

1 **Dear Jackson County Commissioners and Administrator Jordan:**

2
3 It is requested by the people of Jackson County who desire the restoration and rehabilitation of Gold Ray
4 Dam that their county commissioners prioritize factual information over a quick-cash proposal that, in our opinion,
5 has no merit. Inputs for this letter were collected from several sources across Jackson County to compile the
6 following comparative analysis (vs. the Gold Ray Dam Draft EA), so we hereby offer the commissioners and
7 administrator our inputs from a common sense approach from several Jackson County voters' perspectives.
8

9 **1. GEOLOGY AND SOILS**

10 Draft Environmental Assessment (DEA) states language to the effect, "Temporary disturbance of upland
11 soils and sediments by construction activities...Drawdown of the impoundment would cause release of some of the
12 accumulate sediments behind the dam...Removal of dam would restore more natural processes of sediment
13 transport to the Rogue River."

14 Common Sense Approach (CSA) declares, "The concrete dam was designed to be self-scouring, so the
15 105-year structure is most likely at sediment-equilibrium, w/o problematic accumulation...Removing the dam will
16 be *catastrophic* to habitats on both sides of the structure (i.e. deep/cold/slow and shallow/warm/fast), which is a
17 lose-lose outcome...Long-term effects of floods would be more sediment disturbed with high water conditions."
18

19 **2. LAND USE AND RECREATION**

20 DEA states language to the effect, "Temporary effects on recreation during removal...Rogue River would
21 be free-flowing allowing river users to experience uninterrupted river use throughout the entire reach...Potential for
22 low rapids and swift water attractive to rafters, kayakers and some canoers...Increase some fishing / boating
23 opportunities; decrease in others (related to flatwater conditions behind dam)."

24 CSA declares, "Canoers would pose a liability risk when trying to shoot the 2,850 cubic-feet-per-second
25 rapids...Residual debris would be hazardous to *experienced* boaters that underestimate dynamic, rolling
26 boulders...The "experience of an uninterrupted river use throughout the entire reach" is for a few
27 people...Waterfowl hunting and bass fishing have been a county tourist attraction, so facility improvements would
28 attract tourists to a Fish & Game facility close to the I-5 corridor."
29

30 **3. WATER QUALITY AND RESOURCES**

31 DEA states language to the effect, "Temporary water quality impact during construction. More natural
32 hydrologic and sediment transport processes would be reestablished...Known wells in the area are in upland areas
33 north of the reservoir could be affected...Lower Kelly Slough and Tolo Slough, would likely revert to narrow
34 channels, decreasing backwater ponds with high summer water temperatures."

35 CSA declares, "Upstream water table levels would decrease, having unknown effects on land values and
36 crop production...Released sediment might have deleterious effects on well water and irrigation water quality will
37 be compromised during flood conditions, washing acres of sediment downstream."
38
39

1 **4. WETLANDS AND FLOODPLAINS**

2 DEA states language to the effect, "Construction effects to wetlands would be temporary and would result
3 in a short term loss of wetland functions...Existing wetlands are expected to become drier with the drop in river
4 levels...With the lower river level newly exposed banks in some areas would likely become new wetlands...No
5 change to wetlands downstream of the dam...Effects to the floodplain upstream and downstream of the dam
6 expected to be minimal."

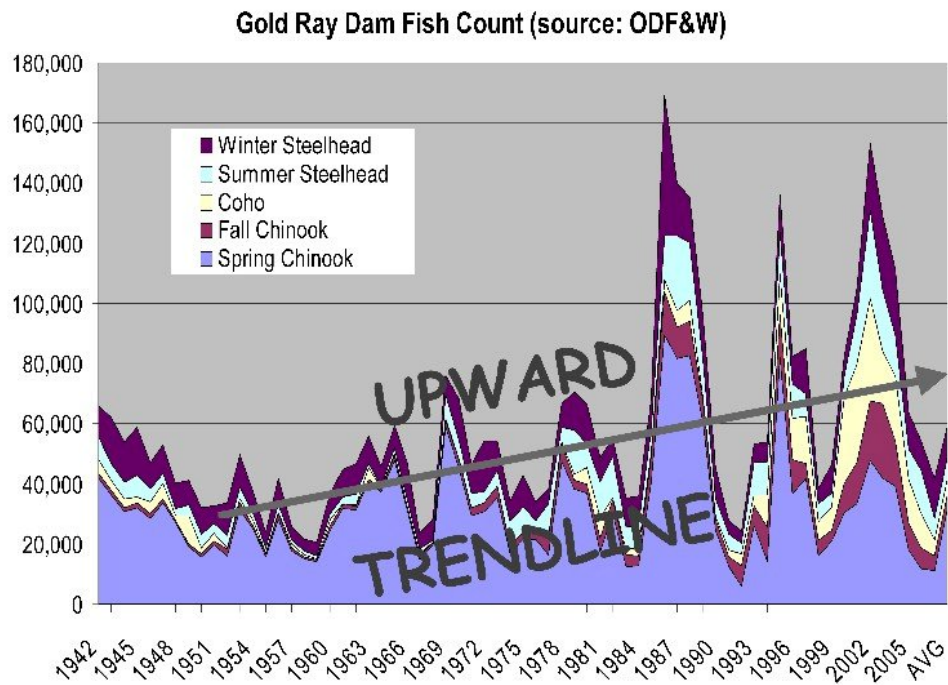
7 CSA declares, "Expecting *more* wetlands after releasing water that comprises the wetlands is a
8 preposterous prediction...Artificially created wetlands are man-made, so any that are threatened can be moved to
9 another location for *zero* net loss."

10

11 **5. AQUATIC BIOLOGY**

12 DEA states language to the effect, "Short term adverse impacts to aquatic habitat and fish during dam
13 removal (turbidity, removal of riparian vegetation, fish handling)...Restoration of the natural river channel /
14 functions and sediment transport processes would benefit Rogue River fisheries...Populations of nonnative warm
15 water species adversely affected by dam removal."

16 CSA declares, "The dam and both fish ladders serve as predation barriers for native species heading in
17 either direction...According to ODF&W data (see Figure 1), fish counts have been trending upward since 1960, so
18 the fish ladder has served and is serving a *useful* purpose. The last counting station on the Rogue River is needed,
19 and "unfavorable habitat conditions" being predicted to "continue" have not been identified...Warm-water species
20 (e.g. bass and crappie) have thrived upstream from the dam for nearly a century, so losing these species would be
21 devastating to county bass fishermen...Causing fish to navigate through an artificial structure is not a negative to
22 fish and to most people. Artificial structures can actually *protect* wildlife from hazardous conditions."



23 **Figure 1.**

1 NOAA posters describing reasons to remove the dam *falsely* describe the Gold Ray Dam as being one of
2 a few remaining impediments to fish passage in Oregon, as identified by NMFS / OWEB / WaterWatch / KS Wild /
3 et. al. Granted, portions of the dam facility will require upgrades (replacing the 200-foot fish ladder with a 600-foot
4 ladder, among other improvements to meet FERC specifications). The actual fish-count data provided by the
5 **Oregon Department of Fish & Wildlife** identified the propagated “dams kill fish” rumor as being false on the
6 outset; therefore, an argument based on a false premise must be dismissed.

7 8 **6. TERESTRIAL WILDLIFE**

9 DEA states language to the effect, “Temporary construction impacts would disturb wildlife...No long-term
10 changes.”

11 CSA declares, “Terrestrial species that feed on the other species in that area would suffer if their source of
12 food was destroyed.”

13 14 **7. VEGETATION**

15 DEA states language to the effect, “Vegetation would be removed for construction; disturbed area will be
16 replanted...Vegetation composition will change following the change in upstream surface water levels.”

17 CSA declares, “Undammed water flow would cause unpredictable changes in bank locations, so any
18 replanting would be temporary until another flood would destroy it.”

19 20 **8. CULTURAL AND HISTORIC RESOURCES**

21 DEA states language to the effect, “Adverse effect on the archaeological resources and historic property,
22 however components of the dam and appurtenances would be documented and salvaged prior to removal and
23 following dam removal, a reconnaissance-level archaeological survey of the formerly submerged areas.”

24 CSA declares, “*Lead paint (& asbestos?) in the hydro facility could disqualify any eligibility for Historical
25 registration and would pollute Gold Hill’s water supply...Released sediment would have catastrophic effects on the
26 *sacred* fishing hole of the Latgawa Tribe...What ‘archeological resources’ would be ‘disturbed’ if the dam was
27 rehabilitated?”

28 29 **9. VISUAL QUALITY AND AESTHETHICS**

30 DEA states language to the effect, “Temporary visual impacts during construction...Visual quality of
31 upstream area would change; previously submerged areas would become exposed and would appear like the
32 downstream stretch of river over time.”

33 CSA declares, “A functional dam is an engineering feat of beauty...Canoeing in the bucolic sloughs and ox
34 bows can be visually stunning: *truly* a recreational asset...Power transmission lines can be upgraded to follow
35 existing lines for minimal property-owner impact.”

36 37 **10. TRANSPORTATION**

38 DEA states language to the effect, “Temporary traffic delays during construction...Long term increase in
39 recreation related traffic...Leaving abutment on south bank would preserve rail line.”

1 CSA declares, “*Hwy 234 has a history of being closed due to flood water, so the inevitable sediment
2 floods and log jams would destroy the ODOT-maintained hwy.”

4 **11. HUMAN HEALTH AND SAFETY**

5 DEA states language to the effect, “Eliminate the public safety hazards and liability risk for Jackson
6 County...Short-term risk to public safety during demolition...No adverse impacts associated with accumulated
7 sediments...Limited road access to some areas opened to recreational use.”

8 CSA declares, “Liability to the County could be mitigated if its asset was maintained by investing in
9 upgraded fencing & facility upgrades to meet or exceed OSHA standards.”

11 **12. SOCIOECONOMIC & ENVIRONMENTAL JUSTICE**

12 DEA states language to the effect, “Construction would result in short term increase in economic activity in
13 Jackson County...Free-flowing conditions would be beneficial fishing guides that focus on native fishes, and would
14 have adverse effects on guides that focus on the existing warm water fishery upstream of the dam...Would benefit
15 rafting guide services.”

16 CSA declares, “Benefits to rafting guide services are highly questionable, since fish passage does not
17 equate to raft passage (recall the boater death occurring just hours after the Savage Rapids passage was
18 “opened”)...Given the rough terrain under the river, including a 6’ drop about halfway to Gold Hill, no one in their
19 right mind would raft/canoe/kayak that stretch Gold Hill, and the Rogue Kayakers have even said so.”

21 **13. CUMULATIVE IMPACTS**

22 DEA states language to the effect, “Beneficial cumulative effect on native fish and fish habitat by removing
23 the barriers to fish migration and therefore providing 153 miles of the Rogue River (from Lost Creek Dam to the
24 mouth), and more than 330 mile including tributaries, free of human-made barriers...Restoring a more natural
25 sediment transport dynamic in the Rogue River...Largely eliminate the backwater area and the associated fishing
26 and other recreation opportunities.”

27 CSA declares, “Although the fish ladder has increased fish-count trends since 1960, its dimensions are
28 outdated; removal/replacement will further improve passage...Environmental lawsuits can/will arise, no matter
29 which alternative the Commissioners decide; therefore, any threat of a lawsuit should not impede the
30 Commissioners to make a rational, common sense decision *for the people* to invest in bringing the Gold Ray Dam
31 up to operational standards and *maintain it* as a revenue-generating asset in the face of legal threats for Jackson
32 County to do so.”

34 It is understood that the commission has collected a significant number of inputs via RVCOG, many of
35 which were sourced from outside Jackson County and written by someone who is probably *not* a stakeholding
36 property owner/taxpayer in Jackson (/Josephine) County. Furthermore, it is understood that a sizeable percentage
37 of foreign submissions were – for whatever reason – expressing the belief that “dams kill fish,” which is a premise
38 that has been and continues to be demonstrably *false* (see Figure 1 above), as wishes were expressed for the

1 Jackson County commissioners to render a harmful decision to *our* impact zone (not theirs) from outside the
2 county while facing zero risk of harm or injury if Jackson County was to decide in favor of a removal action.

3 Put into context, a risk-benefit decision concerning whether a dam in Multnomah County should be
4 removed would surely reject opinions received from Jackson County; therefore, Jackson County commissioners
5 would be wise to rightfully reciprocate this logic by rejecting all foreign sources (including postcard campaigns from
6 non-governmental organizations that are headquartered in the Willamette Valley and federally subsidized),
7 disqualifying them from *any* consideration in this Jackson County decision-making process. There is much at stake
8 if the decision was given to *not* remove, isn't there? Quite a few people from outside Jackson County would not get
9 paid their piece of the \$6.5 million "stimulus," so why should that be a factor when weighing inputs from only
10 Jackson County residents?

11 Meddling in another county's (watershed) affairs apparently pays extremely well, especially when using a
12 false premise ("dams kill fish") as an argument to build a weak enough case for removal – easy money *if* they can
13 pull it off, but please do *not* let them get away with it.

14
15 During the 16 March 2010 public hearing, Mr. Scott Wright with the River Design Group in Corvallis stated,
16 "The watermaster here in the Oregon Water Resources Department was very adamant about the fact that there is
17 no water right to generate power at the Gold Ray Dam; that was surrendered back when the dam was turned over
18 to the county...It was actually then, written into law, that you couldn't divert water for generation of power under
19 ORS 538.270, and so the watermaster that we got input from here, locally, continually stated the fact that there
20 would have to be a *change* in law to be able to divert water and create power."

21 This statement required verification, so reading the cited Oregon Revised Statute...

22
23 **§ 538.270 – Rogue River**

- 24 • **withdrawal from appropriation**
25 • **excepted water uses**
26 • **tributaries**

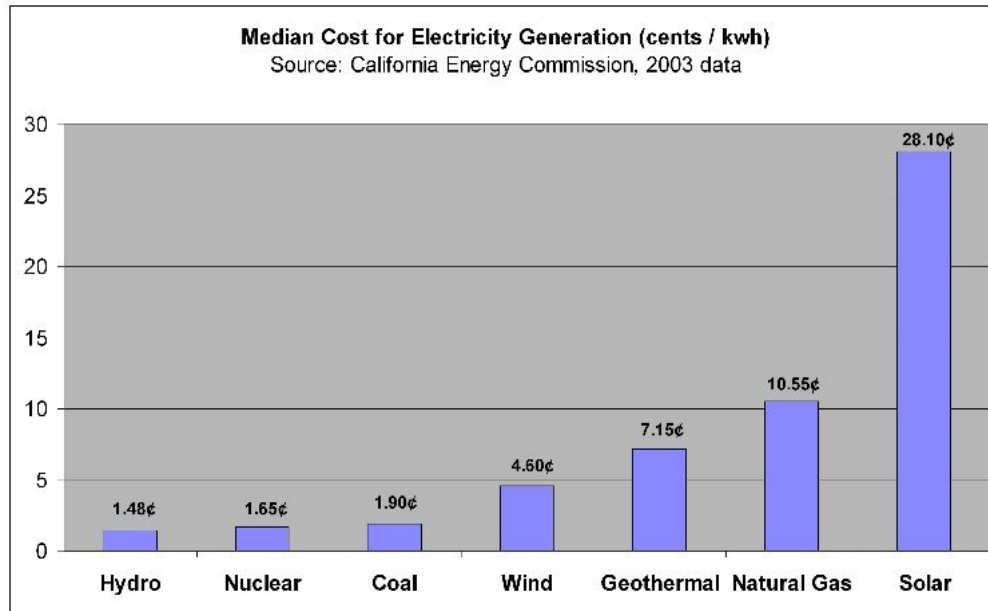
27 **Subject to water rights existing on May 26, 1967, the waters flowing in the main channel of the**
28 **Rogue River from its intersection with the south line of section 27, township 33 south, range 1 east of the**
29 **Willamette Meridian in Jackson County, to its confluence with the Pacific Ocean are withdrawn from**
30 **appropriation; except that this section shall not prevent the appropriation and use of such water for**
31 **domestic, stock, irrigation, municipal, fish, wildlife, recreation and road maintenance purposes, nor**
32 **prevent the appropriation, diversion and use of the waters of any stream tributary to the river. [Amended**
33 **by 1959 c.205 §1; 1967 c.310 §1; 1989 c.291 §1]**

34
35 It would be interesting to know what county counsel has to say about the pivotal "municipal" exception in
36 the withdrawal of water rights between the output of Lost Creek Lake and the Pacific confluence, especially since it
37 stands to reason that a fully-informed decision will be a decision of the best kind.

1 With many hours invested, we sincerely hope that the information provided herein will be useful when the
2 Administrator's recommendation is presented to the commission for three well-informed decisions in favor backing
3 the Jackson County residents' expressed reasons for keeping the Gold Ray Dam.

4 We would respectfully request that all four decision makers suspend the natural temptation of accepting a
5 unilateral incentive (vis-à-vis the \$6.5 million bribe) for removal, so a clear and rational decision can be made,
6 hopefully to restore and rehabilitate the invaluable dam without exchanging it for a bagful of cash that's been
7 earmarked for Willamette Valley and Stayton destinations – *not* Jackson County residents.

8 If you vote to reinforce the people's resolve by acknowledging the tremendous value that we see in the
9 rehabilitation and restoration of the multi-use Gold Ray Dam facility (possibly including hydro in the future), the
10 Jackson County people will have every good reason to back up you for the insurmountable courage it will take for
11 you to trump short-term monetary gain for foreign agencies (in exchange for a long-term loss to the county)...or
12 you can back a long-term, environmentally-friendly *solution*.



13 In fact, the scenario of generating approximately 7.3 megawatts of clean, green, and renewable electricity
14 (see Figure 2 above) at the Gold Ray Dam facility might be possible and would return a sizable annual net profit of
15 about \$6.75M to the county with a breakeven point during the fifth year of operation if the Business Energy Tax
16 Credit was applied, or during the eighth year of operation if the Business Energy Tax Credit was not applied.
17 Please see the attached cost analysis, based on actual *daily* flow rates collected at the Gold Ray Dam over the
18 past 50 years, from 1 Jan 1960 thru 31 Dec 2009, sourced by Mr. David Boyter (208-521-4474) at the company
19 that is contracted to oversee the successful implementation of the Applegate hydro project: Symbiotics, LLC.

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21
22 Respectfully,

23
24
25 Kevin Goodrich, et. al
26 Jackson County