

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

<b>IN THE MATTER OF IDAHO POWER COMPANY'S</b>	<b>Docket: PCN 5</b>
<b>PETITION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY</b>	<b>Intervenor Amended Cross-Answering and Rebuttal Testimony</b>
	<b>Sam Myers</b>

**Date: March 20, 2023**

**Sam Myers, Intervenor  
68453 Little Butter Creek Road  
Heppner, OR 97836  
Email: sam.myers84@gmail.com**

In response to Mr. Colburn's Testimony, I present information to support the argument for an Alternate route. According to an article prepared by Holland & Hart, "there is a serious need for a coordinated and rational approach to transmission project siting that accommodates the need to assure protection of environmental and other critical interests" (Transmission Siting in the Western United States, Holland & Hart ©2009).

Mr. Colburn's reply testimony stated: "IPC considered alternative routes in this area, and determined that the selected route balanced competing constraints" (Colburn/2). Ultimately, the IPC selected route places the transmission line through the middle of Mr. Myers and Mr. Morter's EFU dryland wheat fields (not along the edge or the road) which does not meet the criteria of "least impact" to agriculture operations. According to the Oregon Agriculture Land Use Policy:

The preservation of a maximum amount of the limited supply of agriculture land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agriculture economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation. ORS 215.243  
Agricultural land use policy June 26, 2021

The multitude of alternative routes Mr. Colburn is referring to were from a 2010 siting study and are not relevant to Mr. Myers' suggestion of an "alternative route that avoids high wind area of Morrow County... where it also avoids dryland cropland" (Sam Myers /100 page 2). Mr. Myers' geographic suggestion was simply south of Gleason Butte, where an energy corridor has been recently approved:

Umatilla Electric Co-op (UEC), the Oregon Governor's Office, the Navy, BPA, the US Bureau of Land Management, Morrow County, Idaho Power Company and a number of other state and local agencies have engaged in efforts that ultimately support a green energy corridor (UEC 2018) Such a corridor has the

potential to deliver enough clean energy to power a city the size of Eugene and Salem combined... (Exhibit K: Compliance with Statewide Planning Goals Wheatridge Wind Energy Facility, Request for Amendment 4 to the Site Certificate, page 45)

Mr. Colburn's reply testimony pertaining to route selections states:

Idaho Power analyzed these routes considering "constraints"- defined as "resources or conditions that potentially limit transmission line routing because of relative sensitivity to facility construction or operation"- and "opportunities," which are resources or conditions that can accommodate transmission line construction and operation because of their physical characteristics or regulatory designations. (Idaho Power/602, Colburn/14 (2010 Sitting Study).

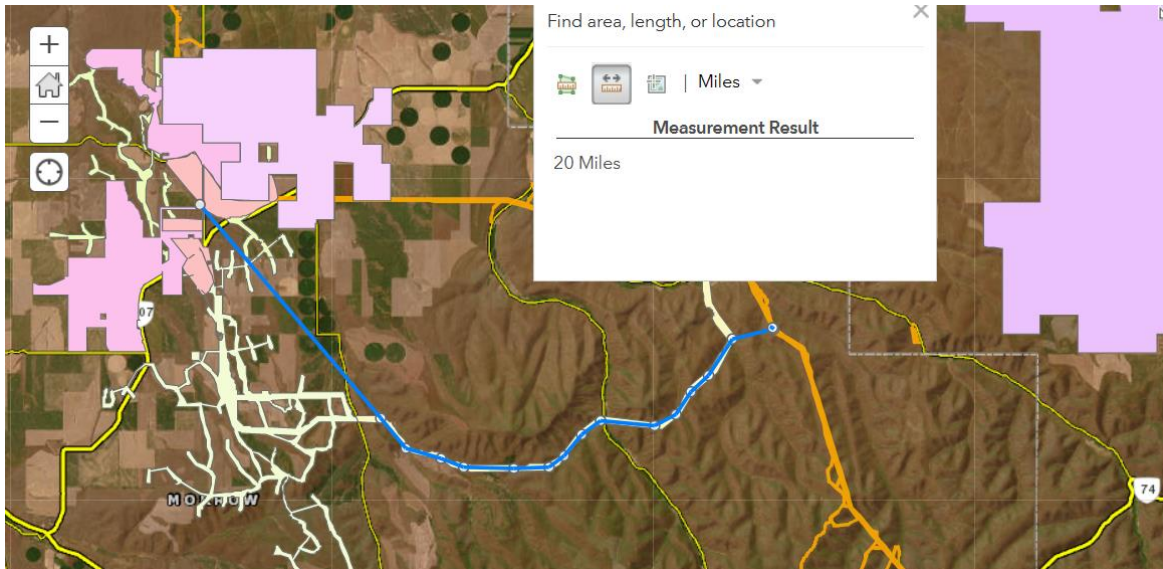
IPC did not consider and is not pursuing a more recent opportunity using the Wheatridge energy corridor, because of the time required to site the project.

Pertaining to the route selection history, Mr. Colburn states:

There was no existing utility corridor that could be followed for all or a majority of the Project. Thus, Idaho Power's initial corridor selection process involved evaluation of a large study area and a virtually unlimited number of possible corridors that could connect the identified endpoints. (Colburn/9)

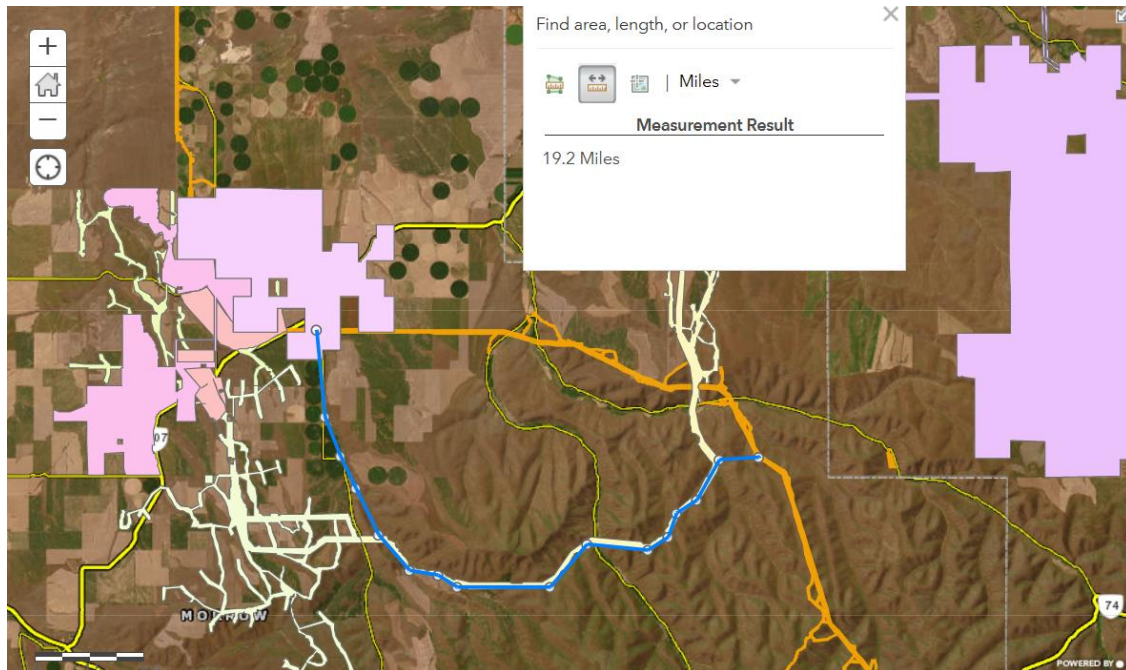
The Wheatridge Renewable Energy Facility East (which is approved) now provides an appropriate corridor for B2H to co-locate. In areas where EFU lands can be avoided, the corridor provides a portion of an alternate route, keeping multiple transmission lines from taking separate paths through localized areas. Exhibit 1 and Exhibit 2 pictured on the following page represent two alternative routes utilizing the energy corridor.

**Exhibit 1: New Alternate Route Option A (blue) IPC proposed route (orange)**



Option A is an alternate route that leaves the proposed route at MP 19.3 and continues its South East trajectory to the point on Spur Loop Road that intersect the Wheat Ridge Renewable Energy Facility East. It parallels the Wheat Ridge corridor south of Gleason Butte, departs the corridor at Ayers Canyon and reconnects with the proposed route at MP 36.

**Exhibit 2: New Alternate Route Option B (blue) IPC proposed route (orange)**



Option B is an alternate route that leaves the proposed route at MP 22.2 and travels South to the point on Spur Loop Road that intersect the Wheat Ridge Renewable Energy Facility East. It parallels the Wheat Ridge corridor south of Gleason Butte, departs the corridor at Ayers Canyon and reconnects with the proposed route at MP 36.

Mr. Colburn lists examples of criteria considered to minimize impacts from B2H (Colburn/8) (2010 Siting Study). These criteria are listed below, along with responses:

**Proposed line:** “Least disturbance to streams, rivers and wetlands”

**Alternate Route:** Avoids 3 stream crossings: Little Buttercreek, and Big Buttercreek in two places.

**Proposed line:** “Greatest percentage of total length of the transmission line located within or adjacent to public roads and existing pipeline or transmission line rights-of-way”

**Alternate Route:** The co-located length of the line shared with Wheat Ridge Energy Corridor is 11.6 miles, whereas the proposed line reduces the percentage of total length along existing pipeline and transmission line rights-of-way.

**Proposed Line:** “Least impact to agricultural operations and least percentage of the total length of the transmission line located within lands zoned for exclusive farm use (‘EFU’)”

**Alternate Route:** Avoids impacting or crossing approximately 8 miles of valuable EFU dryland wheat crops.

**Proposed Line:** “Best location for engineering reasons, including minimizing the length of the transmission line that would be located in areas with seismic, geological and soils hazards”

**Alternate Route:** The proposed line runs through an elevated seismic risk area than the alternative route based on the Oregon HazView: Statewide Geo Hazards View. It is a significantly bigger section crossed on the proposed line, whereas it is avoided on the alternate route.

**Proposed Line:** “Least impact to scenic and recreation resources or community aesthetic values”

**Alternative Route:** Removes the interruption of sight lines for the communities of the Buttercreek Valley for 22 miles towards Hermiston, Oregon.

**Proposed Line:** “Lowest cost”

**Alternative Route:** Cost savings of roads and large ROW to be shared with other builders in the corridor and less large valley crossings.

Another criterion the Siting Council should consider but is not on the list is Wildfire Risk to Oregon Cropland and Properties. EFSC process does not require a Wildfire risk assessment of the selected routes prior to approving the certificate; however, fire risk should also be used as a criterion for an alternate route in consideration of localized Wildfire Risk. North Morrow County is in a moderate to high wind zone. In the summer, when the crops are most valuable (but not considered a consequence), they are the most flammable. Mr. Myers questions whether the transmission line could be moved to the south of Gleason Butte and out of agriculture lands in Morrow County area, due to high wind and tower design concerns (Sam Myers' Opening testimony at 7 (Feb.1, 2023).

Mr. Colburn cites an irrelevant table and Map from the 2010 Siting Study that does not begin at Longhorn Station; and instead begins somewhere near Grassland station that has since been dropped from the routes altogether. Furthermore, Mr. Colburn compares a northern route to a southern route that again, begins near the dropped Grassland station and continues to Interstate I-84, south of Meacham. His reference to the North and South routes, their mileages, slopes, winter deer range and the "approximately 33 miles of potential landowner support" are misleading (Colburn reply testimony at 29-31). He has chosen to cite a very old, outdated set of alternate routes that are no longer relevant.

Concerning fire risk, Mr. Colburn cites Mr. Lautenberger's response:

...the Project will not increase the risk of a fire ignition associated with the 500kV transmission line in Morrow County and the measures that Idaho power is taking to minimize and mitigate the risk of fire associated with the project are consistent with industry standards. (Colburn reply testimony 32)

Mr. Colburn is making an absolute statement pertaining to fire risk as though it was directly from Mr. Lautenberger. The statement is not accurate, and I object to the use of the entire statement altogether because it misrepresents Mr. Lautenberger's reply testimony.

Finally, Mr. Colburn states: "Idaho Power performed a Google Earth-based desktop analysis (without detailed engineering analysis)..." (Colburn 32) of an alternate route and determined that due to the location of several wind generation facilities, would require avoidance, and would add 4 miles more than

the original route. It is understandable that IPC desires to get this project wrapped up and under way. However, to the entire community, this alternate route would allow the farmland to continue to be used as efficiently as possible for agriculture operations. At this juncture, four miles seems small considering the tremendous number of miles involved in the initial proposed routes.

There are a significant number of benefits to this new proposed route including:

- Move directly out of North Morrow County wind zone (south of Parallel 45.30°)
- Create distance from the higher wind zone in Umatilla county,
- Co-locate in a green energy corridor
- Share roads in the corridor to save costs
- Move away from EFU agriculture cropland
- Eliminate three long span valley crossings to save costs
- Lower interference with future wind development
- Move to less populated area
- Move away from unfavorable landowners
- Avoid seismic, geological, and soils hazards

The new proposed route offers a better opportunity to meet IPC's criteria to minimize the impact of B2H on the environment and the community.

Our family property has been handed down through the generations, and maintaining it is an honor and a responsibility that I take very seriously. It is my duty to keep it in good order for the generations to come. Dryland wheat has been one of our longest running products. These fields should be kept intact without impact of transmission lines that threaten their ability to stay whole. While our energy climate is evolving and growing, I believe we must strive to practice energy conservation as farmers do every day with our crops and lands:

Current conventional agriculture systems using intensive energy has to be re-vitalized by new integrated approaches relying on renewable energy resources, which can allow farmers to stop depending on fossil fuel resources. The aim of the present study was to compare wheat production in dryland (low input) and irrigated

(high output) systems in terms of energy ratio, energy efficiency, benefit/cost ratio and amount of renewable energy use. Based on the results of the present study, dry-land farming can have a significant positive effect on energy-related factors especially in dry and semi dry climates such as Iran. (Applied Energy, A case study of energy use and economical analysis of irrigated and dryland wheat production systems. R. Ghorbani, F. Mondani, S. Amirmoradi, H. Feizi, S. Khorramdel, M. Teimouri, S. Sanjami, S. Anvarkhah, H. Aghel, Jan 2011)

My additional reasons for alternate route include:

- Allowing my farm operation to continue aerial chemical applications without concern for a transmission line the crop duster might encounter and potential for skipped chemical coverage. This incorporates allowing my farm operation to preserve the airstrip my father graded and the Hangar he adapted from a cattle shed for potential use in the future, as depicted below in Exhibit 3.
- I also wish to retain my farm site views as a Historical location for the National Registry of Historical Places recommendation Eligible (Criterion A). My farm received the Century Farm status (CFR 1093) in 2005, note Exhibit 4.
- Concerns expressed by neighboring landowners. Exhibit 5 and Exhibit 6 are letters from our neighbors.

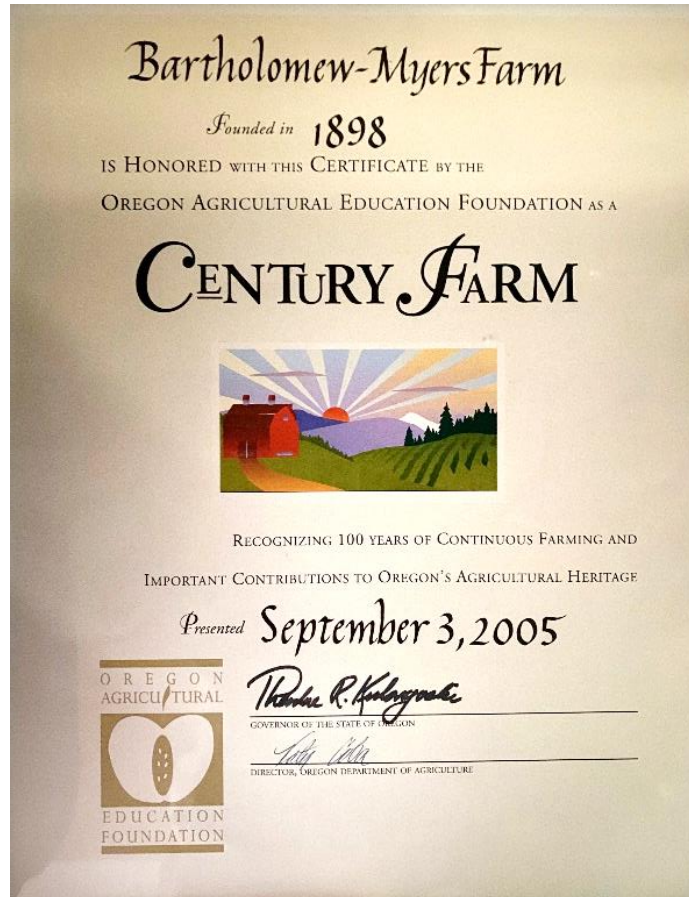
### Exhibit 3





Cow shed adapted for airplane storage.      Airstrip facing N-E across B2H path

**Exhibit 4**



**Exhibit 5**

March 10, 2023

To Whom It May Concern:

In regards to the proposed Hemingway to Boardman powerline I am adamantly against this project in its current proposed route. It is my sincere belief that this project has not been thoroughly researched and will endanger the lives and environment that it proposes to disrupt without proper regard to the impact it will have on the affected.

I am a third-generation family farmer. Myself and those before me have cared for this land with (excuse the cliché) our blood sweat and tears. Beginning in 1957 when my grandfather first came to this part of the country and put every penny and effort he had into making a living for him, his wife, and six children, to 1985 when my father took over

and strove to work the land and provide for his wife and six children, and in 2019 when I took over the farm to attempt to follow in their footsteps while I try to provide for my wife and six children – all along the way my family has lived and died on this land. We have lived through both the good times and the hard times. We have raised families full of hard-working Americans who have developed a love for our most precious natural resource, the land. We have learned how to farm and produce a crop giving it the same care and attention we do our own children. We have learned to respect this land, not to take for granted its dangers or its potential to produce the crops that have given this country something most of the world does not have – food security. I say all this to attempt to give the perspective that what this project proposes to do is to disrupt a delicate human and environmental ecosystem that is nearly 50 years in the making for my family. Along the proposed route there are many families that have been doing the very same but for much longer and stand to lose as much and more.

This project not only poses an environmental threat from the construction and upkeep, but will greatly increase the fire risk for thousands of people, animals, and structures as long as the proposed line carries power. Through the help of NRCS and USDA farmers in my area have developed farming practices that conserve moisture and reduce carbon emissions through the use of practices like no-till farming. Due to these conservation practices, in large sections of this area, the crop residue is left standing on the fields. This residue is very flammable. Between the fallow areas with standing residue and the standing crops we are at large risk for untamable wildfires that would devastate not just families, but whole communities. Bringing in a project like this, through production farmland, in addition to wreaking havoc on the delicate ecosystem, would also put us at risk for an unmitigated disaster that is not if it happens, but when. We have seen recently in California and other places what can happen when electrical infrastructure causes fires that have an untold human, ecological, and environmental cost. Costs that have destroyed what previous generations worked to build and costs that will be felt for generations to come. Costs that could have been avoided.

This proposed route for this project has been pushed off on those who are least capable to fight it. As a husband, a father of six children, a farmer, and an involved community member I do not have the time, resources, and training to show the decision makers and holders of power the mistake they are making, by their proposed route, nor do I think we matter to them. We are too small, too few, and too weak to matter when it comes to powerful and financially capable corporations like Idaho Power and its partners. This was very evident when they approached me and my family with a financial offer that was nothing other than offensive in respect to the human investment my family has here. They are able to make such offenses because they know that big government, and corporate America can do what they want without regard to those of us who are not in positions to stand up to them. The American farmer already has an uphill battle ahead if they are to keep going much longer in the current economic environment, and for companies to push their way in without proper care or research, or compensation, just to make more money for their stockholders is to shorten the lifespan of our way of life and what we have built and produce for this country.

The only hope this country has is for its leaders to finally wake and stop being bought by corporations who stand to profit greatly from the loss of individuals who have no way to fight back. This country was founded by people who stood up against tyranny and today we have a new tyrant that is taking what it wants for its own profits. This B2H project is just one small microcosmic event of a much larger disease this country has – profits before people.

In closing, I fully understand that our leaders think this a project that is necessary for national security. In my opinion what needs to be addressed is the route this project takes. It shouldn't just be pushed off on those who cannot afford to fight it, it should go where it makes the most sense. More than just the profitability of Idaho Power and its partners needs to be considered. For the love of America, we need to start considering the cost to those affected.

Respectfully Submitted,

**Brian Morter**

208-610-1910

[brianmorter@gmail.com](mailto:brianmorter@gmail.com)



## Exhibit 6

From: JOHN H LUCIANI  
Subject: B2H  
Date: Mar 16, 2023 at 9:42:46 PM  
To: sam.myers

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The whole process of trying to keep Idaho Power Corporation from ruining my beautiful farm for the last 20 years is now joined by an energy siting system that rubber stamps all that is brought to it, regardless of terrible and dangerous consequences to the land owner and their land. I am a tax paying American citizen that has been wronged by not being allowed to participate in this process. John H. Luciani, Luciani Ranch, Butter Creek

I hereby declare that the above statements are true to the best of my knowledge and belief, and I understand that they are made for use as evidence in administrative and court proceedings and are subject to penalty for perjury.

Dated this 20day of March, 2023.

/s/Sam Myers

Sam Myers

**CERTIFICATE OF MAILING**

On March 20, 2023, I certify that I filed the above Rebuttal Testimony with the Administrative Law Judge via the OPUC Filing Center, for the Docket # PCN-5.

/s/ Sam Myers

Sam Myers

Intervenor, PCN-5