

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

IN THE MATTER OF IDAHO POWER COMPANY'S, PETITION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	Docket: PCN 5 Intervenor Opening Testimony John C. Williams
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Date: January 17, 2023

John C. Williams, Intervenor

**P.O. Box 1384
La Grande, Oregon 97850**

1 Q: Please state your name, address, and interest in this matter.

2 A: John C. Williams, P.O. Box 1384, La Grande, Oregon 97850. I am an impacted
3 landowner in Union County. I derive income from my property through livestock grazing and
4 fee-hunting; and for 40 years this has proved to be a viable and sustainable land-use practice.
5 Should B2H cross the property the fee hunting would almost surely end likely leading to
6 practices much less balanced.

7
8 Q: Can you describe the location your property?

9 A: My property is 2600 acres: west, north, and south of the west side of Morgan Lake Park
10 in Union County. It is bounded on the south by the center line of the right of way of **a vacated**
11 section of Morgan Lake Road (called the Mill Canyon Road on the USGS maps). It is zoned as
12 Timber-grazing land (A-4) and crossed by two creeks (Sheep and Rock).

13
14 Q: Did you participate in the EFSC contested case process? And what were your issues?

15 A: Yes. I contested the completeness of the archeology studies required under OAR- 345-
16 022-0090, Historical, Cultural, and Archeological Resources. (HCA-7).

17
18 Q: These resources do not have to do with your income? Why are they concerning?

19 A: "There is nothing new in the world, except the history you do not know."
20

21 Q: How long have you been trying to protect these historical, cultural, and archeological
22 resources?

1 A: Since I became aware of the archeological and cultural resources during the first
2 pedestrian survey by Idaho Power's contractor, Tetra Tech in 2016.

3

4 Q: What were the results of that survey?

5 A: They discovered/found a pre-contact hunting blind, 5.14 meters outside the Direct
6 Analysis Area (DAA) from an access road to the proposed Morgan Lake route of the B2H.

7

8 Q: Has this been your only archeological survey?

9 A: No. Another archeologist and I spent an afternoon surveying the affected area, and the
10 Tetra Tech crew returned this past summer.

11

12 Q: Who is this archeologist and what are his credentials?

13 A: His name is Shawn Steinmetz and he is my witness. See his CV in Exhibit 1. He will be
14 testifying about: completeness and adequacy of the archeological study. In order to comply
15 with the procedural schedule, I will file his written testimony into the record at my next filing.

16

17 Q: Do you have any concerns about this study?

18 A: I was concerned about the adequacy and completeness of their effort and I contacted Mr.
19 Steinmetz, who came out onto my property in 2021 and during a cursory survey of the proposed
20 route through my land identified two archaeological sites that IPC had not documented. This
21 information was shared with IPC's archaeological contractor, Tetra Tech. With this new
22 knowledge, IPC's archaeological contractor, Tetra Tech, located and documented the additional
23 archaeological sites in the summer of 2022. During this time additional survey and subsurface

1 testing at high probability areas and at isolated find locations were conducted. The results of this
2 work are pending, but additional archaeological sites were located and documented during this
3 time. The CPCN should not be granted until these studies are completed so that we can better
4 understand how the B2H project could impact the archaeological sites on my property.

5 In the B2H Historic Properties Programmatic Agreement, IPC stated it would conduct
6 archeological survey in a phased approach. This has occurred on my property, but the second
7 phase reporting has not been completed. A Visual Assessment of Historic Properties Study Plan
8 reconnaissance level survey has been completed, but an intensive level survey reporting is
9 pending. The High Probability Areas Assessment has been completed on my property, but
10 determinations of National Register eligibility have not been completed. Maps shared with me
11 concerning the placement of transmission towers show that two archaeological sites could be
12 directly impacted by their construction, yet their National Register eligibility has not been
13 completed. No avoidance plan for archaeological sites on my property has been developed and a
14 site mitigation plan has yet to be completed (if needed). These and any other incomplete studies
15 should be completed before IPC obtains the CPCN.

16 There were many changes made to the route design and access roads on my property in
17 2022 and it does not seem those plans are finalized even today. IPC should have all of its right-
18 of-way needs worked out and land owners should understand how those needs affect our
19 property before IPC is granted their CPCN request. Until the issues I have presented in this
20 testimony are completed I believe that it is premature to issue the CPCN to IPC.

21

22 Q: Is the pre-mature nature of the CPCN application your only concern?

1 A: NO. There is an alternative to using this route; and if I understand the rules correctly,
2 this should be considered. [ORS 758.015; OAR 860--25-0030] In my opinion, the BLM
3 preferred route (aka NEPA route) is much less problematic, than either the Morgan Lake or the
4 Mill Creek/Canyon routes that IPC brought forward in their application to EFSC. After years of
5 study and analysis by the federal agencies, BLM, USFS, etc, they agree with me because the
6 “Glass Hill Alternative” (not the Morgan Lake route) was selected as the “environmentally-
7 preferred route” in the NEPA process, and the Record of Decision (ROD) reflects this.

8

9 Q: Is there anything that you would like to enter into the record?

10 A: Yes. I would like to enter into the record the briefing to the case pending at the Oregon
11 Supreme Court, by petitioner Mr. Michael McAllister, (see Exhibit 2), as the best explanation.
12 The Amicus Brief (also Exhibit 2) filed in the pending Supreme Court case may provide context
13 to this question as well. Furthermore, I would like to state for the record that I have two maps
14 deemed “not for public review or comment” (one from the Memorandum of Easement Option
15 Agreement packet), indicating current site selections for the undertaking. From these maps,
16 there are aspects that I find deeply concerning. For example, if the new access road plan is
17 selected, it will intersect the NEPA route on Whiskey Creek Road. The NEPA route avoids the
18 archeological sites on my property near Morgan Lake, Morgan Lake Park itself--including the
19 wetlands of Twin Lake, the registered segments of the Oregon Trail, portions of Ladd Marsh
20 Wildlife Refuge, the Glass Hill Natural Area which also includes a Rocky Mountain Elk
21 Foundation conservation easement, and at least 5 miles of access roads.

22

23 Q: Is there anything else?

1 A: Yes. I understand from OAR 860-025-0030(2)(d) that the petition is to include
2 forecasted estimates of costs as required for the OPUC's examination/review. This includes,
3 under subsection (A) properties, or "parcels of land" that IPC may need to acquire. Appraisals
4 have not been completed; necessary archeological surveys are incomplete and necessary
5 mitigations have not been calculated; add to these, the other mitigation costs for timber, fish and
6 wildlife habitat (eg: for Sage Grouse), weed applications, and there are just too many unknowns
7 for any forecast to be reliable, especially when IPC continues to apply for Amendments to the
8 Site Certificate (to ODOE/EFSC) creating more uncertainty about the exact location of the
9 facility in all counties and the parcels impacted.

10

11 For all of the reasons above, I urge you to terminate or pause this docket. Please do not
12 waste any more of mine or the ratepayers' money on this permitting process. Idaho Power is
13 inefficient and the impacted landowners should not be inconvenienced until necessary.

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EXHIBIT 1

Witness #1:

CV_Shawn Steinmetz

Shawn R. Steinmetz

62365 Lizabeth Lane, La Grande, Oregon

Positions Held

Hoyo

January 2022-Present

President of Hoyo. Hoyo is a non-profit cultural resource organization. The mission of Hoyo is to aid in protecting, preserving, and perpetuating cultural resources through identification, education, and documentation.

Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program, March 1998-December 2021.

Archaeologist/Ethnographer. Supervise up to nine people on archaeological surveys, test excavation projects, and oral history investigations. Conducted geophysical surveys using ground-penetrating radar. Created work products using GPS and ArcMap GIS. Wrote archaeological inventory and traditional use inventory reports.

Mount Emily Archaeological Consulting, May 1997-March 1998.

Field Director. Responsible for a five person field crew. Conducted archaeological surveys. Monitored known sites within project areas. Documented archaeological sites, prepared site forms, field maps, and archaeological reports. Managed test excavation.

Ochoco National Forest, April-May 1997.

Archaeologist. Conducted cultural resource survey for a timber sale project. Recorded a variety of archaeological sites.

Deschutes National Forest, January-March 1997.

Archaeologist. Wrote archaeological management plan. Included a summary of all sites in the area, an analysis of work done on each site, a synthesis of the history, prehistory, and ethnography of the area, and recommendations for protection of the sites.

Umpqua National Forest, June-November 1996.

Archaeologist. Supervised one person on archaeological field reconnaissance and documentation of archaeological sites. Monitored sites and completed project reports.

Wenatchee National Forest, April-December 1995.

Archaeologist/Crew Leader. Supervised four people conducting archaeological survey projects. Documented archaeological sites, managed crew logistics, and prepared survey related data.

Wallowa-Whitman National Forest, May-September 1993.

Archaeologist. Conducted archaeological surveys for forest projects. Conducted archaeological subsurface testing. Recorded historic and prehistoric sites. Wrote project reports. Worked with a team to document a historic mining complex in the Seven Devils National Recreation Area.

Hells Canyon National Recreation Area, April 1992-January 1993.

Archaeologist. Created a survey design and then conducted cultural resource surveys, including subsurface testing at more than 20 sites. Wrote site and inventory reports. Documented archaeological sites. Supervised two people. Assisted in a historic structure restoration project. Monitored construction activity to protect cultural resources.

Deschutes National Forest, January-April 1992.

Archaeologist. Supervised a two person crew conducting archaeological survey. Wrote site and inventory reports. Worked with other departments to ensure that cultural resource sites were adequately protected.

Hells Canyon National Recreation Area, June-November 1991.

Archaeologist. Documented sites, emphasis on rock art, winter villages sites, and rock shelters. Wrote cultural resource site reports and inventory reports. Supervised two people in subsurface testing project.

Wallowa-Whitman National Forest, June-September 1986, 1987, 1988, and 1989.

Cultural Resources Technician. Supervised three people on cultural resource surveys. Prepared and implemented survey design. Completed cultural resource site forms and inventory reports.

Wallowa-Whitman National Forest, June-September 1985.

Cultural Resources Technician. Reviewed cultural resource site and inventory reports. Performed lithic analysis. Created an archaeological database. Coordinated the exchange and sharing of cultural resource database with the Forest's Ranger Districts. Managed the cultural resource master files and master location maps.

Wallowa-Whitman National Forest, September 1984-June 1985.

Cultural Resources Technician. Assisted with survey. Conducted archaeological excavation. Documented archaeological sites, prepared site reports, field maps, and report maps.

Bureau of Land Management, Baker Resource District, June-September 1983.

Cultural Resources Technician. Volunteered to assist in field survey, recorded and mapped archaeological sites.

Education

Oregon State University, Corvallis, Oregon Bachelor of Science in Anthropology, June 1991

Teaching and Public Education

- Indian Lake Cultural Resource Training, Pendleton, OR. May 2001.

Instructor at the weeklong CTUIR CRPP cultural resource recognition and recording class.

Taught participants a map reading and compass use module and site recording class.

- Indian Lake Cultural Resource Training, Pendleton, OR. June 1998.
Instructor at the weeklong CTUIR CRPP cultural resource and aboriginal skills training. Taught tribal members from a variety of tribes a map reading and compass use module as well as a global positioning system (GPS) class.
- Oregon State University, Corvallis, OR. March-May 1993 and September 1993 to July 1994. Assistant Crew Coach responsible for training, grade tracking, and preparing student athletes for competition. Assisted with coaching, recruiting, scheduling and planning team travel, fund raising activities, and planning and managing regattas. Taught four Physical Education classes of 20+ students each.
- Horner Museum, Corvallis, OR. October 1989 to May 1990.
Assisted in the set-up of museum displays. Catalogued and labeled new museum collections. Aided in the preservation of museum photographs and negatives. Answered visitor questions.

Publications and Presentations

- “On the Rez, It’s All Our History”, in Archaeologies of Indigenous Presence, 2022 .
University of Florida press, Co-authored with Catherine Dickson.
- Forgotten forbs: Standard vegetation surveys underrepresent ecologically and culturally important forbs in a threatened grassland ecosystem, in Conservation Science and Practice. Co-authored with Brian A. Endress, Joshua P. Averett, and Eric J. Quaempts, 2021.
- “The Cayuse, Umatilla, and Walla Walla Tribes’ Use of the Grande Ronde Valley and Beyond” presented at the Union County Historical Society, April 2012, La Grande, Oregon.

- “Returning to Buffalo: Traditional Practices of the Past Collide with the Politics of the Present” presented at the Northwest Anthropological Conference, March 2012, Pendleton, Oregon. Co- authored with Aaron Ashley.
- “Ground Penetrating Radar Survey at 10NP464: A Corps of Discovery Site in Hells Canyon, Idaho” presented at the Northwest Anthropological Conference April 2008, Victoria, BC
- “Use of Penetrating Radar at Archaeological Sites” presented at the Portland State University’s Field School, July 2007, Fort Vancouver, Washington
- “How Many Times is Enough? Survey Along Lower Monumental Reservoir,” presented at the Northwest Anthropological Conference, April 2002, Boise, Idaho. Co-authored with Catherine Dickson and Carey Miller.
- “Confederated Tribes of the Umatilla Indian Reservation’s Cultural Resource Protection Program Spatial Data Collection Methods and Uses,” presented at Intertribal GIS Conference, July 1999
- “Using Today’s Technology to map the Past,” presented at the Northwest Anthropological Conference, April 1999, Newport, Oregon
- Many cultural resource inventory reports submitted to State Historic Preservation Offices

EXHIBIT 2

Links to Pending Supreme Court Appeal of the EFSC Site Certificate

[Opening Brief, McAllister](#)

[Amicus Brief, Morrison](#)

Per the fact that these briefs are lengthy and the links are already in the PCN 5 Docket: <https://edocs.puc.state.or.us/efdocs/HAH/pcn5hah81518.pdf>. I am simply adding the links. If necessary to file the actual briefs as Exhibits in full, I will do so under a Motion to Admit prior to the Evidentiary Hearing, or other means as instructed by the ALJ.

EXHIBIT 3: Declaration and Certificate of Service

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 17th day of January, 2023.

/s/ John C. Williams

John C. Williams

CERTIFICATE OF MAILING

On January 17, 2023, I certify that I filed the above Opening Testimony with the Administrative Law Judge via the OPUC Filing Center, for the Docket # PCN-5.

/s/ John C. Williams

John C. Williams

Intervenor, PCN-5