

To: Chair Jama and Senate Committee on Rules June 6, 2025
From: The Myers Family June 7, 2025
Subject: Testimony in support of SB-1043

I am an owner of agricultural land in Morrow County which is being directly and indirectly impacted by the land use decisions of the Oregon Department of Energy. Please consider the following comments regarding my experience, which has not been consistent with the arguments of those who object to the above bill. I have not found the processes used to determine compliance with Oregon Land Use laws to be fair, impartial, transparent or to provide a legitimate process for objecting to the decisions being made. The Oregon Department of Energy is focused on approving developments. They provide the Energy Facility Siting Council with information supporting their recommendations and argue against the public's recommendations. As a group, the council relies upon and approves the recommendations of the Department of Energy without question since the group lacks the knowledge and experience needed to evaluate whether or not the agency recommendations are legitimate. The public has no opportunity to challenge the accuracy or completeness of the information the agency provides to the council.

In one example, ODOE staff stated that because Idaho Power generally avoided crossing through croplands (except in our case where the B2H transmission line cuts through and divides our dryland wheatfield), that's considered acceptable according to ORS 215.275 sub (5) and mitigation for that direct impact will be in the form of financial compensation. But when we received the appraisal letter and offer of easement compensation there was no mention or offer of payment for damages to the remainder.

The EFSC ultimately voted to approve the hearing officer's decision about my property and staff's recommendations based on several promises by Idaho Power that was supposed to mitigate for land use impacts. The promises have been ignored or delayed and we believe the 40-day offer was less than "Good Faith." Even after a formal complaint to EFSC compliance officers, they reply that compensation negotiations our outside EFSC jurisdiction.

To the extent that we proved the environmental resource study results were inaccurate, the EFSC compliance team simply states that the surveyor completed the studies according to ODOF protocol and that IPC has met their preconstruction requirements under the site certificate. Even if the results are proven wrong, check the box, move ahead.

In addition, as private agriculture landowners, we've found that compliance with cultural studies and environmental surveys have been relaxed to the point that the ODOE refuses to penalize the applicant for inaccuracies of those studies. Specifically, both Idaho Power's AECOM Visual Assessment of Historical Properties Intensive Level Survey Report and Wheat Ridge East's Tetra Tech Cultural Resource Review studies of our Century Farm and Ranch listed property

were riddled with errors and inaccuracies. Even though we edited and worked to make the record correct, ODOE considered the box checked and compliance achieved.

In our experience, the developer chooses the route and EFSC either approves or denies the application. EFSC has no authority to recommend alternate routes and transmission corridors. The applicant pursues the least cost approach to engineering and resists using non-resource lands because it costs more than siting a project over graded, smooth, cleared, and accessible cropland. Then ultimately, they pursue the least amount of compensation.

When we asked for a contested case because the wind turbines of Wheat Ridge East would indirectly impact our historical farm viewshed, the council heard from the department of justice that if the council ruled to protect farms listed in the Century Farm and Ranch program using the Siting standard, Historical, Cultural and Archaeological Resources OAR 345-022-0090(1)(a), it would be establishing a precedent that might impact other projects. Then, in a later meeting, the same DOJ commented in favor of a different project that the idea of setting a precedent would not be a concern since each project is very specific and unique. The standards are vague and we listened to one council member state that she didn't know how the Cumulative impact standard for wind turbine projects could be applied. Therefore, the EFSC relies on staff or other interpretations to make their decisions in lands far from their own.

SB-1034 would at least require site certificates to meet some objective requirements in deciding the important issue of whether or not a developer is going to comply with Oregon land use laws.

Sincerely,

Sam Myers
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Morrow County, Oregon