

PUBLIC HEARING

Input on Draft Proposed Order)
(DPO) for the Boardman to)
Hemingway Transmission Line)
Department of Energy, State of)
Oregon)
_____)

BEFORE

HEARING OFFICER ALISON GREENE WEBSTER

Date: June 18, 2019 - 4:30 p.m.

Location: Four Rivers Cultural Center

676 SW 5th Avenue

Ontario, Oregon

REPORTED BY:

BEVERLY A. BENJAMIN, CSR No. 710

Notary Public

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1 ATTENDEES:

2 Barry Beyler, Chairman

3 Hanley Jenkins, II, Vice Chairman

4 Todd Cornett, Council Secretary

5 Kent Howe, Councillor

6 Marcy Grail, Councillor

7 Betty Roppe (telephonic)

8 Hearing Officer Alison Greene Webster

9 Patrick Rowe, Counsel

10 Kellen Tardaewether, Oregon Department of Energy, Senior

11 Siting Analyst

12

13 PUBLIC SPEAKERS:

14

15 Roger Findley Dustin Baker

16 Gary Pearson Jerry Bowman

17 Jay Chamberlin Mark Stoke, Idaho Power

18 Irene Gilbert Carl Morton

19 Michael Horton

20 Frank Jordan

21 Jim Foss

22 Arnold Tropf

23 Timothy Proesch

24 JoAnn Marlett

25

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1 P R O C E E D I N G S

2 June 18, 2019 - 4:30 p.m.

3 Ontario, Oregon

4

5 CHAIRMAN BEYLER: Good afternoon and welcome.

6 I would like to call the June 18, 2019, meeting of the

7 Energy Facility Siting Council to order.

8 Secretary, please call roll.

9 SECRETARY CORNETT: Barry Beyler?

10 CHAIRMAN BEYLER: Present.

11 SECRETARY CORNETT: Kent Howe?

12 COUNCILLOR HOWE: Present.

13 SECRETARY CORNETT: Marcy Grail?

14 COUNCILLOR GRAIL: Present.

15 SECRETARY CORNETT: Hanley Jenkins.

16 VICE CHAIRMAN JENKINS: Yes, I'm here.

17 SECRETARY CORNETT: Betty Roppe? Betty Roppe,

18 are you on the line?

19 Mr. Chair, at this point you do not have a

20 quorum, but since this is a public information or a

21 public hearing and you're not in a decision-making role

22 tonight, you can begin this public hearing without a

23 quorum.

24 CHAIRMAN BEYLER: Are there any agenda

25 modifications at this time?

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1 SECRETARY CORNETT: Mr. Chair, no agenda

2 modifications at this time.

3 CHAIRMAN BEYLER: I have the following

4 announcements: Comment registration cards for the

5 hearing are just outside the door. Gov delivery sign-up

6 cards to receive project information by email are also

7 on the table just outside the door.

8 Those participating via the AT&T phone lines,

9 please mute your phone. If you receive a phone call,

10 please hang up from this call and dial back in after

11 finishing your other call. If you would like to address

12 the Council, please do not use the speakerphone feature

13 because it will create feedback.

14 For those signed on to the webinar, please do

15 not broadcast your webcam.

16 Energy Facility Siting Council meeting shall

17 be conducted in a respectful and courteous manner, where

18 everyone is allowed to state their positions at the

19 appropriate times, consistent with the Council rules and

20 procedures.

21 Willful, accusatory, offensive, insulting,

22 threatening, insolent or slanderous comments which

23 disrupt the Council meeting are not acceptable.

24 Pursuant to Oregon Administrative Rule Chapter

25 345-011-0080, any person who engages in unacceptable

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1 conduct which disrupts the meeting may be expelled.

2 And I am going to hand the meeting over to

3 Alison Greene Webster, who is the Council-appointed

4 hearing officer for the Boardman to Hemingway Project,

5 and will be the presiding officer for tonight's public

6 hearing.

7 HEARING OFFICER WEBSTER: Thank you. Can you

8 all hear me?

9 COUNCILLOR GRAIL: For the record, this is

10 Councillor Grail. I do not intend to vote on any Energy

11 Facility Siting Council actions relevant to the proposed

12 Boardman to Hemingway transmission line. I was employed

13 by Pacific Power from approximately 2001 until 2006. I

14 have no financial interest in Pacific Power, PacifiCorp

15 or any related entity. However, as a condition of my

16 accepting appointment to this Council, I agree to recuse

17 myself from voting on any projects owned by Pacific

18 Power. Given Pacific Power's involvement with the

19 proposed Boardman to Hemingway transmission line, I will

20 be recusing myself from voting on any matters requiring

21 Council action on this project.

22 HEARING OFFICER WEBSTER: Thank you,

23 Ms. Grail.

24 This is the public hearing in Malheur County

25 on the draft proposed order on the application for site

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1 certificate for the Boardman to Hemingway transmission
 2 line. I'm Alison Greene Webster, a presiding
 3 administrative law judge at the Oregon Office of
 4 Administrative hearings, and EFSC-appointed hearing
 5 officer. I'm serving as the presiding officer for this
 6 hearing.
 7 It is June 18, 2019. It is now 4:35 p.m.
 8 Mountain Time. We are located at the Four Rivers
 9 Cultural Center in Ontario, Oregon.
 10 And first up order of business today, we are
 11 going to be hearing from Kellen Tardaewether, the senior
 12 siting analyst at the Oregon Department of Energy, and
 13 the lead on the Boardman to Hemingway transmission line
 14 facility. She'll provide a county overview of proposed
 15 transmission line within Malheur County and summarize
 16 the opportunities for the public to participate in the
 17 EFSC process at the DPO phase.
 18 MS. TARDAEWETHER: Thank you very much,
 19 Ms. Webster.
 20 For the record, my name is Kellen
 21 Tardaewether. I'm a senior siting analyst at the Oregon
 22 Department of Energy and the lead on the Boardman to
 23 Hemingway transmission line proposed facility.
 24 So let's see. Today I have an informational
 25 presentation. I'd like to go over a few specific

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1 facility-specific components and items that are within
 2 Malheur County. I don't want to take up a lot of time
 3 so my presentation is relatively short. I did draft a
 4 staff report that supplements or informs this
 5 presentation. It is available on the web page. I don't
 6 have print copies here at this meeting but it is
 7 available on the EFSC meeting web page.
 8 So I'm going to go over a few county-specific
 9 items and then I'm also going to, even though I have my
 10 back turned to you, I am going to go over a few items
 11 about commenting on the proposed facility at this phase,
 12 and then the hearing officer will go over some very
 13 specific items that need to be checked off for the
 14 hearing for the oral testimony.
 15 So this is the procedural history for the
 16 proposed facility in the EFSC process. When I say
 17 "EFSC," it is the Energy Facility Siting Council, and
 18 that's kind of just the short vernacular for it. As
 19 folks can see, and as most in the room here are aware,
 20 this project has been around for a while. It might be a
 21 little bit light but basically the notice of intent was
 22 submitted in 2010, and I'm pretty sure we're in 2019
 23 now. So it's been around for a while.
 24 The primary driver for that or the reason are
 25 route variations and siting studies that were conducted

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1 by the applicant, Idaho Power, during the NEPA review
 2 and the federal process. A lot of the folks in the room
 3 may have provided comments and feedback during that
 4 process. So that's just, I'm not going to spend a lot
 5 of time going over this, but this kind of gets us up to
 6 where we are today.
 7 Now, the federal government, the lead agency
 8 for the NEPA review is the Bureau of Land Management, or
 9 the BLM. And they submitted or issued their record of
 10 decision, or their ROD, in 2017. Which based on that
 11 information the applicant submitted revised or amended
 12 application, and that's what kind of triggered the
 13 subsequent review and these milestones that you see from
 14 2017 to 2019. All of it was based on this amended
 15 preliminary application, which we then deemed complete,
 16 which that is the application that we came to these
 17 informational meetings, we were here about 8 months ago,
 18 and we talked about the complete application and what to
 19 expect at this point, and we're back. So that's kind of
 20 that short timeline or what's happened in the last about
 21 22 months.
 22 So looking ahead, as folks understand, that
 23 we're having one public hearing in each of the five
 24 counties that the proposed facility crosses. And those
 25 dates, times, and locations are in the notice of the DPO

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1 pretty much everywhere on the ODOE web page. I'd like
 2 to note that any folks, and if you talk to anybody,
 3 anybody can attend and provide comments at any of the
 4 hearings. So it's not county specific; if you're a
 5 resident of Malheur County, you don't have to only
 6 attend and provide comments at this one. If it works
 7 for your neighbor to come to the Baker County hearing,
 8 that's totally okay as well.
 9 Kind of looking ahead, so those are the
 10 hearings on the DPO. And DPO is the draft proposed
 11 order. I just wanted to let Council know an
 12 administrative step that the Department is working on is
 13 we're going to issue a third amended project order. The
 14 project order is a document, it's an administrative
 15 document that generally starts and comes out at the
 16 beginning of the EFSC process. However, the project
 17 order can be amended at any time.
 18 And as you can see, for instance, on this
 19 slide, the project order has been amended -- well, the
 20 first one was issued and then it has been amended twice.
 21 The reasons have been, there's many reasons, but
 22 primarily what has driven amending the project order is
 23 to reflect the information that's necessary in the
 24 application, driven from route changes. So the
 25 Department, because the project order serves as an

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1 administrative guidance document that is referred to in
 2 the Council's rules, we anticipate to amend it to a
 3 third amended project order, and to be able to issue
 4 that soon.
 5 So also for the Council's clarification, I
 6 know that you've been reviewing a lot of amendments
 7 recently for amending existing site certificates when we
 8 tend to have a DPO hearing. Which is kind of, I mean,
 9 there's some rule changes, but it's kind of the same
 10 thing as this except a lot of times we turn around and
 11 we have Council's review of the draft proposed order at,
 12 say, like, the next meeting if it's a 2-day meeting.
 13 So these hearings are an extended, basically
 14 it's an extended hearing. So Council's review of the
 15 draft proposed order is going to happen at a future
 16 Council meeting. So I know that we provided Council the
 17 draft proposed order, keep those with you, and then I
 18 will provide or staff will provide a description of, and
 19 we'll get into the conditions and the discussion of the
 20 specifics in the draft proposed order at a later Council
 21 meeting. And that's where we'll also go over how we
 22 addressed the public comments received on the record.
 23 We'll do that at a later Council meeting as well. So
 24 that is not what today is. That also is information for
 25 the public as well.

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1 So we're in Malheur County. These maps are
 2 from the application. They are also in the draft
 3 proposed order. I'd like to reiterate for the public
 4 that the draft proposed order is the Department, it's
 5 the Department of Energy's initial analysis and
 6 recommendations to Council about how the applicant has
 7 or has not met the Council's standards. So it is the
 8 Department's document, and that's why we encourage folks
 9 to comment on it and on the contents of the application,
 10 because it will change, and draft proposed orders do
 11 change based on the comments received.
 12 So that said, I wanted to, in the time that I
 13 have, point out a couple specific items in Malheur
 14 County. And I framed this slide and the staff report in
 15 the context of siting opportunities and siting
 16 constraints, because as folks are aware and as Council
 17 is aware, it's a long, relatively narrow transmission
 18 corridor. And there are specific features for
 19 transmission lines that kind of make it easier or more
 20 difficult to site. And when I say "site," site, so like
 21 basically to locate.
 22 So some of the siting opportunities that came
 23 out of the federal government's review process and
 24 permitting process as BLM telling the applicant where to
 25 locate the facility on public lands, on lands owned by

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1 the BLM. Part of that is also the BLM manages, for
 2 instance, the BLM Southeastern Oregon Resource
 3 Management Plan designates utility corridors. So
 4 utility corridors are where there are existing
 5 utilities. And so we view that as an opportunity
 6 because it's generally viewed as a positive thing if you
 7 co-locate transmission lines to reduce impacts.
 8 Another feature is Malheur County is actually
 9 home to many ACECs. These are Areas of Critical
 10 Environmental Concern. Sorry, I know acronyms are
 11 everywhere. So ACECs are Areas of Critical
 12 Environmental Concern. These are areas that are
 13 designated as such by the Bureau of Land Management.
 14 ACECs are also identified as Protected Areas under
 15 EFSC's Protected Area Standard. So there are several of
 16 them in Malheur County.
 17 And an interesting note on that, to tie it to
 18 the draft proposed order, is because these ACECs are
 19 Protected Areas, they're discussed in the Protected
 20 Areas of the draft proposed order, they're also
 21 discussed in the Scenic Resources section of the DPO,
 22 some of them are discussed as Recreational Opportunities
 23 under Council's Recreational standard. Finally, some of
 24 them are -- actually, most of them are discussed under
 25 the Council's Historic, Cultural and Archeological

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1 Resources standard.
 2 So this is very typical of what you'll see in
 3 the draft proposed order is that one resource will be
 4 discussed and referenced in several different places in
 5 the draft proposed order, and a particular resource may
 6 be afforded a different type of evaluation or
 7 protection, depending on if it qualifies or can be
 8 protected under one of the Council's standards.
 9 A significant constraint within Malheur County
 10 also is greater sage-grouse habitat, and, say, for the
 11 BLM directed Idaho Power to avoid areas that are defined
 12 as core area habitat, which includes sage-grouse leks,
 13 which are kind of their mating habitat, for those that
 14 are familiar with the species.
 15 Then there's also residential properties or
 16 other properties that may be sensitive to noise. A
 17 significant item that informed the route locations in
 18 Malheur County was the applicant engaging with the
 19 county and landowners to lessen the impacts to private
 20 property and agricultural areas. So that is, for
 21 instance, the Double Mountain alternative is an
 22 alternative proposed by the applicant, and it is only on
 23 BLM-managed land. It is proposed as a way of minimizing
 24 impacts to private property owners.
 25 This might be kind of hard for folks to see.

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1 I'm not going to get into the nitty-gritty of what this
 2 slide says. But I would like to use this opportunity as
 3 a time to talk about how alternatives are treated in the
 4 EFSC review. This may be hard to see. There's two
 5 tables up here; one is for the proposed route and one is
 6 for the Double Mountain alternative, which is an
 7 alternative route proposed in Malheur County. And it
 8 has, like, how many towers are proposed or how many
 9 multiuse/construction areas are proposed for each of
 10 these.

11 But I'd like to take a moment to comment on
 12 and remind Council, and let the public know, this kind
 13 of mirrors the information that I provided in the
 14 introduction of the staff report of, really, kind of
 15 delineating the difference between the NEPA review,
 16 which is the federal government's kind of environmental
 17 review process, and the Council's review process. This
 18 is very boiled down and just a complete summary.

19 But the result of the federal NEPA review was
 20 the Bureau of Land Management issuing its agency
 21 preferred route, or issuing the route and they
 22 essentially told Idaho Power on federal lands which
 23 routes the proposed transmission line would be located.

24 Now, for EFSC's review an applicant proposes a
 25 facility, and that is what is in the application for

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1 site certificate. This is the draft proposed order on
 2 the application for site certificate. So whatever the
 3 applicant proposes is what we, as a Department staff,
 4 write up for Council's review. And the applicant's
 5 proposal included several areas where there were
 6 alternatives; in Malheur County we have this Double
 7 Mountain alternative.

8 Now, the result of Council's review is not
 9 going to or Council's scope of review does not result in
 10 Council kind of providing an opinion or a preference on
 11 a route. It's we discuss the Council's review process
 12 as a standard-based review. What does that mean? It
 13 basically means, did it meet the standard? Yes or no.
 14 So therefore, is it approved? Yes or no. So that I'm
 15 just kind of reiterating that point.

16 It also is important to note that because of
 17 the route designated from the BLM's review or record of
 18 decision issued by the BLM on those federal lands, it
 19 really didn't -- the applicant was kind of bound to
 20 those sections on where the route was located. So that
 21 also kind of informed what alternatives the applicant
 22 proposed because they didn't have that option with that.

23 You can see, so going back to how this process
 24 step is reflected in the draft proposed order, so in the
 25 general standard of review, which I think is a

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1 fascinating section of the DPO myself, but there you'll
 2 see how the Department recommended to Council conditions
 3 reflecting alternatives. We basically are recommending
 4 approval of the proposed route and all alternative
 5 routes, and we lay that out in one of the conditions.

6 In each section we did not come and make
 7 recommendations or conclusions because we're
 8 recommending approval of all proposed routes and
 9 alternative routes. We don't separate our
 10 recommendations to Council in each section. So unless
 11 there's a site certificate condition that would only
 12 apply to one of the alternative routes or the proposed
 13 route, we kind of don't really delineate between the
 14 alternatives and the proposed route. I don't know if
 15 that's -- it's probably a little bit confusing, but I
 16 will go into that more at a later date. But that is
 17 also how we kind of -- what you'll see with alternatives
 18 in the draft proposed order.

19 Another note about the general standard of
 20 review and some of the language Council may see when
 21 you're reading the draft proposed order and members of
 22 the public, is you'll see several of the conditions have
 23 language that say, prior to construction of a phase or a
 24 segment of the facility. And that's really interesting
 25 language that Council doesn't see or we don't include

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1 typically in other draft proposed orders or final orders
 2 or site certificates.

3 And what that is intending to capture is that
 4 if final approval and construction happens after all
 5 preconstruction conditions are met, but what that means
 6 is it's all not going to be built all at once. And so
 7 what that captures is that there may be a small segment
 8 or a small portion that is proposed by the applicant to
 9 be constructed in a phase, meaning that some of these
 10 conditions may be in preconstruction compliance, maybe
 11 like five or ten times, depending on how it's proposed
 12 to construct the facility.

13 So those are some interesting notes.
 14 I have -- what is my time actually?
 15 HEARING OFFICER WEBSTER: It's 4:55.
 16 MS. TARDAEWETHER: So I am going to speed it
 17 up. Folks, I'm going to -- because this is for you
 18 folks. Hi. So I'm going to do this because I don't
 19 like having my back to you, if that's okay. I'm just
 20 going to do this quick. Again, the Hearing Officer is
 21 going to go over some more specifics for providing oral
 22 testimony and comments, but I do have a couple things,
 23 and I want to kind of get to the last slide because
 24 that's what I think is the most helpful because it
 25 actually is, like, real words.

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1 So again, some folks got the notice. We
 2 outline all the ways we need to receive comments for
 3 them to be formal comments received. This is a really
 4 important phase because commenting now preserves your
 5 right to continue to participate later in the process.
 6 So this slide really kind of captures -- there's two
 7 components here: One is like the time frame, the time
 8 to comment is now, to preserve the right to comment
 9 later, we have a July 23 comment deadline; then the
 10 second criteria is the content of the comments.
 11 And I know it's not very helpful to be like,
 12 What is sufficient specificity? But that is what rules
 13 say because it's what it says. So to raise an issue
 14 with sufficient specificity: A person must present
 15 facts that support the person's position on an issue.
 16 Generally these are facts that also helps to identify,
 17 like, a location in the draft proposed order or the
 18 application. This is the Department's document; so we
 19 want help from you folks of telling us what you think we
 20 missed or how we can make it better, or that it's
 21 amazing just as it is. I was kidding.
 22 This is the slide that I like because this is
 23 kind of helpful because it goes over, without giving
 24 examples because we can't do that, but kind of effective
 25 commenting and less effective commenting. Effective

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1 comments reference a specific Council standard or OAR,
 2 we call them rules or Council's rules, providing
 3 specific information supporting whether or not a
 4 standard has been met, state supporting facts and
 5 comments and attaching the reference materials, and then
 6 reference specific pages in the application or the DPO,
 7 because those give us something to read and to
 8 understand what the issue is.
 9 Less effective commenting are just statements
 10 of support or opposition without any supporting
 11 documentation, only providing the copy of a report,
 12 raising issues that may be outside of Council's
 13 jurisdiction or just unsubstantiated comments.
 14 I'm sorry, I just kind of rushed through
 15 those, but I did want to go through that.
 16 I am going to pass this back over to the
 17 presiding officer for the hearing and she will go over
 18 and we'll get this started.
 19 Thank you.
 20 HEARING OFFICER WEBSTER: Thank you, Kellen.
 21 The purpose of this public hearing is to
 22 provide an opportunity for the public and the applicant,
 23 if they wish to do so, to present oral and written
 24 testimony on the Boardman to Hemingway Transmission Line
 25 application for site certificate and draft proposed

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1 order. The 62-day record of public hearing comment
 2 period on the draft proposed order closes on July 23,
 3 2019, at 5 p.m., Pacific Daylight Time.
 4 Anyone who wishes to provide oral testimony
 5 must fill out a registration form -- it's like this --
 6 located near the entrance. Department staff can provide
 7 a form to you if you have not received a form to fill
 8 out. Any forms that have not been filled out and
 9 provided to Department staff, please do so at this time
 10 if you want to make a comment, as I am going to begin
 11 establishing the time each commenter will have in person
 12 and over the teleconference line.
 13 I will call each person up to testify
 14 individually and will also indicate who the next person
 15 will be to testify so they can be prepared. There are
 16 empty seats at the testimony table if you want to use
 17 those to get yourself ready.
 18 Do we know if we have any government/tribal
 19 members that are here? No? Okay.
 20 Do you know how many phone people?
 21 IT PERSON: I don't.
 22 HEARING OFFICER WEBSTER: No, you don't know?
 23 IT PERSON: I don't know.
 24 HEARING OFFICER WEBSTER: If there are people
 25 on the phone that want to comment, you may do so if we

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1 can get it technologically figured out.
 2 SECRETARY CORNETT: You need to ask them.
 3 HEARING OFFICER WEBSTER: Are there people on
 4 the line that would like to comment? Apparently, I will
 5 take that silence as nobody that's listening in wants to
 6 make a comment.
 7 Commenters in person will provide oral
 8 testimony first and then I will repoll and hear
 9 testimony from participants on the phone line. So those
 10 of you on the phone, you'll have a second chance. When
 11 the in-person commenters are finished, I will call by
 12 name the commenters on the phone.
 13 At this time, there are a total of 12
 14 in-person commenters and nobody yet on the phone; so we
 15 have a total of 12 at this time. The notice of the DPO
 16 allotted 3 hours for public testimony, which is 180
 17 minutes. I'm going to save or allow 30 minutes for
 18 anyone that joins after we've begun the public
 19 testimony.
 20 At this time there are 12 commenters, and a
 21 total of 150 minutes. So I would say we'll give each
 22 commenter about 10 minutes. I don't know if you'll need
 23 that long. We'll give ourselves some wiggle room there.
 24 If you need more, and you ask nicely, you may get it.
 25 I'm kidding. But you'll have 10 minutes to give your

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1 testimony.

2 Department staff will track the time for each

3 commenter, and the commenter should be able to view how

4 much time is remaining. If the commenting time ends and

5 the commenter is still speaking, if we have some free

6 time I will let you continue; I won't just cut you off.

7 But we will transition to the next speakers as soon as

8 reasonably possible.

9 Please be respectful of the allotted time and

10 the other speakers. If I or a Council member asks for a

11 clarification or questions the commenters, the time will

12 be stopped for the question and response and then

13 restarted to provide the commenter with the full time

14 allotment.

15 Any requests made to EFSC will be brought up

16 at the conclusion of the public testimony opportunity of

17 the hearing.

18 Today's hearing as well as all of the public

19 hearings on the Boardman to Hemingway draft proposed

20 order are being documented by a certified court

21 reporter, and there will be transcripts of the testimony

22 made available after the completion of the public

23 hearings. We're also recording the hearing today. The

24 presentations, written comments, and oral testimony are

25 part of the decision record for the proposed facility.

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1 We are ready for the next slide.

2 Pursuant to OAR 345-015-0220(5)(a) and (b),

3 please note the following: "A person who intends to

4 raise any issue that may be the basis for a contested

5 case must raise the issue in person at the hearing or in

6 a written comment submitted to the Department of Energy

7 before the deadline stated in the notice of the public

8 hearing," which we've said is July 23rd of this year.

9 "A person who intends to raise any issue that may be the

10 basis for a contested case must raise the issue with

11 sufficient specificity to afford the Council, the

12 Department of Energy and the applicant an adequate

13 opportunity to respond, including a statement of facts

14 that support the person's position on the issue."

15 To raise an issue in a contested case

16 proceeding, the issue must be: Within the Council's

17 jurisdiction; raised in writing or in person prior to

18 the close of the hearing record, or close of the comment

19 period, which is July 23, 2019; raised with sufficient

20 specificity to afford Council, the Department of Energy,

21 and the applicant an adequate opportunity to respond.

22 To raise an issue with sufficient specificity,

23 a person must present facts that support the person's

24 position on the issue.

25 We will now begin the public testimony. It is

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1 5:04 p.m. All speakers please provide your name and

2 address for the record at the beginning of your

3 testimony.

4 I'm going to call up at this point the first

5 two, and they were the order that they were given to me,

6 the first one is Isaac Martinez, and then the second to

7 come up will be Carl and Julie Morton.

8 UNIDENTIFIED SPEAKER: Isaac isn't here. He

9 wants to be on the list. He wants to be contacted.

10 HEARING OFFICER WEBSTER: He wants just to

11 receive notice?

12 UNIDENTIFIED SPEAKER: Yes.

13 HEARING OFFICER WEBSTER: The next lucky

14 person is Roger Findley, and following Mr. Findley we'll

15 hear from Gary Pearson.

16 MR. ROGER FINDLEY: Good evening. It's an

17 honor to have you here in Ontario. It's not very often

18 we get visitors from all over the state to this part of

19 eastern Oregon.

20 I'm Roger Findley. I'm the chairman of Stop

21 Idaho Power. It's an organization in Malheur County.

22 And this is a letter that I'm reading on behalf of Stop

23 Idaho Power.

24 "Dear EFSC, In September, 2008, many

25 landowners in Malheur County were notified by letter

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1 from Idaho Power that it had filed a Notice of Intent

2 with EFSC to build a 5,000 [sic] kilovolt power line

3 from Hemingway, Idaho, to Boardman, Oregon, better known

4 as the B2H line. Idaho Power was on a 'fast track' with

5 the proposed power line and planned on construction in

6 2012 with power flowing in 2013. Proposed in the B2H

7 route were 54 miles of line in Malheur County all on

8 private land with 38 miles going over prime farm [sic]

9 land designated as Exclusive Farm Use or EFU. The

10 landowners immediately met and organized Stop Idaho

11 Power (SIP), which has about 300 members. The one and

12 only stated goal of SIP was 'to keep the B2H power line

13 off EFU land in Malheur County.' SIP started having

14 meeting with Idaho Power trying to convince them the

15 power line was in the wrong location. After a series of

16 meetings, Idaho Power reconsidered its position and

17 halted its Notice of Intent and initiated meetings with

18 all concerned landowners," government officials,

19 "government agencies, environmental groups and others to

20 determine the best route for the B2H power line. Though

21 it has taken" many "years...to get back to this point in

22 the process, the B2H power line through Malheur County

23 has met 90 percent of SIP's goal. There are two areas

24 SIP would like to see a different route for B2H. One is

25 near Adrian [Oregon] where B2H crosses EFU land."

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1 Someone is going to comment on that later. "The
 2 alternative route," called the Double Mountain, does
 3 cross "the Owyhee Wild and Scenic River. Someone has
 4 decided that Wild and Scenic Rivers is a higher priority
 5 than EFU land, both have to be addressed in EFU [sic]
 6 criteria. The other...concern is Northwest of Vale
 7 [Oregon] where the B2H [power line] again crosses EFU
 8 land. The alternative route there crosses Sage Grouse
 9 habitat. Again, both EFU and Wildlife habitat are
 10 points that have to be addressed by EFSC. Again someone
 11 has decided that Sage Grouse habitat is a higher
 12 priority than EFU land. SIP is asking EFSC to evaluate
 13 ORS 345-20-10 which defines what EFU land is and the
 14 protection it is afforded. We also ask for EFSC to
 15 evaluate ORS 215.275 which lists the criteria that
 16 [does] allow the power line such as B2H to cross EFU
 17 land.

18 "In summary, SIP is generally well pleased
 19 with Idaho Power for stopping the fast track process in
 20 2010 and listening to all the stakeholders. Through a
 21 collaborative [process] we have devised the best
 22 possible route for the B2H power line through Malheur
 23 County. SIP would like to see Idaho Power go ahead and
 24 construct the power line. Most...members of SIP are
 25 engaged in farming. With pressure from the Clean Water

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1 Act, many acres of EFU land are [now] being converted
 2 from surface flow...to either" drip or sprinkler
 3 irrigation. "Making this switch requires energy to run
 4 pumps and motors. Also SIP understands that the greater
 5 Boise area is experiencing a booming population growth.
 6 Both these factors together contribute to greater
 7 consumption of electrical power each year. Though some
 8 of this increased demand has been met through the use of
 9 renewable energy...such as wind and solar, irrigators
 10 need power 24/7...not only when the wind blows or the
 11 sun shines. SIP applauds Idaho Power for looking into
 12 the future and trying to provide for our needs.

13 "Sincerely, Roger Findley."
 14 HEARING OFFICER WEBSTER: Thank you,
 15 Mr. Findley.
 16 Just before we hear from Mr. Pearson, the next
 17 one up after Mr. Pearson will be Jay Chamberlin.
 18 And Mr. Findley, for the record, if you could
 19 please state your address.
 20 MR. ROGER FINDLEY: 3535 Butte Drive, Ontario,
 21 Oregon.
 22 HEARING OFFICER WEBSTER: Thank you.
 23 Mr. Pearson, your name and address.
 24 MR. GARY PEARSON: Thank you.
 25 Hello. My name is Gary Pearson. And while I

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1 might be a stranger to you folks, I assure you I'm not a
 2 stranger to this project or, in fact, Idaho Power.
 3 I'm a long-time resident of Malheur County,
 4 and I've been involved as a concerned citizen with the
 5 B2H project for over 10 years. That involvement
 6 includes being in the first meetings with officials from
 7 Idaho Power outlining our reasons for resisting their
 8 original planned route for the 500-kV power line. I was
 9 on the citizens advisory panel set up by Idaho Power,
 10 which resulted in numerous additional meetings with
 11 Idaho Power which finally resulted in an alternative
 12 route that would avoid Malheur County exclusive farm use
 13 agricultural land.

14 I have testified in front of several
 15 government entities, including a government hearing in
 16 Salem. I am a board member of the nonprofit entity
 17 known as Stop Idaho Power. That group was instrumental
 18 in the decision by Idaho Power to institute the claims
 19 advisory process in the first place.

20 The only reason I am outlining my history with
 21 this project is to document for the record the fact that
 22 I parrot the same exact issues that Roger Findley just
 23 outlined involving the entire process, and as well as
 24 the fact that the area near Adrian and north of Vale,
 25 the line is still going across some acreage that is

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1 classified as EFU land.
 2 And I further want to document the fact and
 3 get on record that after 10 years of effort involving
 4 hundreds of hours of time, I do not want to be shut out
 5 from further proceedings and/or hearings down the road
 6 if they become necessary.

7 I would also like to applaud Idaho Power in
 8 having the wisdom to listen to the citizens of Malheur
 9 County, and work with us to change their original plan
 10 and work to find an alternative route that would avoid
 11 damaging the Malheur County agricultural industry, which
 12 is basically our only industry. We are very, very close
 13 to that goal.

14 Thank you.
 15 HEARING OFFICER WEBSTER: Mr. Pearson, if you
 16 would please just add your address for the record.
 17 MR. GARY PEARSON: I live at 654 King Avenue,
 18 Ontario, Oregon 97914.
 19 HEARING OFFICER WEBSTER: Thank you.
 20 MR. GARY PEARSON: If you'd like a copy of
 21 this, I would like to give you a clean copy. This looks
 22 like a road map because I made many changes in the last
 23 10 minutes.
 24 HEARING OFFICER WEBSTER: Before we hear from
 25 Mr. Chamberlin, the next up is Irene Gilbert.

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1 Mr. Chamberlin, your name and your address and
 2 then your comments.
 3 MR. JAY CHAMBERLIN: Thank you.
 4 My name is Jay Chamberlin. I'm general
 5 manager of the Owyhee Irrigation District. My address
 6 is 422 Thunderegg Boulevard, Nyssa, Oregon 97913.
 7 I'd like to thank the Council for this
 8 opportunity to hear our concerns. No. 1, the Department
 9 of Energy needs to ensure that the tower placed between
 10 mileposts 255 through 258 are placed in consultation
 11 with the Owyhee Irrigation District's staff in order to
 12 provide good, high clearance, and minimal structural
 13 interference with existing irrigation canals,
 14 structures, and roadways.
 15 We would also like to see the term "...and
 16 existing irrigation waterways" added after "protected
 17 areas" on page 246 of the draft proposed order.
 18 Also the statement on page 589 of the draft
 19 proposed order that a water right transfer is
 20 unnecessary is inaccurate. The proposed tower placement
 21 near milepost 255 on existing irrigated lands will
 22 require a water right transfer to allow that those water
 23 rights be transferred to other portions of land, if
 24 indeed that tower is placed there.
 25 And other than that, I think we, as an

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1 irrigation district, have been part of the process all
 2 along. It certainly isn't where we would like it to
 3 see, but we have worked and we would certainly be
 4 willing to continue to do such so that we can have as
 5 least amount affected our waterways and transmission
 6 systems ourselves as possible.
 7 Thank you.
 8 HEARING OFFICER WEBSTER: Thank you.
 9 Following Ms. Gilbert we will hear Michael
 10 Horton.
 11 MS. IRENE GILBERT: Should I start?
 12 HEARING OFFICER WEBSTER: Yes, please do, with
 13 your name and your address, please.
 14 MS. IRENE GILBERT: Irene Gilbert, 2310 Adams
 15 Avenue, and I'm here representing myself but also
 16 Friends of the Grande Ronde Valley, and I am a member of
 17 Stop B2.H so I certainly hope my comments would be
 18 considered coming from that group also.
 19 A few things first is, in particular with the
 20 B2H group, there are now over 500 members, as I
 21 understand, individual members and multiple nonprofits
 22 who are members of that group. And we are focused on
 23 impacts to the entire route, along the entire route. So
 24 Stop B2H has not said we prefer that you move the line
 25 from here to there; it only moves the impacts on the

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1 resources and people from one group of people to
 2 another.
 3 So I think one of the things that's happened
 4 with this line is that it's kind of been a divide and
 5 conquer thing where people who don't want this line to
 6 happen, and actually there was a meeting in La Grande
 7 with probably 400 people in the room, and when they were
 8 asked, Does anyone support this line, no one did. But
 9 people want, nobody wants to have to experience the
 10 impact so they argue that it should hurt other things.
 11 So we are not doing that.
 12 Today I'm going to focus on just actually
 13 about 25 pages of the draft proposed order, the section
 14 regarding noise. And these are not all the issues but I
 15 thought I would list some of them. I'm not going to
 16 meet the standard to provide rules; I will give that to
 17 you folks later in written testimony prior to the
 18 July 23rd deadline.
 19 But starting off, the Oregon standards allows
 20 for more noise than is recommended by the World Health
 21 Organization and the standard that is used in most other
 22 countries. In Malheur County alone, there are 26
 23 residences that are considered "noise sensitive
 24 residences" within one-half mile of the transmission
 25 line. That means that they will be subject to noise

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1 increases. Only a few of them actually exceed the
 2 standards and the rest are ignored. The noise at
 3 residences not exceeding the standard could increase by
 4 up to 10 decibels.
 5 Given that the Oregon Health Authority has
 6 stated in their report regarding noise from wind
 7 turbines that an increase of 3 decibels is perceived as
 8 doubling the noise at a location. So as you can see,
 9 there are a lot of people who are going to be
 10 experiencing noise impacts that aren't being told that
 11 that's going to happen. There's also documentation of
 12 people actually exceeding the standard that are residing
 13 more than a half mile from the proposed transmission
 14 line. So there are a lot of people that don't know
 15 what's going to happen here who will get a surprise.
 16 There was no modeling of helicopter, road
 17 legal vehicles or auxiliary equipment in establishing
 18 the noise impacts, which is actually required in
 19 modeling the impacts of this development in relation to
 20 the 50 dBA noise limit. Idaho Power chose to ignore a
 21 piece of the statute that requires that.
 22 No modeling or inclusion of schools, churches,
 23 hospitals or public libraries in the noise modeling.
 24 That's also required.
 25 No modeling of the entire site, including

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1 areas where site boundary does not connect with the
 2 right-of-way boundary. I'm talking about things here
 3 like the lay-down areas.
 4 I mentioned restricting the noise modeling to
 5 one-half mile, in spite of the fact that there's
 6 documentation, Idaho Power provided documentation of
 7 exceedances beyond this distance. So a bunch of people
 8 aren't getting noticed.
 9 Limiting the notice to 250 feet from this line
 10 is just unbelievable when you consider the impacts that
 11 it will have beyond that area.
 12 They only included in their monitoring of
 13 noise impacts foul weather, rain from .8 millimeters per
 14 hour to 5 millimeters per hour, with no documentation
 15 that the corona effect would not be perceived over
 16 5 millimeters or that it would not exist with less than
 17 .8 millimeters per hour.
 18 No inclusion in modeling of noise due to the
 19 "burn in period," damaged lines, oil or substances on
 20 the lines or other causes that also create noise from
 21 these transmission lines.
 22 No addressing increase in noise impacts with
 23 the lineal noise source rather than point source,
 24 because lineal sources actually create a higher level of
 25 noise than the point generated source.

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1 They documented exceedances beyond the 50 dBA
 2 and then modeled that there would be no future
 3 exceedances beyond 50 dBA.
 4 They inferred that a noise consultant approved
 5 methods of limiting evaluation of increased noise to a
 6 period from 12:00 midnight till 5:00 a.m. There was no
 7 approval of that particular period in terms of looking
 8 at the noise occurring. They only approved that period
 9 for establishing the baseline.
 10 Redefined "infrequent" or "unusual," and this
 11 is something that the Oregon Department of Energy did,
 12 they redefined "infrequent" or "unusual" to mean, get
 13 this, "not consistent, not continuous, and not
 14 representative of normal operating procedures." This
 15 definition is not consistent with any legal, dictionary,
 16 other agency or public definition and the Oregon
 17 Department of Energy lacks authority to make up
 18 interpretations when they're applying rules of another
 19 agency.
 20 They are not requiring the developer to pay
 21 for actual sound testing if there is a future question
 22 regarding the accuracy of the modeling. Statutes
 23 require developers to pay for actual monitoring, not
 24 place the burden on the landowners to prove that the
 25 developer's predictions are not accurate.

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1 And I'm still working on a list of issues with
 2 the proposed approaches to dealing with noise
 3 exceedances, but I can tell you that Idaho Power has
 4 stated in their application that they think a reasonable
 5 mitigation method is that they provide noise, basically
 6 blinds that will cut down on the noise impacts or pay
 7 for them. Now, I don't know about the rest of you, but
 8 for me, to have a power company move in and tell me that
 9 I don't get to see out my windows because my noise
 10 standards are too high seems pretty unbelievable.
 11 They are averaging exceedances over a 300-mile
 12 line -- this is the developer -- where the impacts will
 13 be anywhere from 22 to 80 days a year where noise at
 14 specific residences will exceed the DEQ limits. That's
 15 not appropriate.
 16 They're not requiring methods of mitigation
 17 that are being utilized by other utilities to minimize
 18 impacts.
 19 They are allowing irrelevant reasons as
 20 supporting documentation of why the noise rules should
 21 be ignored such as federal rules that only apply to
 22 federal lands. And they're applying them to private and
 23 state lands.
 24 They're accepting that this is the only way to
 25 meet the developer's perceived need when they provided,

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1 or the developer provided 12 other plans to the PUC that
 2 did not include Boardman to Hemingway. And in the last
 3 PUC notice they stated outright that Idaho Power should
 4 remain flexible in terms of changing their plans based
 5 on the change in energy environment.
 6 The overarching concerns that drive me and
 7 others regarding the decisions coming from the Energy
 8 Facility Siting Council -- and I'm talking to you folks
 9 here directly -- is that you were all placed in your
 10 positions absent any requirement for knowledge, skills,
 11 and abilities. And the governor appointed you, and it's
 12 reasonable to assume that she appointed the folks on
 13 this committee because she felt they would do what she
 14 was hoping they would do. And so far they've approved
 15 everything that has come before them.
 16 Some of you have personal interests, which
 17 mean that there may be a personal advantage to approving
 18 these.
 19 Oregon Department of Energy only provides to
 20 the Energy Facility Siting Council supporting
 21 information that leads you to agree with their
 22 proposals. You do not receive the staff report that
 23 indicates reasons why you should be denying this
 24 particular energy development. The process makes it
 25 very difficult for the public to have their views heard

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1 because you don't get to respond to the decisions of the
 2 Council directly. And the Department of Energy has made
 3 it increasingly difficult for the public to access the
 4 Energy Facility Siting Council members.
 5 So you add to that the fact that there's no
 6 reasonable time to review these proposed orders, and
 7 you're talking about 600 pages in the draft proposed
 8 order. These issues, and it's not the complete list,
 9 came from 25 pages. I guess it was actually 24 pages of
 10 that draft proposed order. So go figure.
 11 Do I have any more time left?
 12 HEARING OFFICER WEBSTER: You have 23 seconds.
 13 MS. IRENE GILBERT: I was going to add a bunch
 14 of other things. The developer has ignored things like
 15 protected lands. There are three federal mitigation
 16 sites at Ladd Marsh; they choose not to even mention
 17 them. They ignore federal threatened and endangered
 18 species protections. They will not provide any
 19 protection of them. They don't honor the tribes and the
 20 treaty agreements.
 21 You've approved things as far as where the
 22 views amount to someone floating on Wild and Scenic
 23 River and looking up to energy development that's a mile
 24 away, and seeing a bunch of turbines while you're on the
 25 Wild and Scenic River.

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1 As far as the placement of these, in Union
 2 County, we have 80 percent on private land, we have
 3 55 percent, federal land. So I could go on. I will go
 4 on but not in this format.
 5 So thank you for the time. You will get all
 6 of the statutory references.
 7 HEARING OFFICER WEBSTER: Thank you,
 8 Ms. Gilbert.
 9 MS. IRENE GILBERT: Thank you.
 10 HEARING OFFICER WEBSTER: Before we hear from
 11 Mr. Horton, the next one is Frank Jordan.
 12 SECRETARY CORNETT: For the record, Council
 13 Member Betty Roppe joined, so we do have a quorum at
 14 this point in time.
 15 HEARING OFFICER WEBSTER: Thank you.
 16 Mr. Horton, if you want to start with your
 17 name and address.
 18 MR. MICHAEL HORTON: I'm Michael W. Horton.
 19 My address is 106 Main Street, P.O. Box 1565, Nyssa,
 20 Oregon 97913. I want to welcome Council to eastern
 21 Oregon.
 22 I'm secretary of the Joint Committee of the
 23 Owyhee Project. The Joint Committee consists of
 24 representatives from Owyhee Irrigation District,
 25 Ridgeview Irrigation District, and Gem Irrigation

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1 District. The Joint Committee manages the Owyhee Dam on
 2 the Owyhee River along with two hydroelectric power
 3 plants. One of the power plants is located at the base
 4 of the Owyhee Dam and the other plant is located at the
 5 head of the irrigation tunnel near the Owyhee Dam.
 6 The Joint Committee operates and maintains a
 7 69-kV transmission line which transmits power from the
 8 Owyhee hydroelectric facilities to Idaho Power's power
 9 grid system. The hydroelectric power plants were
 10 partially funded by loans through the Department of
 11 Energy. The 69-kV transmission line will be crossed by
 12 the proposed 500-kV line somewhere to the east of
 13 proposed milepost 256.
 14 The Joint Committee requests additional
 15 language be added to the draft proposed order to require
 16 Department of Energy staff and irrigation districts'
 17 staff be consulted on tower and line placements near the
 18 intersections of the power lines and canals, tunnels,
 19 and access roads.
 20 The Joint Committee members share the same
 21 concerns expressed tonight, that you've heard tonight on
 22 the proposed placement on EFU lands.
 23 Thank you.
 24 HEARING OFFICER WEBSTER: Thank you.
 25 Following Mr. Jordan we will have Jim Foss.

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1 Mr. Jordan, if you'd state your name and
 2 address, please.
 3 MR. FRANK JORDAN: My name is Frank Jordan. I
 4 live at 3370 Old Stage Road in Westfall.
 5 I own property west of Vale that the power
 6 line will be crossing. And my main concern is the power
 7 line is basically using our driveways as their access
 8 roads. We have a home within one-eighth of a mile of
 9 the power line. We have fields that it's crossing. An
 10 irrigation pond within feet of where they propose to
 11 cross.
 12 And I have not been contacted at all by Idaho
 13 Power to come out and look at where they are putting the
 14 line. No one from Idaho Power has come out. No one
 15 from Oregon Department of Energy has been on my property
 16 to look where the line is going. I find this kind of
 17 disturbing that Idaho Power or the Oregon Department of
 18 Energy would basically put a line somewhere without
 19 actually going out and talking to the landowners and
 20 seeing exactly where the line is proposed. That's my
 21 only comment.
 22 Thank you.
 23 HEARING OFFICER WEBSTER: Thank you.
 24 After we hear from Mr. Foss, will be followed
 25 by Arnold Tropf.

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1 Mr. Foss, your name and address, please.
 2 MR. JIM FOSS: My name is Jim Foss. My
 3 residence is at 774 Pheasant Road, Adrian, Oregon. Is
 4 that it?
 5 HEARING OFFICER WEBSTER: You're good to go.
 6 MR. JIM FOSS: Good afternoon, ladies and
 7 gentlemen.
 8 The place in question isn't my home place. We
 9 have another -- we have other property just off the
 10 Owyhee River, off of Owyhee Avenue and Rock Springs
 11 Road. And the power, the transmission line started out
 12 above us, and then they changed it to come directly
 13 across us, and put a tower in the middle of our center
 14 pivot irrigation system. And they finally came out and
 15 realized the irrigation system went around there and
 16 they couldn't put the tower.
 17 We've been told they were not going to put the
 18 tower there, that's just verbal, and that they would put
 19 a tower above us on private ground. And in talking to
 20 the neighbors, they put another tower across the Owyhee
 21 Avenue Road and stretched the lines down across our
 22 irrigation system of our property. And the irrigation
 23 system is a T-L Grand irrigation system, GPS-navigated,
 24 state-of-the-art -- we run it with our phones or can --
 25 system. And it has a rover arm on it that will go out

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1 and catch the corners and then come back in. Again,
 2 it's GPS navigated.
 3 So the concern is that the pivot, the
 4 irrigation system crosses in two places underneath this
 5 transmission line. And I have documentation from T-L
 6 engineers, and I'll read part of the statement, that
 7 they're concerned about losing the RTK fix, which is
 8 they have to have a fix to navigate the system, and it's
 9 self-steering. Again, it's off of GPS.
 10 And so they state that if the pivot system has
 11 unshielded span cable, which is typical for T-L
 12 Irrigation pivot control such as point control or
 13 precision point control, which is what we have, the
 14 magnetic field-induced voltage on the span cable could
 15 interfere with control signals, especially the end tower
 16 speed center signal or Garmin GPS serial lines. This
 17 would be true especially if the pivot spans are parallel
 18 to overhead lines directly above the pivot. That goes
 19 on to unshielded buried cable, which we do not have.
 20 So it will virtually stop the pivot, it will
 21 veer off track. And then its safety shuts off and it
 22 will stop the irrigation system. I'm talking this one
 23 pivot that the line is going over. So that's a big
 24 concern of mine.
 25 I'd like to touch on this one page, it's

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1 Guidelines For the Installation and Operation of
 2 Irrigation Systems Near High Voltage Transmission Lines,
 3 Bonneville Power Administration, Transmission
 4 Maintenance & Electrical Effects, February 15, 2002. Of
 5 course, I won't read it all to you; we'd be here all
 6 night.
 7 Safe Working Practices. If the pivot point of
 8 a circular irrigation system is near or under a
 9 transmission line, the irrigation system could acquire
 10 an electrostatic charge during operation. To prevent
 11 this electrostatic charge buildup, the pivot point
 12 should provide a good electrical ground" -- which we
 13 have -- "for the sprinkler system. This will eliminate
 14 electrostatic shock nuisances during operation.
 15 "This electrical ground, however, does not
 16 eliminate hazards due to inductive coupling between the
 17 transmission line and the sprinkler pipe. With the
 18 irrigation system near or under the transmission lines,
 19 the pipe could rotate to two locations parallel or
 20 nearly parallel to the transmission line." Similar with
 21 wheel lines, they talk about wheel lines in here, too.
 22 "It is recommended that personnel not touch
 23 the sprinkler pipe or its supporting structures when the
 24 system is operating under or parallel to...the
 25 transmission line."

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1 Okay. "With the sprinkler pipe parallel and
 2 close or under the transmission line, the inductive
 3 coupling between the transmission line and the sprinkler
 4 boom can result in hazardous shock currents if a person
 5 touches the system while the boom is connected to the
 6 pivot point."
 7 So when we put the system in, we were by law
 8 mandated to have a licensed electrician do this, and
 9 then we were inspected so that this would not be
 10 happening, my understanding of it. And now, they're
 11 wanting to drape this transmission line over the top of
 12 it and tell me that I can't -- now, the pivot may, it's
 13 vulnerable to be stuck, whether water runs to one spot
 14 and it gets stuck. So if it does get stuck under the
 15 transmission line, I can't touch the pivot, I can't
 16 touch the machine. It virtually puts me out of
 17 business. And that's my concern.
 18 I've had a concern about the EFU but we've
 19 pretty well beat that up, and I believe everybody --
 20 there is an alternative route; they just chose to come
 21 back over onto the landowners. If this goes across,
 22 it's assuming that they're able to get tower sites on
 23 private landowners above me and below me. Because, of
 24 course, they can't span clear across the valley.
 25 And as far as wild and scenic, they're

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1 crossing the Owyhee River going through me. The Owyhee
 2 River, in my eyes and pretty much anybody that lives
 3 around there in that area, is wild and scenic, ladies
 4 and gentlemen. We have deer and we have turkeys, wild
 5 turkeys and pheasants, quail, all of that, just like
 6 they do up the river. But we have people making their
 7 livings and taking care of their -- pay their taxes and
 8 things as well.
 9 And so that's my concern of crossing over our
 10 ground on the Owyhee.
 11 VICE CHAIRMAN JENKINS: Ms. Webster, may I ask
 12 a question of Mr. Foss?
 13 HEARING OFFICER WEBSTER: You may.
 14 VICE CHAIRMAN JENKINS: The first three
 15 speakers that we had, Roger Findley, Gary Pearson, and
 16 Jay Chamberlin, talked about crossing agricultural land
 17 in the Adrian area. Is this your land that they were
 18 referring to?
 19 MR. JIM FOSS: This is a Nyssa address, but it
 20 is, I'm assuming -- and that's all I can do -- I believe
 21 it's coming across over the hill, and we live on the
 22 Idaho side of the Snake River but we're in Oregon. So
 23 it's not there in Adrian; it's a Nyssa address. It's
 24 Rock Springs Road and Owyhee Avenue, which goes to the
 25 dam, right up the Owyhee River.

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1 VICE CHAIRMAN JENKINS: But where this pivot
 2 is?
 3 MR. JIM FOSS: Where the pivot is, yes. It's
 4 crossing quite a bit of private ground or different
 5 private ground owners there, two, maybe three. I'm not
 6 real sure. I'm one of them where they've dog-legged the
 7 thing down in here and then come across this versus the
 8 alternate route that they have to go stay out on the
 9 BLM. If I'm understanding the maps right.
 10 VICE CHAIRMAN JENKINS: Thank you.
 11 HEARING OFFICER WEBSTER: Thank you.
 12 MR. JIM FOSS: You're welcome.
 13 HEARING OFFICER WEBSTER: Just a reminder, if
 14 there's anybody who hasn't filled out a green form that
 15 does want to give public comment tonight, please fill it
 16 out.
 17 Following Mr. Tropf we will hear from Timothy,
 18 I think is it Froesch or Froesch?
 19 MR. TIMOTHY FROESCH: Yes.
 20 HEARING OFFICER WEBSTER: Mr. Tropf, if you
 21 could, provide your name and address, please.
 22 MR. ARNOLD TROPF: Yes. I'm Arnold Tropf. I
 23 live at 404 Main Street, Adrian, Oregon.
 24 I would like to thank you for including me in
 25 this oral discussion. I just heard about this meeting

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1 today, and I've heard quite a bit about it, and there's
 2 been quite of bit of friction about it.
 3 And looking at this map where the line is
 4 supposedly going to cross, it looks to me like on
 5 Cline's Hill, around Cline's Hill there east of Harper;
 6 am I right? Am I correct?
 7 HEARING OFFICER WEBSTER: I can't answer the
 8 question.
 9 MR. ARNOLD TROPF: Well, anyway, where it
 10 crosses 20/26 there between Vale and Harper.
 11 I've been wondering why they can't just
 12 completely eliminate going into farm ground. Going
 13 south with the line, going pretty close to the mouth of
 14 the Owyhee Canyon, cross the canyon, go over toward,
 15 what, Blackjack Mountain and go over and hit that Glen
 16 Bridger transmission line and use the right of way right
 17 there and follow that transmission line right toward
 18 Murphy, and then drop down into Murphy. Why can't they
 19 do that rather than even to come close to this farm
 20 ground?
 21 And I heard that they had restrictions there.
 22 They've got restrictions for ATVs and stuff. What's
 23 more important? We've got to get what's most important
 24 here figured out.
 25 And it looks to me like they can bring that

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1 line down through there west of Mitchell Butte and Chalk
 2 Butte and go across the mouth of the canyon there where
 3 the siphon goes across and go south and hit the Glen
 4 Bridger transmission line, follow that Glen Bridger line
 5 right over into Idaho and drop right down into Murphy.
 6 Now, it sounds to me like that's a no-brainer.
 7 So I think we better get our maps out and
 8 study things because this doesn't make sense to even
 9 have to come into farm ground and have a problem with
 10 litigation.
 11 HEARING OFFICER WEBSTER: And I will just
 12 refer us back to what Ms. Tardaewether said at the
 13 outset, which is that the EFSC is not talking about
 14 reconfiguring at this point; it was the application came
 15 forward with the sites for the transmission lines. And
 16 the EFSC's job is pretty much a thumbs up/thumbs down on
 17 the route that has been provided.
 18 MR. ARNOLD TROPF: So it's all cut and dried
 19 then on where you're going to put this line?
 20 HEARING OFFICER WEBSTER: There is a proposal
 21 for a line that the EFSC will either approve or not
 22 approve.
 23 MR. ARNOLD TROPF: So that's all I got to say,
 24 but it sounds to me like they done the figuring wrong
 25 when they lined this thing out.

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1 HEARING OFFICER WEBSTER: Thank you for your
 2 comment. Thanks.
 3 Next we'll hear from Mr. -- I can't tell if
 4 it's a "P" or an "F." Is it Froesch or Proesch?
 5 Following Mr. Proesch we will hear from JoAnn
 6 Marlette.
 7 MR. TIMOTHY PROESCH: My name is Timothy
 8 Proesch. I live at 2104 Lake Owyhee Road, which is a
 9 Nyssa address also but closer to Adrian, as the Fosses
 10 as well. So if you guys, you've been on your map and
 11 looked at section 13 and tower 255/4. So I purchased
 12 this property in November of last year. This was just
 13 brought to my attention not even 2 weeks ago that you
 14 guys have proposed to the previous owner that you guys
 15 had an agreement with them to survey this land to put
 16 this in. So if you look at this section 13, not only
 17 are you guys putting a tower on my proposed new home
 18 site, you guys are also wanting to use an existing road
 19 that I use to access my irrigation for the whole
 20 property, which is 113.7 acres.
 21 Nobody from Idaho Power, nobody from Oregon
 22 Department of Energy has contacted me. The last time
 23 there was even a title search done on this property,
 24 knowing it was on the market, was May of last year. So
 25 we're looking at year and a half that you guys haven't

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1 done any due diligence to continue to see, knowing this
 2 property was on the market. And now I feel like I'm
 3 being forced into allowing this to transpire because
 4 this is your guys' proposed route.
 5 So I am not obligated to continue to follow
 6 the contractual agreement that you guys had with the
 7 previous owner for the surveying of this land. I
 8 purchased this property outright from the previous
 9 owner; there's no bank loan or anything on this
 10 property.
 11 And so I have come ill-prepared for this
 12 meeting because I just found out about this, and I have
 13 not been contacted by anybody; not Idaho Power, like I
 14 said, not Oregon Department of Energy, nobody. This was
 15 brought to light to me by my neighbors. They said, Do
 16 you know about this? I said, No, absolutely not, nobody
 17 has contacted me whatsoever regarding this issue. But
 18 yet, the proposed route runs right through my property
 19 with the tower and an access road which is going to take
 20 up a huge chunk of my land.
 21 So there's several issues that I am going to
 22 bring to your guys' attention in my formal written to
 23 you guys because, like I said, this was just brought to
 24 my attention. But to have this not discussed with me
 25 through any kind of proper channels and not doing a

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1 continued property search and title search on these
 2 properties that impact private land, I think is kind of
 3 an oversight that needs to be addressed. Because now
 4 here I am owning this property for almost a year now and
 5 not been contacted whatsoever regarding this, but yet,
 6 your proposed site runs right on my property, and then
 7 your lines are going to drape from my property and my
 8 new proposed home site across that pivot that Mr. Foss
 9 discussed previously.
 10 So I mean, I haven't seen another map; I just
 11 have the map that was presented to me by Idaho Power
 12 yesterday. I talked to a representative from Idaho
 13 Power yesterday, who came to my house, who showed me the
 14 detailed map. And I haven't even seen whatever, the
 15 other map you guys are talking about, Double Mountain.
 16 So I don't even know how close that infringes on my
 17 property.
 18 But to have this just being brought to light
 19 and you guys want to move forward with this project, is
 20 kind of devastating to me, especially for the amount of
 21 property that I purchased and for the price I purchased
 22 it for, there's a reason I purchased this property away
 23 from everything and everybody; not to be impeded on by
 24 anybody else, especially a big corporation.
 25 I feel kind of bullied into this whole thing.

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1 And talking with Idaho Power, we talked about the
 2 eminent domain also, which I don't feel like is fair to
 3 somebody who's a private landowner. Especially I
 4 shouldn't have to follow a contractual agreement you
 5 guys had with somebody else just for the survey of the
 6 property. Here it is impeding clear through my
 7 property, and it's impacting my neighbors and everybody
 8 around me.
 9 I have future plans for development for this
 10 land, not just to have Idaho Power take up the majority
 11 of my land. Like I said, if you zoom in on this, you
 12 guys are taking up a huge chunk of my property. The
 13 biggest chunk of my property that I have, which is like
 14 88.8 acres, you guys are going to drive right through
 15 the middle of it to access your guys' tower and then
 16 your tower is going to be on my property, on my new
 17 proposed home site that I've been planning since I
 18 bought this property a year ago.
 19 And to just have this brought to me, it wasn't
 20 even brought to me through the proper channels, it was a
 21 concerned neighbor that was concerned because he knew my
 22 future plans and knew what I had done and how much money
 23 and how much capital I have invested in doing this.
 24 This is my life savings. Yes, I'm younger than most of
 25 these people that are speaking out about this, but it's

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1 not from not doing my due diligence of the zoning of
 2 this property to be developed, and coming up with that
 3 kind of money to purchase a property of that magnitude.
 4 I think that all of these things should be
 5 considered, especially when encroaching on private land,
 6 because it does impact us, everybody around us. And I
 7 know you guys have been working on this project for a
 8 long time, but I think there needs to be some other
 9 proposed routes instead of encroaching on private land,
 10 especially when we pay for this land, we've purchased
 11 this land, not to be encroached on, not to be bullied
 12 into doing something that a corporation wants to do
 13 because it's convenient for them to transfer power to
 14 other places.
 15 After talking to the representative from Idaho
 16 Power, he basically told me that you guys are just going
 17 to pump a bunch of power through there to Portland. How
 18 does that benefit me? There is no benefit to any of us
 19 for this proposed line. None. I'm not getting more
 20 power, I'm not getting anything from it other than it
 21 being a nuisance and it impacting us tremendously.
 22 Also with the electromagnetic field that it
 23 produces, I have four babies. If BLM wants all these
 24 studies done to be able to run through BLM land, how it
 25 impacts nature and the environment and the waterways,

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1 how does it impact my family and my children, my future?
 2 This is already -- the reason we purchased the
 3 property the way we did is to put it into a trust to
 4 never be sold after it's developed, for it to stay in
 5 the family to create a legacy. Not to have some power
 6 lines running through there that, who knows. I mean,
 7 you guys have been working on this 10 years. Are you
 8 guys going to change it again in 10 years and want to
 9 put more there? Am I slowly just going to get closed in
 10 on? There's been no definitive answers to these
 11 questions that I've asked. Like I said, I've never been
 12 contacted by any representatives; I had to contact Idaho
 13 Power to talk to them. Nobody has contacted me except
 14 for my neighbors.
 15 So I feel this was a big oversight on your
 16 guys' part by not contacting me as the landowner. Like
 17 I said, I put everything, my whole life savings into
 18 this property and I want to continue to do that, but at
 19 this juncture, I mean, it's a major devastating loss for
 20 me financially if this continues to happen because it
 21 impedes a lot of my property.
 22 And I told the representative from Idaho Power
 23 that I'm definitely not comfortable with this situation.
 24 I mean, there's no open communication other than me
 25 contacting them and having them come to my house.

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1 And it's not every day that a property of this
 2 size is purchased in Malheur County for the intentions
 3 that we have, which I can go into in my written
 4 statement. But I'm wanting this to be something for
 5 everybody to enjoy. We have multiple things going on.
 6 There are tons of wildlife, tons of geothermal activity.
 7 I have four geothermal wells on this property that can
 8 be utilized for multiple purposes.
 9 The whole intention of this was to create
 10 something for Malheur County, for the people here; not
 11 just myself and not just capitalizing on this potential
 12 that it has. But the road to the lake goes right
 13 through my property. Everybody that goes to the lake
 14 could enjoy this and be a part of this. I feel it is
 15 detrimental to that development to have Idaho Power go
 16 right through my property and then to take up this much
 17 of my land.
 18 I worked hard to have the money to be able to
 19 purchase something of this magnitude. So to have it
 20 impeded and to have it kind of looking like it's going
 21 to be diminished to the capacity that nobody's even
 22 going to want to recreate there. I mean, this is a huge
 23 recreation area. On top of there's nothing like this
 24 that's available to the people of this community in
 25 Malheur County. Not only that, but the tourism that

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1 this whole area draws. I mean, people drive up there
 2 just to look at that siphon because of the magnitude of
 3 the siphon. So it's not just the wildlife and our
 4 property and our neighbors' property, the irrigation
 5 district sees people using these access roads to see the
 6 magnitude of something that great.
 7 And I feel like having this transmission line
 8 go through there is going to be totally detrimental to
 9 everything that everybody in our area sees the potential
 10 in this whole recreation area from the lake clear down
 11 to the local grocery store that's there. Because if
 12 this happens, that local grocery store is going to
 13 suffer also. It's not just one thing or another.
 14 There's so much that we have to consider in this whole
 15 thing, and I feel like none of these things are being
 16 discussed. And yes, there are certain things we should
 17 put in there as far as how it's going to impact. And I
 18 understand you guys have your guidelines, but put
 19 yourself in my shoes. If you just paid this much money
 20 for 113 acres and then find out, Hey, sorry, we're going
 21 to take your road away from you and we're going to put a
 22 tower on your property where you want to build your
 23 house.
 24 I think this all needs to be considered. I
 25 will write up a formal letter to you guys once I do some

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1 more stuff, because like I said, I was very ill-prepared
 2 for this meeting.
 3 HEARING OFFICER WEBSTER: Thank you.
 4 Ms. Marlette.
 5 MR. JOANN MARLETTE: I'm JoAnn Marlette. I
 6 reside at 2031 Court Street, Baker City, Oregon. And
 7 I'm here to speak to you about the surveys for wildlife
 8 habitat.
 9 The survey area for wildlife habitat is not
 10 adequate and the information is not current.
 11 The survey area for wildlife habitat impacts
 12 is identified as the siting corridors where the
 13 transmission line and other developments will be
 14 constructed. The surveys that were completed were done
 15 during 2011 through 2014. The material provided is not
 16 current per ODFW page P1-17 of the application, stating
 17 the surveys are good for 3 years and the sample size was
 18 too small on which to base any decisions. Wildlife
 19 Condition 2 requires preconstruction surveys regardless
 20 of any prior surveys. The small amount of available
 21 habitat surveyed and the outdated nature of the surveys
 22 do not allow a determination that this development
 23 complies with OAR 345-022-0060.
 24 This transmission line will span over 300
 25 miles. Given the lack of information currently

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1 available, and the limited area planned for future
 2 wildlife surveys, it is not possible to determine
 3 whether or not the transmission line will be in
 4 compliance with the above rules. The lack of
 5 information extending beyond the site borders makes it
 6 impossible for the developer to know if they are working
 7 too close to an active raptor nest or whether they
 8 comply with setback requirements.
 9 Without a current, up-to-date survey, there
 10 will be no baseline for impact assessment in order to
 11 determine how significant the impacts may be and
 12 determine if they preclude issuance of a site
 13 certificate.
 14 I will be providing written comment prior to
 15 the July 23rd deadline.
 16 Thank you.
 17 HEARING OFFICER WEBSTER: Thank you.
 18 Is there anybody else here that would like to
 19 give comment this evening? Is there anybody on the
 20 phone, do we know, that joined us?
 21 IT PERSON: No.
 22 HEARING OFFICER WEBSTER: Okay.
 23 MR. DUSTIN BAKER: I have the form here. I'll
 24 give it to you. I'll submit some written, too.
 25 HEARING OFFICER WEBSTER: This is Dustin

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1 Baker. Mr. -- is it Baker?
 2 MR. DUSTIN BAKER: Baker, yes.
 3 HEARING OFFICER WEBSTER: Mr. Baker, if you
 4 could please state your name and your address for the
 5 record.
 6 MR. DUSTIN BAKER: My name is Dustin Baker. I
 7 live at 2340 Rock Springs Canyon Road, about a mile and
 8 a half north and a little bit west of Jim Foss who
 9 testified earlier. I'm also a manager of Faith Land
 10 Company, and we own property on the Malheur River west
 11 of the irrigated land. And Idaho Power will cross that
 12 location. At this time their proposed route is across
 13 that location.
 14 Regarding the Faith Land Company property,
 15 Idaho Power has been very good about contacting us, come
 16 out and visited our location, helped site the towers,
 17 where they're going to be, consulted with us on the best
 18 routes for their access roads, and were very thorough in
 19 that process. So I want to commend them on that.
 20 However, in regards to the property that we
 21 own on Rock Springs Canyon Road, the property
 22 transmission line does not technically cross our
 23 property; the easement goes across the corner of our
 24 property. And so the power lines are sited just off of
 25 our property line. Idaho Power has not contacted us in

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1 regards to that property in any way, had no
 2 representatives from Idaho Power come and look at that
 3 proposed siting.
 4 So my concern is similar to Foss's, is that
 5 the current proposed route will create additional roads,
 6 additional access, additional traffic, that we as
 7 private landowners will need to contend with and deal
 8 with. In my opinion, if they would have consulted with
 9 local landowners who know the area more thoroughly in
 10 this location, we could have helped them locate the
 11 power line approximately 1 mile directly to the west and
 12 farther to the south that would have avoided any of the
 13 exclusive farm use property and been off of private
 14 property.
 15 I'm not sure their reasoning for wanting to
 16 continue to keep the power line as close to private
 17 property as they can. I don't know if it's easier for
 18 them to deal with private property owners than it is to
 19 deal with the BLM, Bureau of Land Management. But in
 20 this case, they could have done a much better job
 21 consulting with the local landowners in that specific
 22 area.
 23 That's what I'd like to say. Thank you.
 24 HEARING OFFICER WEBSTER: Thank you.
 25 Anybody else this evening?

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1 SECRETARY CORNETT: So we have one more
 2 comment card, it's from Idaho Power Company. My
 3 understanding is only if the Council members have
 4 questions for them; is that correct? So if Council
 5 members have any questions based on the testimony that
 6 they've heard from others, if they'd like to follow up
 7 with any questions with Idaho Power Company, they are
 8 available to answer your questions.
 9 VICE CHAIRMAN JENKINS: So I'd like Idaho
 10 Power to talk about the tower placement between milepost
 11 255 and 258, if they could, please.
 12 SECRETARY CORNETT: So we can also take a
 13 short break if Council and presiding officer is
 14 interested to give Idaho Power a little bit of time to
 15 think about responding or you could respond now if you'd
 16 like.
 17 MR. MARK STOKES: If we could have a few
 18 minutes to at least look at the map.
 19 HEARING OFFICER WEBSTER: Is Council good with
 20 taking a ten-minute break and reconvening?
 21 VICE CHAIRMAN JENKINS: Sure.
 22 HEARING OFFICER WEBSTER: It's 6:05 now.
 23 Let's reconvene at 6:15 to hear from Idaho Power.
 24 (Recess taken.)
 25 HEARING OFFICER WEBSTER: We will go back on

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1 the record here.
 2 Just a couple of housekeeping things. First
 3 of all, we have another member of the public who I
 4 strong-armed into giving comment. So Mr. Bowman, if you
 5 would like to come up, and then we will hear from
 6 Mr. Stokes with Idaho Power. And when we're done with
 7 that, just to give everybody, some late stragglers if
 8 they have come in, the opportunity, we, the people from
 9 the Department and me and probably the people from Idaho
 10 Power, will be here until 8:00. So if there's somebody
 11 that does come in late that still wants to give comment.
 12 But after we hear from these two gentlemen here, we will
 13 go I think probably back on break and then we will
 14 reconvene again if somebody else comes in and wants to
 15 give a comment.
 16 So, Mr. Bowman, if you would state your name
 17 and your address.
 18 MR. JERRY BOWMAN: My name is Jerry Bowman. I
 19 live at 2197 Rock Springs Canyon Road. I'm adjacent
 20 property owner to Jim Foss.
 21 That power line is going to be coming within
 22 feet of my property. I'm concerned about the noise
 23 level, I'm concerned about the electromotive force. We
 24 have several nests of red-tailed hawks within a quarter
 25 of a mile of where the transmission line is going to be.

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1 We have a continuous nest of bald eagle that is in the
 2 same vicinity, within a quarter of a mile.
 3 And I think that there was a proposed area for
 4 the transmission line which was a little ways south of
 5 where we are. A couple of miles on up the canyon
 6 there's already a transmission line crossing. Why can't
 7 they put the proposed transmission line adjacent to that
 8 one? It's already designated for that type of system.
 9 That's all I have. Thank you.
 10 HEARING OFFICER WEBSTER: Thank you.
 11 Mr. Stokes; correct?
 12 MR. MARK STOKES: Yes.
 13 HEARING OFFICER WEBSTER: If you would state
 14 your name and your I guess work address and we'll go
 15 from there.
 16 MR. MARK STOKES: Mark Stokes. I'm an
 17 engineering project leader for Idaho Power, address 1221
 18 West Idaho Street, Boise, Idaho 83702.
 19 And I guess to start off, I'd like to welcome
 20 all of the Council members here. I appreciate you
 21 traveling over here this week and next week as well.
 22 We'll all be seeing a lot of each other both weeks.
 23 To address the specific question that was
 24 brought up, Councilman Jenkins, would you want to
 25 restate your question.

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1 VICE CHAIRMAN JENKINS: Sure.
 2 So my question goes back to Jay Chamberlin's
 3 comment about the tower placement between milepost 255
 4 and 258. There was concern -- I'll just leave it at
 5 that.
 6 MR. MARK STOKES: Okay. After looking at our
 7 map set through that area, a lot of the folks that have
 8 commented this evening are in that same area, and I was
 9 able to confirm that our original land was to route
 10 south of that area. The reason that route is not in the
 11 project right now is because BLM had determined due to
 12 the scenic and natural area south of these parcels and
 13 the proximity to the Owyhee River and the siphon and
 14 that whole area, BLM was not willing to leave the route
 15 south of these parcels. So that's really, the route got
 16 changed in the whole NEPA process and was moved to where
 17 it is now. That was part of the agency-preferred route
 18 for BLM. So in a nutshell that's my response to that
 19 question.
 20 I've got a copy of this map if any of you
 21 would like to look at more specific details there. But
 22 that is the background of that area.
 23 Now, a little more specifically, I wanted to
 24 comment, Mr. Proesch contacted our office just yesterday
 25 morning, that was the first time we had had any

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1 interaction with him. And one of the engineers out of
 2 our department went out there yesterday and met with
 3 him, just dropped everything. He had gone and went out
 4 there, took a look at it. At this point, I don't know
 5 that there's anything we can do that would change
 6 things. We're going to have to look at things a little
 7 bit more.

8 We have continued to work with a lot of
 9 different landowners on various micro siting issues here
 10 or there in trying to resolve issues ahead of time where
 11 we can. So that's kind of where we're at with this
 12 right now.

13 Mr. Proesch, as he indicated, just fairly
 14 recently bought that parcel of property. We had over
 15 the course of the last year, we had hired a title
 16 company to go out and do title searches. We got that
 17 information back certainly no more than 6 months ago.
 18 And in fact, when the title company did the title
 19 search, Mr. Proesch had not yet purchased that land; it
 20 was a previous landowner's name who came back on the
 21 results of the title search. So that's basically where
 22 that's at.

23 While I have the opportunity in front of the
 24 Council, I also wanted to point out and thank Roger
 25 Findley and Gary Pearson for their comments earlier.

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1 When this whole project started, I was involved with it
 2 from the get-go back in 2006 when it was first
 3 identified. In fact, it came out in an IRP in the
 4 summer of 2006. We do a road show to talk about the
 5 plan with the public. And literally that fall of 2006,
 6 I was over here in this room next door explaining the
 7 whole plan to everybody. I met Roger and his wife Jean
 8 and Gary, along with probably about 300 other people
 9 that were here that night, which has to be the largest
 10 crowd we've ever had for one of our IRP meetings.

11 So anyway, I wanted to thank those folks for
 12 their comments. They expressed some concerns still with
 13 some routing issues, but in general I think they were
 14 very complimentary to Idaho Power on the efforts we've
 15 made to reach out to the public and everybody that we
 16 realize is going to be impacted by this line.

17 HEARING OFFICER WEBSTER: Any further
 18 questions from Council for Mr. Stokes? Thank you.

19 Has anybody joined us that would like to give
 20 public comment this evening?

21 As I indicated, we will be hanging around here
 22 until 8:00, but we'll go off the record, and we will
 23 reconvene if we need to. But at this point I want to
 24 thank you all for coming and participating.

25 MR. ARNOLD TROPF: Could I make one more

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1 statement that I'm concerned with over there in Adrian,
 2 Oregon.

3 HEARING OFFICER WEBSTER: So come back up.
 4 MR. ARNOLD TROPF: I'm a recipient of a heart
 5 pacemaker. I've got a monitor that's supposed to work
 6 with cell phone connections, and I, myself, and several
 7 other people in Adrian --

8 HEARING OFFICER WEBSTER: Hang on just one
 9 sec. I just want to reintroduce you. You're Mr. Tropf;
 10 right?

11 MR. ARNOLD TROPF: Arnold Tropf.
 12 And I'm very concerned about my situation as
 13 far as communications. What would this, what kind of an
 14 adverse effect would this have on our communications
 15 being's we don't have much now with this transmission
 16 line going through? Because it used to be that I used
 17 to use CenturyLink through their phone network but they
 18 discontinued it. So I don't have 24/7, which I need to
 19 have. But I can't get transmission out of there now.
 20 So I don't know what would happen if it did, if I did
 21 get it, would I be able to use it with this transmission
 22 line, with static?

23 HEARING OFFICER WEBSTER: At this point we are
 24 here just to get public comment and not answer those
 25 questions.

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1 MR. ARNOLD TROPF: That's just another
 2 concern.

3 HEARING OFFICER WEBSTER: Thank you.

4 MR. CARL MORTON: I'm Carl Morton.

5 HEARING OFFICER WEBSTER: If you would just
 6 state and spell your name and address for the record.

7 MR. CARL MORTON: My name is Carl Morton,
 8 M-o-r-t-o-n. We have property at 2185 Rock Springs
 9 Canyon Road.

10 Our concern is that we have livestock in the
 11 area, and we do have other properties next to the power
 12 line that goes out toward Burns. When we're out there
 13 it's very concerning because our horses can feel the
 14 electricity, and the cows don't hang around it. We do
 15 have irrigation systems that are aluminum, and when the
 16 lightning storms come in we don't even change the water
 17 just because of the issues of electricity.

18 We do have a very scenic area out there. As
 19 Mr. Bowman stated, the eagles, we have deer around, we
 20 have a lot of wildlife out there. And where your guys'
 21 power line is going right next to our property is
 22 probably within 50 feet. I'm pretty sure you wouldn't
 23 like that power line next to your house. I don't want
 24 to get up in the morning and see that thing or hear it.

25 We have grandkids, they're going to be around.

1 You know, we're very concerned. It's not a big issue to
2 take that thing and go out on public ground, which is
3 within 2 or 3 miles. There's another access route.

4 The canal system that's right there, the
5 irrigation systems that Mr. Chamberlin and Mr. Horton
6 were speaking about, they are on fragile ground. It's
7 over 80 years old. And you guys start traveling and
8 pounding the ground there, it's fragile rock, it's going
9 to tear that system up, which is the lifeblood of this
10 valley.

11 So what you guys need to do is stop and visit
12 and really go out and get hands-on where this is going.
13 Also, I don't think you've actually done any studies on
14 archeology sites. I've been at one of these meetings
15 and spoke to someone, I'm pretty sure they don't really
16 know where they're at. And there is areas there that
17 have Indian artifacts there.

18 So I don't think that everything is being done
19 by looking at where you're going with this. And we need
20 to just stop and take a minute and get it right.
21 Because we don't need it in our backyards. We don't
22 need it in our front yard or right out our window. So
23 just please be considerate of where you're going and
24 what you're doing with it.

25 And not only that, but you're taking value out

1 of our property. We purchased these grounds to keep
2 them and help supply the food chain of the United States
3 and our local government and the county. Even though
4 we're just a small drop in the bucket, we're still here.
5 So please don't take the value out of our ground.

6 Thank you.

7 HEARING OFFICER WEBSTER: Thank you.

8 Is there anybody on the phone at this point?

9 IT PERSON: No.

10 HEARING OFFICER WEBSTER: And what we'll do
11 now is we will recess. I have 6:33, so we will be here
12 for another hour and a half or so, and we'll reconvene
13 if somebody wants to give comment.

14 Thank you.

15 Feel free to mill about and enjoy the snacks
16 in the meantime.

17 (Hearing recessed at 6:33 p.m.)
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25

REPORTER'S CERTIFICATE

1 I, BEVERLY A. BENJAMIN, CSR No. 710, Certified
2 Shorthand Reporter, certify:

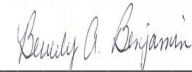
3 That the foregoing proceedings were taken before
4 me at the time and place therein set forth;

5 That the testimony and all objections made were
6 recorded stenographically by me and transcribed by me or
7 under my direction;

8 That the foregoing is a true and correct record
9 of all testimony given, to the best of my ability;

10 I further certify that I am not a relative or
11 employee of any attorney or party, nor am I financially
12 interested in the action.

13 IN WITNESS WHEREOF, I set my hand and seal this
14 25th day of June 2019.
15
16
17



18
19
20 BEVERLY A. BENJAMIN, CSR 710
21 Notary Public
22 P.O. Box 2636
23 Boise, Idaho 83701-2636
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