in the company's long effort to obtain approvals for the project from state and federal agencies.

#### *We Can Have Both Power Poles and Fishing Poles*

Portland General Electric Company is firmly of the opinion that from the standpoint of the great majority of Oregon people the fishing and recreational value of this stretch of the Deschutes will be greatly enhanced by Pelton dam. This belief is based on past experience with projects of similar size built on similar streams elsewhere in Oregon—the Willamette Basin projects being notable examples. These have provided enjoyment for thousands.

A re-regulating dam will be built about three river miles downstream from Pelton, in order to maintain an even, natural flow of the lower river. Thus, one hundred miles of swift fishing water will be left undisturbed below the Pelton project which is located that distance from the mouth of the Deschutes. The company also plans to provide public access to the eight-mile-long lake to be created behind the dam. To enhance the enjoyment of boat fishermen and recreationists PGE will provide an access road into the reservoir area, boat dock and trailer ramp, and picnic grounds.

It is significant that the people in the vicinity of the project, who know the actual conditions best, view Pelton as a potentially great tourist attraction and recreational asset.

The Oregon State Game Commission, the Fish Commission of Oregon and the U. S. Fish and Wildlife Service jointly have expressed the view that passage



facilities which would lead both upstream and downstream salmon and steelhead migrants past the Pelton project appear to offer the most likely solution to the fishery problem. These three agencies recently have asked that PGE assume responsibility for designing such facilities, with technical assistance to be supplied by the agencies themselves. The facilities will essentially consist of a fish ladder approximately three miles long, having gradients comparable to or less steep than the successful ladders at Bonneville dam and other large projects. Appropriate attraction facilities will be installed at both the upstream and downstream ends of the ladder. We are hopeful that these designs will be perfected in sufficient detail within the near future so that they can be completely and publicly described.

Altogether, these fish facilities, including the re-regulating dam, will represent \$5,000,000 of the total \$25,000,000 cost of the project.

#### *Oregon Needs a Firm Supply of Power for Jobs, for Continued Growth*

As an electric utility serving forty per cent of the people of Oregon, PGE has a serious responsibility to provide electric service in sufficient quantities, and at the lowest possible cost. At the present we are interested, by ourselves or jointly with other organizations, in the development of such projects as the North Fork dam and Faraday addition on the Clackamas river, John Day dam on the Columbia, Mountain Sheep and Pleasant Valley dams on the middle Snake, Priest Rapids dam on the Columbia and others. But none of these projects are alternatives to Pelton simply because a ready demand will exist for every single kilowatt that can be produced by these projects and by Pelton as well. Further, Pelton is the only one of these projects which has a clear "go-ahead" for construction.

Oregon is growing. Even more rapidly the uses of electricity are growing. As a public servant PGE has no alternative but to provide you with an adequate supply of this vital necessity.

#### *The People Not Represented by Fish Agencies*

It was in January, 1949, that an application for preliminary permit was first made with the Oregon Hydroelectric Commission, and in May of the same year the application for license was filed with the Federal Power Commission, assuming that the two licensing authorities had a concurrent jurisdiction over such a stream as the Deschutes.

At the time it was generally assumed that the Oregon Hydroelectric Commission was a body with full authority to weigh the relative importance of the various uses to which a water resource such as the Deschutes river may be put, and to act in behalf of all the people of the state in achieving maximum multiple use of the resource.

But the company, and Oregon citizens as well, were surprised and dismayed to discover that two single interest agencies of the state of Oregon, representing only

the commercial and sport fisheries, had an absolute veto over any proposed power development placed for consideration before the Hydroelectric Commission. These agencies were the Oregon State Game Commission and the Fish Commission of Oregon. In July, 1949, the Hydroelectric Commission issued an order requiring that an application for permit be made to the Fish Commission of Oregon. Such application was made and summarily denied by the Fish Commission without a hearing. The Attorney General of Oregon had ruled that the Fish Commission would have to be satisfied with facilities designed for the protection of fish before the Hydroelectric Commission could grant a permit. Later a decision of the circuit court confirmed this ruling and further found that under the act there was no right of appeal from the Hydroelectric Commission's ruling.

In the 1955 legislative session, too late to be of benefit in the Pelton controversy, legislation was passed which establishes more equitable jurisdiction

which will take into consideration all the uses of a water resource. The 1955 legislation establishes a water resources commission, which in effect will be a board of appeal.

#### *PGE a Bystander as Fish and Game Commissions Bring Suit Against FPC*

The Federal Power Commission did grant the company a license, and in doing so asserted its jurisdiction over the federally-owned lands on which it was proposed that the dam be constructed. On the east bank of the river these lands had been specifically reserved from private entry by President Theodore Roosevelt, and subsequently by Congress, as sites suitable for electric power development. On the west bank the lands were held by the Warm Springs Confederated Tribes as part of a federal reservation.

The state of Oregon, through the fish and game agencies mentioned, and strongly backed by commercial and sport fishing organizations, attacked the Pelton license in the U. S. Court of Appeals, a proceeding which was eventually taken to the highest legal authority in the land—the U. S. Supreme Court. The latter, in a seven-to-one decision on June 6, 1955, reversed the two-to-one decision of the Court of Appeals and upheld the superior jurisdiction of the FPC confirming the validity of the Pelton license.

It should be emphasized that PGE did not initiate the court proceeding which ended in this nearly unanimous decision of the Supreme Court Justices—a decision which established the paramount authority of the federal government to license power projects on federally-owned and reserved lands.

#### *Conservation Is the Wise Use of Resources*

There are those who believe that "conservation" means leaving natural resources in their natural state. Following this definition to its logical conclusion, there would have been little progress in this state or this region, so blessed with natural resources, of which falling water is the greatest.

Construction of the Pelton project will create a reservoir which will change the character of only a few miles of the Deschutes river. We believe sincerely that this reservoir will add to the state's fishing and recreational facilities and will provide enjoyment for thousands more people than are now able to fish in the rugged, almost inaccessible canyon. We are joined in this belief by folks who have lived their lives along this stretch of the river and who know it best.

We believe that the facilities designed for the upstream and downstream passing of anadromous fish will prove to be a unique and exciting contribution to the solution of the fish vs. power controversy that has plagued and badgered the economic progress of the Pacific Northwest for so long.

Above all, we believe that the people of Oregon deserve to have the word "conservation" mean the wise use of resources for the benefit of all the people.

**PORTLAND GENERAL ELECTRIC COMPANY**

Oregon's Pioneer Electric Utility

