

**comment@boardmantohemingway.com**

---

**From:** raeannvanarsdall@gmail.com on behalf of Raeann VanArsdall <raeann@mommag.com>  
**Sent:** Thursday, March 19, 2015 5:28 PM  
**To:** comment@boardmantohemingway.com  
**Subject:** Mason Van Arsdall - EIS B2H comments attached  
**Attachments:** B2H EIS Comments\_MV\_March 2015.pdf

My comments regarding the EIS B2H comments are in the attached PDF file.

Mason Van Arsdall  
 541-908-2361  
[raeannvanarsdall@gmail.com](mailto:raeannvanarsdall@gmail.com)

Text-only copy below, secondary to attached.

Mason Van Arsdall	Burnt River Ranch
Cell 541-908-2361	31116 Burnt River Canyon Lane
Email <a href="mailto:raeannvanarsdall@gmail.com">raeannvanarsdall@gmail.com</a>	Durkee, OR 97905
Tax lots: three	affected Private land condemned by the
11S42E03200, 11S42E03500, 11S42E03600	Burnt River Mountain Alternative

Addressed to: "Boardman to Hemingway Transmission Line Project Draft EIS."  
[comment@boardmantohemingway.com](mailto:comment@boardmantohemingway.com)  
 Vale District Office  
 100 Oregon Street, Vale, Oregon 97918  
 P.O. Box 655, Vale, Oregon 97918

Regarding: Official Comments "Boardman to Hemingway Transmission Line Project Draft EIS."

Statement: I am 12 years old and I am directly affected by the B2H line, today and in the future as the next generation of land owner and rancher in the Burnt River Valley in Durkee. The EIS written about the B2H, and specifically the Burnt River Mountain Alternative is an unfair and unbalanced report and should not be considered acceptable.

#### Purpose and need

The agency has not provided substantive support or stated their purpose and need for the project. The applicant has not demonstrated a need. There is a clear lack of purpose and need for this project. Any potential purpose and need are too narrow, unduly constraining the range of alternatives considered by the agency. The overall economic burden and burden on other uses is high and the applicant's need is low, which clearly tips the scales in favor of the no action alternative.

Reference to EIS: Summary, S-2, Lines 5 to 8

The B2H Project is neither required to support any particular new power generation project nor justified by any particular existing power generation project. Rather, the B2H Project would meet IPC's obligations to meet Federal Energy Regulatory Commission, Oregon Public Utility Commission, and the Idaho Public Utility Commission requirements.

Statements showing lack of need, made by agency staff

There has never been a statement made with examples of what this line will be used for, or its benefits. When asked directly, Donald Gonzales from BLM responded.

Question asked by me in person on our property, and again by my family in a meeting in Durkee:

"If a need for use and benefits can be stated clearly, illustrating how this B2H line will benefit me, my family, my business, my community, my county, my state or even my country – perhaps we could fairly discuss the project and determine how to mitigate environmental and economic challenges. What are the benefits?"

Donald Gonzales responded that the benefits are not clear. There may be a fire department added in Baker City, Oregon. But the local benefits to your community or your family cannot be described. The need for this cannot be described.

Decisions by agencies for public land right of way. There is unfair and unbalanced lack of research and support to determine the need or grant right-of-way on my privately owned land.

There is no reference to who makes decisions regarding authorizing the use of my land that I manage.

Reference to EIS: Summary, S-3, Line 1 – The BLM will decide whether or not to grant the requested right-of-way on public lands.

Reference to EIS: Summary, S-3, Line 5 – The USFS will decide whether to grant a special-use authorization on National Forest System lands.

Reference to EIS: Summary, S-3, Line 18 – Other federal agencies may rely on the Draft EIS and Final EIS to make decisions regarding authorizing the use of lands they manage.

Lack of information to make determinations

Agency and applicant fail to provide enough information about the project to allow private land owners such as myself to make a decision on what the exact impact will be on our private property, our business and our community. We were not able to analyze potential impacts of the decision due to the lack of information.

Items that may cross and impede our land, but have not been detailed, include high voltage lines, towers, helicopter landing zones, and items that I cannot possibly understand or foresee. Representatives from the applicant and from a wide variety of agencies who have trespassed onto our property for their unannounced studies and research have mentioned these options and countless others. This makes it impossible for us to determine the exact financial or environmental impact, and therefore state or defend our stance on the EIS.

Addressing alternatives

There were important practical and feasible alternatives the agency did not include.

Alternative Considered But Eliminated From the Detailed Analysis

Reference to EIS: Page 2-66, 2.4, Line 20

A proposed action may be considered but eliminated from detailed analysis if: It is ineffective (it would not respond to BLM's purpose and need). The agency has failed to do a balanced and fair determination on the Burnt River Mt. Alternative because there is no agency statement of purpose and need for this project.

The agency failed to consider an alternative that would have placed the transmission line more significantly on BLM property. Placing the transmission line less than five miles to the west, crossing Burnt River Canyon west of Sinker Creek, west of our deeded ground, and continuing south on dry land would alleviate the burden on multiple private land owners. It would be practical because that BLM ground is dry land that will not be impacted by the line. It would also be feasible because the line would not be visible to travelers wanting to admire the landscape or private land residents. The cumulative impact of this siting would be less because it would have less economic impact on neighboring owners, while any concerns regarding habitat impacts – if they exist – could be addressed through mitigation.

Reference to EIS: Summary, S-11, Figure S-4

The Burnt River Mt. Alternative is unfairly weighted on private land.

The agency failed to provide a fair and balanced alternative route along the Burnt River Mt. Alternative. The burden on private land owners is considerably unbalanced. Of the 16.8 miles, 73% is on private land, and only 27% on public land. Nearly 10% of that line is on our private property alone.

Reference to EIS: Summary, S-10, Line 31

There was a complete lack of mitigation allowed in this decision, because there is a very clear option on public land less than five miles to the west of our private ground, which would also avoid nearly all of our neighbors along this Alternative. The points of crossing our private land, and that of our neighbors, are not inconsequential. The line crosses the heart of our property and of our irrigated ground, which directly affects more than 35% of our property and more than 50% of our irrigated ground. This is an unfair, unbalanced and unacceptable burden.

Agency staff comments:

In conversation with Donald Gonzales (Vale BLM), this option was dismissed during a road trip with us because he determined from the road (Burnt River Canyon Lane) that the terrain could be steep for construction. He and his agency are not engineers, and viewing from this road is an unfair determination. We ride and drive the BLM above the road on a weekly basis and are well versed in the terrain. All areas are easily accessed by vehicle, when accessed through deer creek and wood gulch. We often haul large livestock trailers, as well as water and fence construction materials without problem.

Affected Environment – Direct and Indirect Environmental Consequences

For purposes of the affected environment and environmental consequences, environment includes the broad biological, physical, social, and economic elements of the environment.

Environmental Resources impacted

The agency failed to provide a fair and balanced report on the environmental impact caused by Burnt River Mt. Alternative.

Existing environment – The EIS does not describe or show an understanding of the existing condition and trend of the environmental attributes that could be impacted by the proposed action or alternatives, specifically on the Burnt River Mountain Alternative. It is obvious there is a severe lack of resources to create a clear understanding of the environment as it is now, let alone a fair and balanced impact statement on how that can be affected by the project.

Earth resources – The agency failed to adequately research the environmental impact that the Burnt River Mt. Alt. will have on irrigated land and soils. The Burnt River Valley is very fertile, with Class I and Class II soils supporting and maintaining the agricultural stability of the private land owners and the community as a whole. Inadequate research or reporting has been done to determine the impact the construction of roads, towers, lines, etc. will have on those soils. Top soils are not deep, and on our property alone we are careful not to harm the top soil and soils permanently with light ATV vehicles, animal movement or overgrazing. We never drive heavy equipment on these irrigated soils because they cause permanent damage. Construction will have direct irreparable damage impact to that soil. Soil damage creates a long-term, high-intensity impact on a permanent basis.

Reference to EIS: Chapter 3.1.2.1, page 3-6, Line 15: Long-term, High-intensity impact—could cause substantial change or stress to an environmental resource.

Reference to EIS: Chapter 3, page 3-10, Line 9: Soil characteristics in the analysis area, such as soil erosion and compaction, soil suitability for reclamation, and soil resources that could be removed from productivity

Reference to EIS: Chapter 3, page 3-13, Lines 1-14: There is a plan to manage soils for public lands, but nowhere is it stated who will be managing protection of soils for private land owners, specifically on irrigated ground. This puts a huge imbalance of burden on private land owners, who do not possess the resources to protect themselves or their resources. The economic impact caused by soil damage will affect the entire community, and cost our business alone, more than \$100,000 per year permanently because we'll have to decrease our herd size by

more than 50%, and therefore our income is cut by more than 50%. Our small number of irrigated acres will only carry 100 head of pairs, losing 50% of our irrigated grazing will cause irreparable damage to our business. And we'll have to buy hay for the remaining number of cattle because 100% of our hay production comes from the area currently identified for the Burnt River Mt. Alt. Water resources – The agency failed to adequately research the environmental impact on our water systems along the Burnt River Mt. Alt. The information is completely unbalanced with that done for the Proposed Action. Reference to EIS: Chapter 3.2.2.3, page 3-65, Line 15-16: Would project construction, operations, and maintenance affect groundwater levels, 16 contamination, or ability to recharge (especially as it relates to potential blasting)?

Reference to EIS: Chapter 3, page 3-71, Table 3-19. Surface Water Resources in the Analysis Area by County and Ownership:

The agency failed to adequately provide balanced environmental research on the amount of streams impacted in Baker County that are unfairly burdened on private land owners rather than on public lands. Of the 368 miles of impacted streams, 254 miles (70%) of private land streams will be impacted, compared to 57 miles (6%) of streams on the BLM public lands.

The economic impact caused by stream damage to drinking water and damage to irrigation systems on two irrigation districts (we are the headgate for both irrigation districts in the Burnt River valley) will affect the entire community, and cost our business alone, more than \$100,000 per year permanently because we'll have to decrease our herd size by more than 50%, and therefore our annual income is cut by more than 50%. Our small number of irrigated acres will only carry 100 head of cattle pairs, losing 50% of our irrigated grazing will cause irreparable damage to our business. And we'll have to buy hay for the remaining number of cattle because 100% of our hay production comes from the area currently identified for the Burnt River Mt. Alt.

Vegetation resources – The agency failed to adequately research the environmental impact on the vegetation resources along the Burnt River Mt. Alt. The information is completely unbalanced with that done for the Proposed Action.

Wildlife resources – The agency failed to adequately research the environmental impact on the wildlife resources along the Burnt River Mt. Alt. The information is completely unbalanced with that done for the Proposed Action. The lack of research is event in the lack of correct information in reporting the current environmental situation.

Big game reported in this area includes mule deer, white-tailed deer, elk and big horn sheet. It omits antelope which are significantly prevalent. The EIS also lists that cliffs and talus areas are primarily utilized by the Big horn sheep. Yet the grasslands directly under the proposed Burnt River Mt. Alt. are the primary rutting grounds for the big horn sheep. These omissions of basic wildlife information, available from discussions with locals (and anyone driving on that road) clearly illustrates the lack of adequate research for this alternative.

Reference to EIS: Summary, 3-257, Line 16.

Impact on the rutting and mating ground on our property for big horn sheep, bald eagles, and mule deer. There a photos of the big horn sheep herd during the rut at the proposed line site. The big horn sheep specifically gather during the rut in the grassland dry field on the north side of the road, across from our irrigated ground and in the line of the Burnt River Mt. Alt., which is also used during the mule deer and white tail deer rut season. The bald eagles mate annually in and among the trees along the Burnt River directly along the line. We have witnessed them annual for more than five years.

Visual resources – The agency failed to fairly and in a balanced manner research or report the environmental impact caused by the presence of large transmission towers. They will permanently damage visual resources, on both public and private ground. Reference to EIS: Summary, S-22, Line 10. Currently, the Burnt River Valley is picturesque, from the intersection of Hwy 30, throughout the valley, into the canyon and out the other side near Hereford. Residents of Baker County and beyond always exclaim when they learn where our home and Agri-tourism business is located, “That’s one of the most beautiful locations in the state. I know exactly where that is. My family has visited that area for generations to hunt, gold mine, camp, explore...” This illustrates the strong historical and visual resource this valley and canyon are to the community and to the state of Oregon. On the public ground portion, mention has been made that it is zoned as a visual protected. We argue that that zone extends to

our private ground as well, and cannot be destroyed by “the presence of large transmission towers...” which would be blatantly seen on our open property, as opposed to the steep canyon within the zoned area, which would merely show lines – the towers would not be visible from the road. As it’s currently placed, the towers and lines would impede the visual resources for my family (directly in front of our home window), our community, as well as for the citizens who travel to the Burnt River Canyon to enjoy its beauty – in both directions, as they are coming and going.

The agency failed to fairly and in a balanced manner research or report the economic impact caused by damaged visual resources. The long-term economic impact created by the presence of large transmission towers will permanently damage visual resources, and therefore permanently impact our Agri-tourism business. Reference to EIS: Summary, S-22, Line 10. Our alternant source of income is Agri-tourism, where paying guests visit our ranch to view the visual beauty that this Oregon destination has to offer, and experience the culture of the western and cowboy lifestyle still alive in this community. We have been building this business for more than five years, and continue to grow. This business will no longer exist with the Burnt River Mt. Alt. lines traversing our property. We will be long-term, permanently driven out of business. The fact is that tourists will not pay to look at, sleep under, or be active around the line. It’s not pretty – and the fear of potential danger will further drive business away.

“Whether the danger is a scientifically genuine or verifiable fact should be irrelevant to the central issue of its market value impact.” The very existence of a debate about the safety of EMFs sows enough doubt to justify the fear. And that fear will influence values.

\*Source: [headwaterseconomics.org](http://headwaterseconomics.org), Valuation Guidelines for Properties with Electric Transmission

Cultural Resources – Reference to EIS: Summary, S-22, Line 15. And Summary, S-23, Table S-4

Example of cultural resources not researched

One example is the existence of historic Cairns within eye view and very close to the line. If I am able to collect and provide these detailed examples, the amount of undiscovered historical artifacts that would be disturbed by the construction and on-going existence of the B2H lines has clearly not been sufficiently researched. We are not professionals and we collected the following data within a week’s time.

- Evidence: Photos of rock structures called cairns are attached.
- Location: Map of location is attached.

• Personal interviews: We interviewed a local man who hunts and camps in the Burnt River Canyon frequently. He is a native descendant of the Nez Perce tribe and visits here to connect with his ancestors. He described the importance of this canyon, the river, and the rocks to his ancestors. He explained that burials exist along the canyon and surrounding areas in the rock crevices. And that many cairns – rock structures – exist for hundreds of miles to use as “road signs” to direct people to the great gathering, trading and grazing area of the Burnt River Canyon and Valley. They are visible atop the peaks along the historical route. The visual impact the B2H lines create would be devastating and permanent.

Lack of follow-up on existing knowledge, example

Appendix A—Government-to-Government Tribal Consultation, on October 24, 2013 an email To: Renee Straub, Jennifer Theisen, and Shane Baker From: Catherine Dickson states:

“Concern with rock features reported by private land owners. Jennifer called the landowners and followed up with IPC; however the site, to date, has not been verified.”

We did not receive interaction or have the opportunity to comment, as private land owners mentioned in the above email. At the meeting in Durkee, Doug Shook invited the BLM archeologist to take a tour either in ATVs or horseback to view and photograph the structures. No response was received and no visit was made. He acquired the attached photos himself.

Unbalanced scores, and lack of quality research

Reference to EIS: Summary, S-23, Table S-4

Burnt River Mountain Alternative has a “HIGH” Potential Impact Assessment; even though scores were based on RLS/Class I index scores only. Index scores could not be combined for those alternatives because no Class II survey was conducted along either the Proposed Action or alternative route.

Chapter3 – Land use and Agriculture

Agriculture: The agency failed to fairly and in a balanced manner research or report the environmental impact on agriculture by claiming that damage created by construction would be temporary and restricted to the areas of construction. Soil damage, as noted above, will be permanent. Refer to the soil comment above. Staff members trespassing on our private ground to conduct research stated in personal conversations that they were surveying the area for possible construction sites. They stated that to build a tower, plan to see damage done spread over five to ten times what is actual space needed for the actual structure, plus additional for access roads for large equipment. This lack of information provided does not allow me to make an accurate evaluation of what the level of damage will be, and the agency cannot either.

Reference to EIS: 3.2.6.3, 3-441, Lines 28-32: ...could temporarily disrupt agricultural operations in the vicinity of construction...

The impact on this community and of the landowners is misrepresented.

The economic harm to my operation was not adequately characterized in the EIS because the unbalanced representation of private land owners and on the Burnt River Mt. Alt. is clear. On my farm alone I have invested \$200,000 in improvements and structures that will be impacted by the transmission lines. The EIS does not account for those investments

Property Values Reference to EIS: Chapter 3, 3-922. Line 20

Approximately 71 percent of the land that would be crossed by the proposed B2H Project is privately owned. The majority of land is owned privately, yet the agency has the decision making power, though they own only 22 percent of the impacted property. This burden is completely biased and must be made a fair playing field. This section is titled property values, though values are not discussed. There is a clear drop in property value. From my own personal experience, I purchased property with a powerline tower on it ten years ago. Because of the structure and lines, I negotiated a 35% drop in price, even though the structure was not visible from the home. I will not be able to retain my home, my business or my property when my property value drops by 35%. This big of a loss taken by land owners – combined with the complete imbalance of private vs. public lands and the decision being placed in the hands of agencies, and completely out of the hands of land owners is not acceptable.

Socioeconomic

Reference to EIS: Chapter 3, 3-897

To impact the economic income and livelihood of a community primarily made of land owners who are senior citizens and women is unethical and unaccounted for in the EIS. On our land, business alone:

Discrimination example: this three-generation business is owned by:

- women: grandmother, mother and daughter
- senior citizens: grandparents, sole source of income ages 71 and 68
- veteran: grandfather was Army Special Forces, served in Vietnam

Livability: Our current home site was built in 1922 and has been inhabited consistently since then, is directly impacted by the transmission lines, and our proposed new second home building site, construction to start in May

2015, is directly under the line. Example of insufficient information demonstrated by BLM staff at the Vale office on the phone said they needed to look up our property before discussing it, quote from Renee Straub (BLM Vale) "We did not know that anyone lived there – that there was a residence on that property."

Recreation and Tourism Reference to EIS: Chapter 3, 3-94. Line 26

This unbalanced level of research and reporting is clear when referring to recreation and tourism. Recreational events are listed, but tourism is not addressed. The economic impact on tourism is long term and permanent because the towers and lines are a permanent eyesore. In my business alone, we will lose long-time customers and the potential for any new customers. These eyesores will ruin tourism in our valley, permanently.

Public Health and Safety

Our home is in direct eye sight of the Burnt River Mountain Alternative, and is in very close proximity. Our proposed building site, beginning March 2015 is directly under the line. Our business operation requires that we operate directly under the line on a daily bases to irrigate, ride, check cattle, calve, feed, manage the stack yard, fix fences, and conduct Agri-tourism activities. These are all affected by the line in a negative way.

Noise Reference to EIS: Chapter 3, 3-953. Line 11

The agency failed to provide fair and balanced research along the Burnt River Mt. Alt – made evident in the noise research done along the road in at private residences of our neighbors, but never near our home or near the line location on our property. Other residences where tests were held are much further from the line than ours. Yet no testing was done on our property, or at our residence, which is .5 mile from the right of way.

Reference to EIS: Chapter 3, 3-953. Line 11 To analyze noise impacts, all structures within 0.5 mile of the edge of the proposed right-of-way were inventoried. The evaluation of noise energy created by the B2H Project involves an identification of the existing or ambient sound levels followed by a prediction of the future sound levels attributed to the B2H Project.

We called the BLM office and Vale to ask why we were not included in this testing, and were told that they were unaware of a residence on this property. We are on their mailing list and property address obviously public information. We are on their list of property owners. This blatant lack of research and knowledge make this EIS unfair and unbalanced for lack of resources, and lack of correct information.

Electrical Environment Reference to EIS: Chapter 3, 3-961. Line 24

Electrical fields will interfere or cause harm to nearby metal objects, such as vehicles, animal feeders, watering stations, or other equipment and fences. Personal experience: I have lived and raised and managed livestock under powerlines in Umatilla and Morrow counties previously. My personal experience shows that metal objects listed above do carry voltage and will shock people – I have been shocked from a metal livestock trailer – and livestock.

The line on the Burnt River Mt. Alt. that runs over our property crosses a large portion of irrigated ground where we flood irrigate by hand. Operating daily during the summer in live water with power lines overhead – along with my family and children – creates extreme fear.

Field Induction (Induced Currents and Nuisance Shocks) Reference to EIS: Chapter 3, 3-980. Line 9

Electromagnetic Interference to Cardiac Pacemakers Reference to EIS: Chapter 3, 3-986. Line 35

Human Health Effects of EMF Reference to EIS: Chapter 3, 3-987. Line 27

The fear of potential electrical fields effecting or causing harm to people, livestock, wildlife – will have a permanent effect on our business and our livelihood as an Agri-tourism business. Tourists do not want to pay to stay so near transmission lines, and will be driven away due to fear. This economic impact will be permanent, long-term and irreparable.

“Whether the danger is a scientifically genuine or verifiable fact should be irrelevant to the central issue of its market value impact.” The very existence of a debate about the safety of EMFs sows enough doubt to justify the fear. And that fear will influence values.

\*Source: [headwaterseconomics.org](http://headwaterseconomics.org), Valuation Guidelines for Properties with Electric Transmission Lines

Link = <http://headwaterseconomics.org/library/files/AppraisalGroupOne:ValuationGuidelines.pdf>

Chapter 4 – Consultation and Coordination

The list of agencies and organizations consulted, and the cooperation shown to protect those they represent is evident. Those all represent mostly public lands, which make up approximately 23% of the line. The other 77% of the line impacts private land owners. The EIS is unbalanced and unfair because it does not describe who is protecting and coordinating in the interest of private land owners. Nor does it describe an equal amount of planning to incorporate the private land owners into the process to learn and glean important information needed to be informed about 77% of the land where the line will run. Nor does it address attempts to mitigate situations that may arise in that process.

Harmful personal agency staff comments

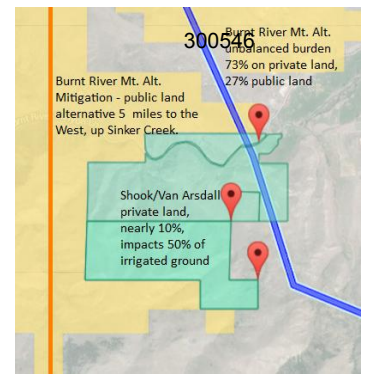
I was told by Donald Gonzales (Vale BLM), during a personal visit to my property. “Do not get an attorney. It will be very expensive and complicate the process even further. At this point it’s just not a good idea, and a waste of money for you.” This advice is extremely harmful to our situation because the EIS is an incredibly complicated document, as is the commenting procedure. This suggestion not to seek legal guide has deeply hurt our ability to state our situation and provide comments within the official guidelines.

Mitigation

I am a land owner and I am open to mitigation on the location the line, as it pertains to my privately owned land, and ways to alleviate the many detrimental items listed above. I have seen a lack of willingness to mitigate these items from the agency, as many of the items listed above have been discussed in length with the agency and are omitted from the EIS, specifically related to the Burnt River Mountain Alternative.

Mason Van Arsdall  
Cell 541-908-2361  
Email raeannvanarsdall@gmail.com  
Tax lots: three affected  
11S42E03200, 11S42E03500, 11S42E03600

Burnt River Ranch  
31116 Burnt River Canyon Lane  
Durkee, OR 97905  
Private land condemned by the  
Burnt River Mountain Alternative



---

Addressed to: "Boardman to Hemingway Transmission Line Project Draft EIS."  
comment@boardmantohemingway.com  
Vale District Office  
100 Oregon Street, Vale, Oregon 97918  
P.O. Box 655, Vale, Oregon 97918

Regarding: Official Comments "Boardman to Hemingway Transmission Line Project Draft EIS."

---

Statement: I am 12 years old and I am directly affected by the B2H line, today and in the future as the next generation of land owner and rancher in the Burnt River Valley in Durkee. The EIS written about the B2H, and specifically the Burnt River Mountain Alternative is an unfair and unbalanced report and should not be considered acceptable.

### Purpose and need

**The agency has not provided substantive support or stated their purpose and need for the project. The applicant has not demonstrated a need.** There is a clear lack of purpose and need for this project. Any potential purpose and need are too narrow, unduly constraining the range of alternatives considered by the agency. The overall economic burden and burden on other uses is high and the applicant's need is low, which clearly tips the scales in favor of the no action alternative.

Reference to EIS: Summary, S-2, Lines 5 to 8

The B2H Project is neither required to support any particular new power generation project nor justified by any particular existing power generation project. Rather, the B2H Project would meet IPC's obligations to meet Federal Energy Regulatory Commission, Oregon Public Utility Commission, and the Idaho Public Utility Commission requirements.

### Statements showing lack of need, made by agency staff

There has never been a statement made with examples of what this line will be used for, or its benefits. When asked directly, Donald Gonzales from BLM responded.

Question asked by me in person on our property, and again by my family in a meeting in Durkee:

"If a need for use and benefits can be stated clearly, illustrating how this B2H line will benefit me, my family, my business, my community, my county, my state or even my country – perhaps we could fairly discuss the project and determine how to mitigate environmental and economic challenges. What are the benefits?"

Donald Gonzales responded that the benefits are not clear. There may be a fire department added in Baker City, Oregon. But the local benefits to your community or your family cannot be described. The need for this cannot be described.

### Decisions by agencies for public land right of way. There is unfair and unbalanced lack of research and support to determine the need or grant right-of-way on my privately owned land.

There is no reference to who makes decisions regarding authorizing the use of my land that I manage.

Reference to EIS: Summary, S-3, Line 1 – The BLM will decide whether or not to grant the requested right-of-way on public lands.



Reference to EIS: Summary, S-3, Line 5 – The USFS will decide whether to grant a special-use authorization on National Forest System lands.

Reference to EIS: Summary, S-3, Line 18 – Other federal agencies may rely on the Draft EIS and Final EIS to make decisions regarding authorizing the use of lands they manage.

### Lack of information to make determinations

Agency and applicant fail to provide enough information about the project to allow private land owners such as myself to make a decision on what the exact impact will be on our private property, our business and our community. We were not able to analyze potential impacts of the decision due to the lack of information. Items that may cross and impede our land, but have not been detailed, include high voltage lines, towers, helicopter landing zones, and items that I cannot possibly understand or foresee. Representatives from the applicant and from a wide variety of agencies who have trespassed onto our property for their unannounced studies and research have mentioned these options and countless others. This makes it impossible for us to determine the exact financial or environmental impact, and therefore state or defend our stance on the EIS.

### Addressing alternatives

There were important practical and feasible alternatives the agency did not include.

### Alternative Considered But Eliminated From the Detailed Analysis

Reference to EIS: Page 2-66, 2.4, Line 20

A proposed action may be considered but eliminated from detailed analysis if: It is ineffective (it would not respond to BLM's purpose and need). The agency has failed to do a balanced and fair determination on the Burnt River Mt. Alternative because there is no agency statement of purpose and need for this project.

**The agency failed to consider an alternative that would have placed the transmission line more significantly on BLM property.** Placing the transmission line less than five miles to the west, crossing Burnt River Canyon west of Sinker Creek, west of our deeded ground, and continuing south on dry land would alleviate the burden on multiple private land owners. It would be practical because that BLM ground is dry land that will not be impacted by the line. It would also be feasible because the line would not be visible to travelers wanting to admire the landscape or private land residents. The cumulative impact of this siting would be less because it would have less economic impact on neighboring owners, while any concerns regarding habitat impacts – if they exist – could be addressed through mitigation.

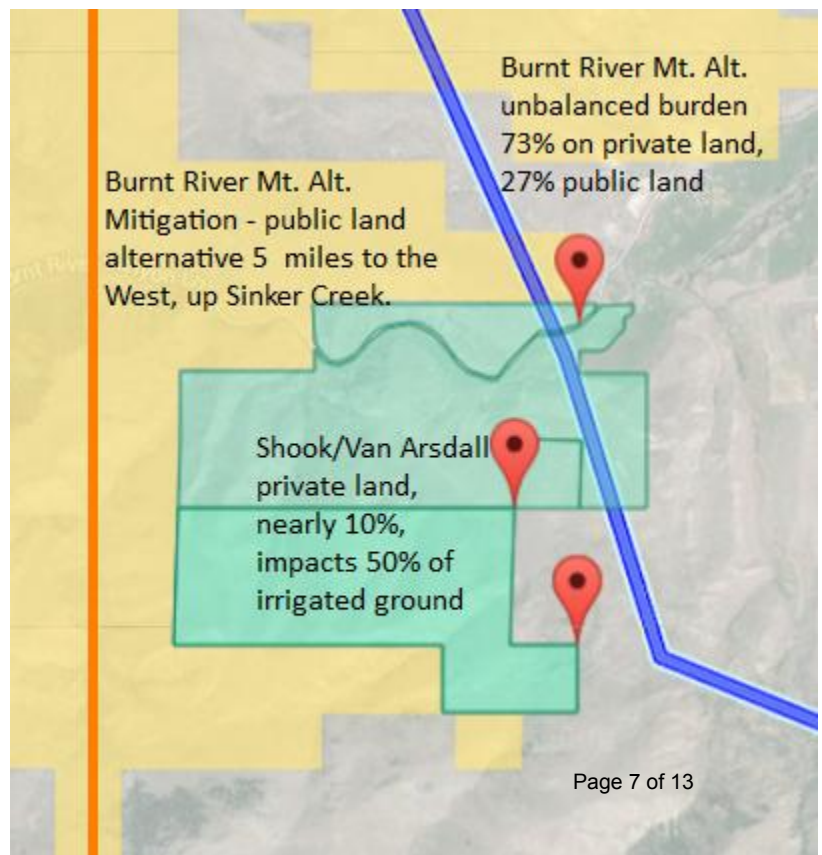
Reference to EIS: Summary, S-11, Figure S-4

### The Burnt River Mt. Alternative is unfairly weighted on private land.

The agency failed to provide a fair and balanced alternative route along the Burnt River Mt. Alternative. The burden on private land owners is considerably unbalanced. Of the 16.8 miles, 73% is on private land, and only 27% on public land. Nearly 10% of that line is on our private property alone.

Reference to EIS: Summary, S-10, Line 31

There was a complete lack of mitigation allowed in this decision, because there is a very clear option on public land less than five miles to the west of our private ground, which would also avoid nearly all of our neighbors along this Alternative. The points of crossing our private land, and that of our



neighbors, are not inconsequential. The line crosses the heart of our property and of our irrigated ground, which directly affects more than 35% of our property and more than 50% of our irrigated ground. This is an unfair, unbalanced and unacceptable burden.

#### Agency staff comments:

In conversation with Donald Gonzales (Vale BLM), this option was dismissed during a road trip with us because he determined from the road (Burnt River Canyon Lane) that the terrain could be steep for construction. He and his agency are not engineers, and viewing from this road is an unfair determination. We ride and drive the BLM above the road on a weekly basis and are well versed in the terrain. All areas are easily accessed by vehicle, when accessed through deer creek and wood gulch. We often haul large livestock trailers, as well as water and fence construction materials without problem.

### **Affected Environment – Direct and Indirect Environmental Consequences**

For purposes of the affected environment and environmental consequences, environment includes the broad biological, physical, social, and economic elements of the environment.

### **Environmental Resources impacted**

The agency failed to provide a fair and balanced report on the environmental impact caused by Burnt River Mt. Alternative.

Existing environment – The EIS does not describe or show an understanding of the existing condition and trend of the environmental attributes that could be impacted by the proposed action or alternatives, specifically on the Burnt River Mountain Alternative. It is obvious there is a severe lack of resources to create a clear understanding of the environment as it is now, let alone a fair and balanced impact statement on how that can be affected by the project.

Earth resources – The agency failed to adequately research the environmental impact that the Burnt River Mt. Alt. will have on irrigated land and soils. The Burnt River Valley is very fertile, with Class I and Class II soils supporting and maintaining the agricultural stability of the private land owners and the community as a whole. Inadequate research or reporting has been done to determine the impact the construction of roads, towers, lines, etc. will have on those soils. Top soils are not deep, and on our property alone we are careful not to harm the top soil and soils permanently with light ATV vehicles, animal movement or overgrazing. We never drive heavy equipment on these irrigated soils because they cause permanent damage. Construction will have direct irreparable damage impact to that soil. Soil damage creates a long-term, high-intensity impact on a permanent basis.

Reference to EIS: Chapter 3.1.2.1, page 3-6, Line 15: Long-term, High-intensity impact—could cause substantial change or stress to an environmental resource.

Reference to EIS: Chapter 3, page 3-10, Line 9: Soil characteristics in the analysis area, such as soil erosion and compaction, soil suitability for reclamation, and soil resources that could be removed from productivity

Reference to EIS: Chapter 3, page 3-13, Lines 1-14: There is a plan to manage soils for public lands, but nowhere is it stated who will be managing protection of soils for private land owners, specifically on irrigated ground. This puts a huge imbalance of burden on private land owners, who do not possess the resources to protect themselves or their resources.

The economic impact caused by soil damage will affect the entire community, and cost our business alone, more than \$100,000 per year permanently because we'll have to decrease our herd size by more than 50%, and therefore our income is cut by more than 50%. Our small number of irrigated acres will only carry 100 head of pairs, losing 50% of our irrigated grazing will cause irreparable damage to our business. And we'll have to buy hay for the remaining number of cattle because 100% of our hay production comes from the area currently identified for the Burnt River Mt. Alt.



Water resources – The agency failed to adequately research the environmental impact on our water systems along the Burnt River Mt. Alt. The information is completely unbalanced with that done for the Proposed Action.

Reference to EIS: Chapter 3.2.2.3, page 3-65, Line 15-16: Would project construction, operations, and maintenance affect groundwater levels, 16 contamination, or ability to recharge (especially as it relates to potential blasting)?

Reference to EIS: Chapter 3, page 3-71, Table 3-19. Surface Water Resources in the Analysis Area by County and Ownership:

The agency failed to adequately provide balanced environmental research on the amount of streams impacted in Baker County that are unfairly burdened on private land owners rather than on public lands. Of the 368 miles of impacted streams, 254 miles (70%) of private land streams will be impacted, compared to 57 miles (6%) of streams on the BLM public lands.

The economic impact caused by stream damage to drinking water and damage to irrigation systems on two irrigation districts (we are the headgate for both irrigation districts in the Burnt River valley) will affect the entire community, and cost our business alone, more than \$100,000 per year permanently because we'll have to decrease our herd size by more than 50%, and therefore our annual income is cut by more than 50%. Our small number of irrigated acres will only carry 100 head of cattle pairs, losing 50% of our irrigated grazing will cause irreparable damage to our business. And we'll have to buy hay for the remaining number of cattle because 100% of our hay production comes from the area currently identified for the Burnt River Mt. Alt.

Vegetation resources – The agency failed to adequately research the environmental impact on the vegetation resources along the Burnt River Mt. Alt. The information is completely unbalanced with that done for the Proposed Action.

Wildlife resources – The agency failed to adequately research the environmental impact on the wildlife resources along the Burnt River Mt. Alt. The information is completely unbalanced with that done for the Proposed Action. The lack of research is event in the lack of correct information in reporting the current environmental situation. Big game reported in this area includes mule deer, white-tailed deer, elk and big horn sheep. It omits antelope which are significantly prevalent. The EIS also lists that cliffs and talus areas are primarily utilized by the Big horn sheep. Yet the grasslands directly under the proposed Burnt River Mt. Alt. are the primary rutting grounds for the big horn sheep. These omissions of basic wildlife information, available from discussions with locals (and anyone driving on that road) clearly illustrates the lack of adequate research for this alternative.

Reference to EIS: Summary, 3-257, Line 16.

Impact on the rutting and mating ground on our property for big horn sheep, bald eagles, and mule deer. There a photos of the big horn sheep herd during the rut at the proposed line site. The big horn sheep specifically gather during the rut in the grassland dry field on the north side of the road, across from our irrigated ground and in the line of the Burnt River Mt. Alt., which is also used during the mule deer and white tail deer rut season. The bald eagles mate annually in and among the trees along the Burnt River directly along the line. We have witnessed them annual for more than five years.

Visual resources – The agency failed to fairly and in a balanced manner research or report the environmental impact caused by the presence of large transmission towers. They will permanently damage visual resources, on both public and private ground. Reference to EIS: Summary, S-22, Line 10. Currently, the Burnt River Valley is picturesque, from the intersection of Hwy 30, throughout the valley, into the canyon and out the other side near Hereford. Residents of Baker County and beyond always exclaim when they learn where our home and Agri-tourism business is located, "That's one of the most beautiful locations in the state. I know exactly where that is. My family has visited that area for generations to hunt, gold mine, camp, explore..." This illustrates the strong historical and visual resource this valley and canyon are to the community and to the state of Oregon. On the public ground portion, mention has been made that it is zoned as a visual protected. We argue that that zone extends to our private ground as well, and cannot be destroyed by "the presence of large transmission towers..." which would be blatantly seen on our open property, as opposed to the steep canyon within the zoned area, which would merely show lines – the towers would not be visible from the road. As it's currently placed, the towers and lines

would impede the visual resources for my family (directly in front of our home window), our community, as well as for the citizens who travel to the Burnt River Canyon to enjoy its beauty – in both directions, as they are coming and going.

The agency failed to fairly and in a balanced manner research or report the economic impact caused by damaged visual resources. The long-term economic impact created by the presence of large transmission towers will permanently damage visual resources, and therefore permanently impact our Agri-tourism business. Reference to EIS: Summary, S-22, Line 10. Our alternant source of income is Agri-tourism, where paying guests visit our ranch to view the visual beauty that this Oregon destination has to offer, and experience the culture of the western and cowboy lifestyle still alive in this community. We have been building this business for more than five years, and continue to grow. This business will no longer exist with the Burnt River Mt. Alt. lines traversing our property. We will be long-term, permanently driven out of business. The fact is that tourists will not pay to look at, sleep under, or be active around the line. It's not pretty – and the fear of potential danger will further drive business away.

**“Whether the danger is a scientifically genuine or verifiable fact should be irrelevant to the central issue of its market value impact.” The very existence of a debate about the safety of EMFs sows enough doubt to justify the fear. And that fear will influence values.**

\*Source: headwaterseconomics.org, Valuation Guidelines for Properties with Electric Transmission

Cultural Resources – Reference to EIS: Summary, S-22, Line 15. And Summary, S-23, Table S-4

#### **Example of cultural resources not researched**

One example is the existence of historic Cairns within eye view and very close to the line. If I am able to collect and provide these detailed examples, the amount of undiscovered historical artifacts that would be disturbed by the construction and on-going existence of the B2H lines has clearly not been sufficiently researched. We are not professionals and we collected the following data within a week's time.

- Evidence: Photos of rock structures called cairns are attached.
- Location: Map of location is attached.
- Personal interviews: We interviewed a local man who hunts and camps in the Burnt River Canyon frequently. He is a native descendant of the Nez Perce tribe and visits here to connect with his ancestors. He described the important of this canyon, the river, and the rocks to his ancestors. He explained that burials exist along the canyon and surrounding areas in the rock crevices. And that many cairns – rock structures – exist for hundreds of miles to use as “road signs” to direct people to the great gathering, trading and grazing area of the Burnt River Canyon and Valley. They are visible atop the peaks along the historical route. The visual impact the B2H lines create would be devastating and permanent.

#### **Lack of follow-up on existing knowledge, example**

Appendix A—Government-to-Government Tribal Consultation, on October 24, 2013 an email To: Renee Straub, Jennifer Theisen, and Shane Baker From: Catherine Dickson states:

“Concern with rock features reported by private land owners. Jennifer called the landowners and followed up with IPC; however the site, to date, has not been verified.”

We did not receive interaction or have the opportunity to comment, as private land owners mentioned in the above email. At the meeting in Durkee, Doug Shook invited the BLM archeologist to take a tour either in ATVs or horseback to view and photograph the structures. No response was received and no visit was made. He acquired the attached photos himself.

#### **Unbalanced scores, and lack of quality research**

Reference to EIS: Summary, S-23, Table S-4

Burnt River Mountain Alternative has a "HIGH" Potential Impact Assessment; even though scores were based on RLS/Class I index scores only. Index scores could not be combined for those alternatives because no Class II survey was conducted along either the Proposed Action or alternative route.

### Chapter3 – Land use and Agriculture

**Agriculture:** The agency failed to fairly and in a balanced manner research or report the environmental impact on agriculture by claiming that damage created by construction would be temporary and restricted to the areas of construction. Soil damage, as noted above, will be permanent. Refer to the soil comment above. Staff members trespassing on our private ground to conduct research stated in personal conversations that they were surveying the area for possible construction sites. They stated that to build a tower, plan to see damage done spread over five to ten times what is actual space needed for the actual structure, plus additional for access roads for large equipment. This lack of information provided does not allow me to make an accurate evaluation of what the level of damage will be, and the agency cannot either.

Reference to EIS: 3.2.6.3, 3-441, Lines 28-32: ...could temporarily disrupt agricultural operations in the vicinity of construction...

The impact on this community and of the landowners is misrepresented.

The economic harm to my operation was not adequately characterized in the EIS because the unbalanced representation of private land owners and on the Burnt River Mt. Alt. is clear. On my farm alone I have invested \$200,000 in improvements and structures that will be impacted by the transmission lines. The EIS does not account for those investments

**Property Values** Reference to EIS: Chapter 3, 3-922. Line 20

Approximately 71 percent of the land that would be crossed by the proposed B2H Project is privately 22 owned. The majority of land is owned privately, yet the agency has the decision making power, though they own only 22 percent of the impacted property. This burden is completely biased and must be made a fair playing field. This section is titled property values, though values are not discussed. There is a clear drop in property value. From my own personal experience, I purchased property with a powerline tower on it ten years ago. Because of the structure and lines, I negotiated a 35% drop in price, even though the structure was not visible from the home. I will not be able to retain my home, my business or my property when my property value drops by 35%. This big of a loss taken by land owners – combined with the complete imbalance of private vs. public lands and the decision being placed in the hands of agencies, and completely out of the hands of land owners is not acceptable.

### **Socioeconomic**

Reference to EIS: Chapter 3, 3-897

To impact the economic income and livelihood of a community primarily made of land owners who are senior citizens and women is unethical and unaccounted for in the EIS. On our land, business alone:

**Discrimination example:** this three-generation business is owned by:

- women: grandmother, mother and daughter
- senior citizens: grandparents, sole source of income ages 71 and 68
- veteran: grandfather was Army Special Forces, served in Vietnam

**Livability:** Our current home site was built in 1922 and has been inhabited consistently since then, is directly impacted by the transmission lines, and our proposed new second home building site, construction to start in May 2015, is directly under the line. Example of insufficient information demonstrated by BLM staff at the Vale office on

the phone said they needed to look up our property before discussing it, quote from Renee Straub (BLM Vale) "We did not know that anyone lived there – that there was a residence on that property."

Recreation and Tourism Reference to EIS: Chapter 3, 3-94. Line 26

This unbalanced level of research and reporting is clear when referring to recreation and tourism. Recreational events are listed, but tourism is not addressed. The economic impact on tourism is long term and permanent because the towers and lines are a permanent eyesore. In my business alone, we will lose long-time customers and the potential for any new customers. These eyesores will ruin tourism in our valley, permanently.

### **Public Health and Safety**

Our home is in direct eye sight of the Burnt River Mountain Alternative, and is in very close proximity. Our proposed building site, beginning March 2015 is directly under the line. Our business operation requires that we operate directly under the line on a daily bases to irrigate, ride, check cattle, calve, feed, manage the stack yard, fix fences, and conduct Agri-tourism activities. These are all affected by the line in a negative way.

Noise Reference to EIS: Chapter 3, 3-953. Line 11

The agency failed to provide fair and balanced research along the Burnt River Mt. Alt – made evident in the noise research done along the road in at private residences of our neighbors, but never near our home or near the line location on our property. Other residences where tests were held are much further from the line than ours. Yet no testing was done on our property, or at our residence, which is .5 mile from the right of way.

Reference to EIS: Chapter 3, 3-953. Line 11 To analyze noise impacts, all structures within 0.5 mile of the edge of the proposed right-of-way were inventoried. The evaluation of noise energy created by the B2H Project involves an identification of the existing or ambient sound levels followed by a prediction of the future sound levels attributed to the B2H Project.

We called the BLM office and Vale to ask why we were not included in this testing, and were told that they were unaware of a residence on this property. We are on their mailing list and property address obviously public information. We are on their list of property owners. This blatant lack of research and knowledge make this EIS unfair and unbalanced for lack of resources, and lack of correct information.

Electrical Environment Reference to EIS: Chapter 3, 3-961. Line 24

Electrical fields will interfere or cause harm to nearby metal objects, such as vehicles, animal feeders, watering stations, or other equipment and fences. Personal experience: I have lived and raised and managed livestock under powerlines in Umatilla and Morrow counties previously. My personal experience shows that metal objects listed above do carry voltage and will shock people – I have been shocked from a metal livestock trailer – and livestock.

The line on the Burnt River Mt. Alt. that runs over our property crosses a large portion of irrigated ground where we flood irrigate by hand. Operating daily during the summer in live water with power lines overhead – along with my family and children – creates extreme fear.

Field Induction (Induced Currents and Nuisance Shocks) Reference to EIS: Chapter 3, 3-980. Line 9

Electromagnetic Interference to Cardiac Pacemakers Reference to EIS: Chapter 3, 3-986. Line 35

Human Health Effects of EMF Reference to EIS: Chapter 3, 3-987. Line 27

The fear of potential electrical fields effecting or causing harm to people, livestock, wildlife – will have a permanent effect on our business and our livelihood as an Agri-tourism business. Tourists do not want to pay to stay so near transmission lines, and will be driven away due to fear. This economic impact will be permanent, long-term and irreparable.

“Whether the danger is a scientifically genuine or verifiable fact should be irrelevant to the central issue of its market value impact.” The very existence of a debate about the safety of EMFs sows enough doubt to justify the fear. And that fear will influence values.

\*Source: [headwaterseconomics.org](http://headwaterseconomics.org), Valuation Guidelines for Properties with Electric Transmission Lines  
Link = <http://headwaterseconomics.org/library/files/AppraisalGroupOne;ValuationGuidelines.pdf>

#### **Chapter 4 – Consultation and Coordination**

The list of agencies and organizations consulted, and the cooperation shown to protect those they represent is evident. Those all represent mostly public lands, which make up approximately 23% of the line. The other 77% of the line impacts private land owners. The EIS is unbalanced and unfair because it does not describe who is protecting and coordinating in the interest of private land owners. Nor does it describe an equal amount of planning to incorporate the private land owners into the process to learn and glean important information needed to be informed about 77% of the land where the line will run. Nor does it address attempts to mitigate situations that may arise in that process.

#### **Harmful personal agency staff comments**

I was told by Donald Gonzales (Vale BLM), during a personal visit to my property. “Do not get an attorney. It will be very expensive and complicate the process even further. At this point it’s just not a good idea, and a waste of money for you.” This advice is extremely harmful to our situation because the EIS is an incredibly complicated document, as is the commenting procedure. This suggestion not to seek legal guide has deeply hurt our ability to state our situation and provide comments within the official guidelines.

#### **Mitigation**

I am a land owner and I am open to mitigation on the location the line, as it pertains to my privately owned land, and ways to alleviate the many detrimental items listed above. I have seen a lack of willingness to mitigate these items from the agency, as many of the items listed above have been discussed in length with the agency and are omitted from the EIS, specifically related to the Burnt River Mountain Alternative.