

WENATCHEE WORLD

Appeals Court upholds Okanogan PUD's powerline plan

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OKANOGAN — After more than 17 years of lawsuits and appeals over plans for a new transmission line in the Methow Valley, the Okanogan County PUD has jumped one more hurdle.

And, officials say, if no one asks the state Supreme Court to review the decision, Tuesday's ruling could clear the way for construction of a new transmission line from Twisp to Pateros.

In the latest court decision, the Washington State Court of Appeals ruled Tuesday that the PUD can condemn state Department of Natural Resources school trust land.

PUD Commissioner Steve Houston, who was just elected to the board last year, said even though he's not a lawyer and has only been a commissioner for a short time, this was clearly a victory for the PUD. "I was just going to run into the PUD to see if anyone else was celebrating," he said.

No celebrations were happening in Goldmark's office, however.

"We're very disappointed in the ruling," said Matthew Randazzo, special assistant to the Commissioner of Public Lands, adding, "We are currently evaluating what the next appropriate steps might be."

The ruling upholds an Okanogan County Superior Court decision issued three years ago.

The appeal stalled after then-State Attorney General Rob McKenna declined to file it, saying it was unlikely to succeed, and also due to potential impact statewide.

Believing it was McKenna's job to represent his office, Commissioner of Public Lands Peter Goldmark then went to the state Supreme Court for a ruling on whether or not McKenna had to appeal on his behalf. He won that question in September 2011, and a special counsel was appointed to represent him.

According to Tuesday's ruling, affirmed by all three judges, state law clearly grants PUDs the authority to condemn state trust lands.

The decision also notes that the Department of Natural Resources only receives about \$3,000 a year from leasing the land to cattle ranchers for grazing, not including administrative costs.

And, “The condemnation of the easements will not negatively impact the economic productivity of the trusts,” the decision says.

The appeal is one in a long line of court battles since 1996, when the utility first proposed the new power line to replace an aging power line over the Loup Loup Highway from Okanogan.

Environmental groups forced the PUD to analyze the project through an environmental impact statement, and an Okanogan County Superior Court judge later found that the analysis was adequate, a decision upheld by the Washington State Court of Appeals.