

**Shelley L. Ekstrom, LLC**

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August 3, 2023

RE: Portland Water Bureau Treatment Plant Rebuttal  
Case # T3-2022-16220

**REBUTTAL TO COMMENT #1 RESPONSE**

The Portland Water Bureau (PWB) wants to call this a community service. Our community is only a micro percent of who they serve. It is the City of Portland. To accomplish this, they will take land from our community to serve another. PWB charges for this water and adds an excise tax creating 10's of millions of dollars in revenue for the city. (A. See attached chart titled "FY 2019-20 Demand and Consumption Information, Portland Water Bureau"). This is at minimum a commercial enterprise. A large portion of our community gets their water from wells, not from PWB. Between Pleasant Home Water District and Lusted Water District, they serve around 2700 people and around 20 businesses. To call this a community service is a stretch when you compare 2700 customers versus PWB serving 960,000 in Portland and 344,000 in other surrounding areas. Per numbers found in a report at Portland.gov dated 6/30/21, our community represents only .002% of the overall customers that PWB serves.

**REBUTTAL TO COMMENT #2 RESPONSE**

The amount of land that will be disturbed and taken out of production for many years will be approximately 10-12% of our farm. This is our most productive farm, so it will greatly impact and change the nature and ability to use our current farm practices. This is not a small portion of our production. 35,000+ of high value plants will be removed from production per year. It may be a small amount for an entity like PWB, but not for a small community farm like ours. New farm roads will have to be made to provide for spray and dust buffers taking even more farmland out of production. Farmland is becoming increasingly harder to find in our area. Please keep up the mission of the Planning Commission and protect our precious farmland.

**REBUTTAL TO COMMENT #3 RESPONSE**

Soil compaction and soil mixing are always a problem after digging a ditch of any size. This is a mega ditch measuring 2400' long by 30+ feet wide by 10-25' deep.

Dr. Mengel stated that there will be little impact on soil productivity due to modern construction methods. This is just plain false. Here are 3 very recent publications that have very different data and findings from study's done around the world.

1. "Pipeline Installation Effects on Soils and Plants: A Review and Quantitative Synthesis" by Theresa Brehm and Steve Culman published in December 2022.  
<https://access.onlinelibrary.wiley.com/doi/full/10.1002/agg2.20312>  
(B. See attached PDF)  
This is a systematic review of 34 studies from 8 countries regarding the impact of pipeline installation on agricultural and natural ecosystems. In summary they stated, "We conclude from our quantitative synthesis that pipeline installation typically results in degraded soil and vegetation resources, and this can persist for many years following installation."
2. "Pipelines keep robbing the land long after the bulldozers leave" Grist Publications, Jan 07, 2022.  
This paper talks about the promises made by Dakota Pipeline Company to restore the land to its previous condition when construction was finished which is similar to the promises that the PWB engineers have made to us. The facts show that these promises cannot be kept.  
<https://grist.org/energy/new-research-shows-sustained-damage-to-agricultural-land-near-pipelines/>  
(C. See attached PDF)
3. "Pipeline Study Shows Soil Compaction and Crop Yield Impact in Construction Right-of-Ways" by Iowa State University Extension and Outreach dated November 17, 2021  
<https://www.extension.iastate.edu/news/pipeline-study-shows-soil-compaction-and-crop-yield-impact-construction-right-ways>  
(D. See attached PDF)  
This study states, "Our findings show extensive soil disturbance from construction activities had adverse effects on soil physical properties, which come from mixing of topsoil and subsoil, as well as soil compaction from heavy machinery,".

These papers mostly deal with one-year crops such as corn, soybeans and other grains. They all showed strong data regarding the degradation of soil and important factors related to soil health and productivity. In our case, we are talking about growing nursery stock with a 3-5 year growing cycle. Their data shows very strongly that the PWB's conclusion that "the pipeline will not cause any significant change in the accepted farm practices or increase cost and reduce productivity" is just not true for Ekstrom and Schmidt Nursery.

Horsetail rush (the weed of concern) can only be eradicated with fumigation or monthly spraying for multiple years. A simple google search proves the difficulty of eradicating horsetail rush.

PWB states that Ekstrom & Schmidt Nursery, LLC will be compensated for crop loss due to the interruption in growing and selling nursery crops. The offer that PWB sent us was an insult it was so small and will in no way compensate us for the loss of these plants. It wouldn't even cover the cost of 1 year's crop input value. This land will be lost to productive farming for a minimum of 10 years of crop losses if not more.

#### REBUTTAL TO COMMENT #4 RESPONSE

When testifying at the public hearing, I was unable to fully address the issue of traffic. There was just not enough time and I had to choose my most important points.

Ekstrom & Schmidt Nursery, LLC has a main farm road that connects Lusted Rd. to Dodge Park Blvd. If either road is closed, this will cause a big problem. If we cannot use this road, then we will have no way to get large equipment to and from our farm. There is no way to turn around with our large truck and trailer. It will also pose a problem when we haul plants out of that particular field for shipping and increase round trip times if we need to use alternative routes.

Sincerely,

James Ekstrom  
Shelley L. Ekstrom, LLC

Attachments

- A. FY 2019-20 Demand and Consumption Information, Portland Water Bureau
- B. "Pipeline Installation Effects on Soils and Plants: A Review and Quantitative Synthesis"
- C. "Pipelines keep robbing the land long after the bulldozers leave"
- D. "Pipeline Study Shows Soil Compaction and Crop Yield Impact in Construction Right-of-Ways"

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**Rebuttal - Case # T3-2022-16220**

1 message

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**Ekstrom & Schmidt** <ekstrom.schmidt@gmail.com>  
To: LUP-comments@multco.us

Thu, Aug 3, 2023 at 9:13 AM

**External Sender** - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

RE: Case # T3-2022-16220

Attached is a rebuttal to the Portland Water Bureaus response along with supporting documentation.

Jim Ekstrom,  
Shelley L. Ekstrom, LLC

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**5 attachments****Rebuttal to Ptlid Water Bureau Treatment Plant 7-24-23.docx**  
20K**fy-2019-20-water-demand-and-sales.pdf**  
163K**Pipeline installation effects on soils and plants\_ A review and quantitative synthesis - Brehm - 2022 - Agrosystems, Geosciences & Environment - Wiley Online Library.pdf**  
888K**Pipeline Study Shows Soil Compaction and Crop Yield Impact in Construction Right-of-Ways \_ News.pdf**  
150K**Pipelines keep robbing the land long after the bulldozers leave \_ Grist.pdf**  
9059K