

HOW WE SAVED HELLS CANYON, PART III

By Brock Evans, HCPC Board of Directors

(EDITOR'S NOTE-- This is Brock's third chapter in his series on the "impossible" HCPC victory, which he led, that permanently prevented the damming of Hells Canyon through designation of the Hells Canyon National Recreation Area.)

We left this tale (*Falcon*, Volume 8, #3; December 1999) just as I had filed a Petition for Intervention in the Hells Canyon dam-licensing case, then-pending before the Federal Power Commission (FPC). That was late August 1967. As far as I know, it was the first time anyone had ever tried to bring a legal action of any kind to rescue a precious place anywhere in the Northwest.

Honestly, I didn't know what I was doing. But since I was the Sierra Club's new Northwest Representative and was under orders from David Brower to "do something" to save Hells Canyon from the pending dams, this seemed like the best, and probably the only tool to even slow down the concrete juggernaut. This was the apogee of the dam-building era; to even utter the phrase "wild river" was heresy.

At the moment our intervention papers were opened in Washington, D.C., stuff really hit the fan. Remember, the only issue until that time had been not *whether* there was going to be a dam in Hells Canyon, but only *who* was going to get to build it; private or public companies. But now here comes some pesky environmental groups, filing this case saying the Snake ought to be a *wild* river. Many well-fed jowls quivered in righteous indignation above expensive three-piece suits in cushy law offices from Seattle to Washington, D.C.

The first call I got was from the senior partner in the Seattle law firm I had left just a few months before. They were representing the consortium of public power companies that were challenging the license already awarded to the private dambuilders. My former workmate was very nice as he queried me- just who and what was this Sierra Club, and what did we *really* want, he asked.

I thought to myself, uh-oh. This is the Big Time! Now what am I gonna do? I politely told him that dams had killed too many of the great rivers of the Northwest already. We were going to put on a legal case which argued that the FPC should reject the licenses and the Snake should be a wild river forever. I didn't tell him *how* we were going to do it, because no one had ever done it before!

Next thing I got was a Summons, from the Trial Judge: "You will appear (with all the other parties) at a Preliminary Hearing at the Portland Federal Courthouse on September 27..." My heart sank further. What does one do at a Preliminary Hearing in a federal court? I hadn't the slightest idea about that either!

I was technically not a real lawyer anymore. My responsibility was to be the “conservation representative” of the Sierra Club from the North Pole to California! This case was a load unto itself and so many other conservation controversies were ongoing throughout the west.

On September 27, 1967, thirty attorneys gathered in the ancient, dark-oak paneled federal courtroom in Portland, Oregon. Represented were not just the contenders for the ‘honor’ of actually building the dam, but also those vultures who wanted to make sure they got their share of the final dam-subsidy goodies: the three lower Snake River states, plus just about every chamber of commerce, labor union, irrigation interest and power user in the region. These were the ‘players’ who had divided up, then plugged, the Northwest’s great rivers for the previous three decades.

Twenty-eight of the thirty lawyers favored the dam. I was joined by lawyer and climbing friend Tom Brucker whom I somehow convinced to help me with the case. It was quite intimidating and we felt very alone. We assembled in a semicircle under the Judge’s bench, Tom and I at the far end. The Judge scowled down at us, then began at the other end. “Each party will now make its opening statement.”

Lawyer after lawyer recited his clients’ interests and their stake in the proposed dam in Hells Canyon, and why it had to be built. It was a daunting insight into the psyches of those who held the power to destroy the Northwest’s rivers. All delivered the most compelling speeches about why there simply had to be this one last dam and why their choice of who got to build and operate it was the best choice.

It took all morning. Just before noon, the Judge finally got to me. He leaned over the bench, scowled again, saying harshly “Mr. Evans, does the Sierra Club *really* have anything else to add to these proceedings?”

“Well, yes your honor, if it please the Court,” I stammered, certain that my voice was squeaking. But at least it might cover the sound of my pounding heart. “The Sierra Club believes that the highest and best use of the Snake River in Hells Canyon is in its free-flowing, natural state, and we intend to put on a case which will demonstrate this fact. We believe that there are other ways to provide the electric power the Northwest needs, but there is no way to replace the natural values that will be lost if this dam is built.”

I could almost *feel* the eyeballs rolling, hear the faint snorts of contempt and sense the head-shaking behind me, as the other lawyers audibly shifted in their seats. But now, at least, the words had been said- in public. We were there. We would fight to the finish for the great gorge of the Snake. I felt a strange exhilaration as I walked back to my chair, a sensation which overrode my foreboding of the huge and mostly unknown task ahead of us. There would be no turning back now.