



Hans Nelson & Sons Nursery, Inc.
31020 SE Waybill Road
Boring, OR 97009-9427

Dear Hearings Officer:

In the matter related to the proposed drinking water facility by PWB Hans Nelson and Sons Nursery offers the following response to the rebuttal comments by PWB.

H.26d Written Testimony of Jesse Nelson, Hans Nelson Nursery (Farm Operator x)

Mr. Nelson states that road closures and increased traffic are a negative impact on farm

Comment — “Road closures and hugely increased traffic would change the way we operate the farm. If Dodge Park Road is closed I have no way to move large implements to our other location. The increased traffic also is a huge impact on moving employees between farms. There is times in the season where we make lots of trips on the roads. Most of the traffic during the day is farm traffic and having dump truck drivers and Portland drivers don't mix. The people that live out here respect the roads and give slow vehicles space. Drivers from out of the area you can tell and drive way too fast and if this plant is allowed it will be way less safe.”

Response — See Response to Traffic Impact on Farm Traffic. Also see Farm Traffic Report.

It is speculative and unfounded to argue that drivers of vehicles contracted to the Water Bureau would pass farm vehicles unsafely or not give them space. All construction vehicles will be operated by drivers that receive comprehensive safe driver training and are directed to follow this training at all times. This training will include safety related to slow moving vehicles such as tractors that are on the roads.

The Water Bureau is not proposing to close access on Dodge Park Boulevard. Dodge Park Boulevard will be open to one lane of traffic with flagger control. This is one of the constraints on pipeline construction the Water Bureau has implemented specifically to accommodate Hans Nelson Nursery and other nurseries that want to only use this route for farm equipment travel. Furthermore, pipeline construction constraint #2 supports farm traffic by restricting construction on Dodge Park east of Cottrell to August through October, the period of time during the year that nurseries indicated their traffic is at its lowest. This was specifically included in order to maintain 2-lane traffic the rest of the year during busier farming seasons. These constraints will support tractors, other slow-

moving vehicles, and long-load vehicles that Hans Nelson Nursery or other nurseries want to send down that road. Other vehicles which move at higher speeds can also reach lower Lusted Road on other roads.

Mr. Nelson states that this proposal to build at the filtration facility site would contribute to an on-going loss of farmland/soil.

Comment — “Also as a person who uses the beautiful soil we have it is insane that Portland Water Bureau wants to destroy 100 acres of prime farm land to put an industrial plant in a rural farming community. They should be ashamed of themselves. Farmland is being lost at an alarming rate and a local government that prides itself on sustainability and reducing impacts is making one of the biggest impacts it could by placing this type of facility and on wonderful farming soil that could produce for centuries.”

Response — See the [Response to Loss of Agricultural Land](#).

Oral Testimony from Jesse Nelson, Hans Nelson Nursery before the Multnomah County Hearings Officer June 30, 2023

Mr. Nelson has concern for road safety in reaching a field in the lower Luster Road area.

Comment — “We have had close calls in the past of -drivers that are in a hurry. The added construction traffic will only increase these dangers. To get the digging machine to the other farm, we use a semi-truck using a lowboy trailer, and Dodge Park Boulevard is the only safe option. Alternate routes have cliffs on one or more sides, zero shoulder, and very limited visibility. The county has placed length restrictions on them for these reasons.”

Response — As stated above in response to a similar written testimony comment, the Water Bureau is not proposing to close access on Dodge Park Boulevard. Dodge Park Boulevard will be open to one lane of traffic with flagger control when work is being performed, which will only occur during the time of year (August through October) when nurseries indicate that their traffic is at its lowest. This is Constraint #2, one of the constraints on pipeline construction the Water Bureau has implemented specifically to accommodate Hans Nelson Nursery and other nurseries that want to only use this route for farm equipment travel. This will support tractors, other slow-moving vehicles, and long-load vehicles that Hans Nelson Nursery or other nurseries want to send down that road. Other vehicles which move at higher speeds can also reach lower Lusted Road on other roads.

Mr. Nelson states that road closures and increased traffic are a negative impact on farm

Comment — “The construction of the site will greatly impact our nursery operation. The -increased traffic will make it more dangerous for my employees to get to

work.- if Dodge Park is closed, there is no safe alternative access to our second farm, and we are very dependent on weather and need to be able to act quickly when we -have the opportunity.

If we get delayed in planting or -harvesting, we could have a complete failure of the crop that we planted two to four years previous. We plant in the spring when we have good weather windows, and that can change on a dime. And during the year, we move mowers, sprayers, stakes, tractors, irrigation supplies, employees. We irrigate -- well, let me get down here.”

Response — See Response to Traffic Impact on Farm Traffic. Also see the Farm Traffic Report.

Again, the Water Bureau has taken the concern of Hans Nelson Nursery into consideration regarding their route of farm travel to lower Lusted Road and will keep Dodge Park Boulevard open with one lane of traffic and flagger control.

Comment — “I was interviewed for the agricultural impact analysis report by Globalwise, Exhibit A.33. During the interview, I explained our traffic patterns and routes, and I was not mentioned in the report even with Globalwise knowing that we rely on these roads.

After reading the report generated by -Globalwise, I have no idea how they concluded there is no impact.”

Response — The report referenced by Mr. Nelson (the Operations Report, Exhibit A.33) addresses farm impacts only during the operation of the filtration facility and the pipelines. Impacts for farm use during construction are addressed in the Farm Traffic Report. Also see Response to Traffic Impacts on Farm Traffic.

The information provided by Mr. Nelson was used by the Water Bureau to create specific constraints on pipeline construction to address the road use impacts on Hans Nelson Nursery, as explained in the prior responses to his comments.

Hans Nelson and Sons Nursery Response:

For the person writing this report to say it is speculative to argue that any PWB traffic won't be safe is out of line. The farmers in this area that continue to have the same concerns is for good reason. They are very real concerns. The farmers in the area are the real experts that have generations of farming experience and knowledge. I have many years of experience moving large and small equipment on our rural roads. I have been passed by drivers in very unsafe places and high speeds. I've been flipped off,

cut off, and even stopped and threatened. Mr. Prenguber is not an expert in this area.

In response to one lane of travel and August through October lane closures. That time period is when we move our largest equipment on the road. A one lane road is not wide enough to move soil preparation equipment needed for fall planting.

In reading Mr. Prenguber's report there are many things he got wrong. He wrote things like "preferred by the farmers" but lacked to reference which farmers (Exhibit I.80 Page 9). In the same document on the same page he says Dodge Park will be one lane for 14 months. That is the main road for a lot of farm traffic. If there is construction traffic added to that, plus farm traffic and local traffic it would be a nightmare. Any detours would only plug up the other small rural roads. On page 10 of that document he says an accepted farm practice is checking TripCheck for road closures. That couldn't be farther from the truth. When we travel between fields and farms send trucks between nurseries to pickup or deliver, we don't check a traffic website. He mentions other mitigation strategies or taking detours. That is unacceptable. We take the routes we take for good reason. Any detours would cause increased time, cost and safety risks.

Exhibit I.81:

Response to Comment 2:

A variety of measures will be undertaken pursuant to the Agricultural Soil Restoration Plan to avoid impacts to farmland from weed infestations. Construction equipment will be thoroughly cleaned prior to entering construction areas and all mulch used will be certified weed free. All construction areas will be monitored for noxious weed infestations in areas not previously identified in pre-construction surveys as having noxious weeds. Post construction weed assessments will occur for two years after construction and initial restoration is complete. Any indications of new weed species introduced due to construction will be mechanically or chemically treated by Water Bureau contractors in consultation with the landowner as part of the 2-year remediation monitoring and correction period. These requirements are captured in the construction specifications for contractors.

For clarification, Horsetail rush propagates from rhizomes and spores and does not produce seed. If horsetail is not present prior to construction, it is unlikely that it will become established after construction due to backfilling operations.

Hans nelson and Sons Nursery Response:

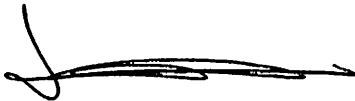
Horsetail rush can lay dormant in the soil for centuries. It isn't until deep soil is disturbed that it shows up. Once present it is impossible to control. It would not need to be moved in but

just digging a deep hole can disrupt roots and tubers enough to cause them to regrow. I have experienced this where we tilled a field and horsetail was never there before. The tile machine was perfectly clean before they started. This is an unacceptable weed to be growing and selling ball and burlap trees.

In the end Mr. Prenguber is not an expert in our ag community. He may have talked to some people on the phone, but that doesn't make him an expert. The many generations of farmers and community members are the experts. The soil restoration plan may sound good on paper, but our farming community with centuries of combined experience know that these plans only sound good to the person writing them. We the people who actually do the work know that it won't work and will cause a huge strain on our agricultural community.

Thank you for the opportunity to provide these comments for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jesse Nelson', with a long horizontal stroke extending to the right.

Jesse Nelson
Hans Nelson and Sons Nursery



Testimony regarding case # T3-2022-16220

1 message

Jesse Nelson <jnelson@hansnelson.com>

Wed, Sep 6, 2023 at 8:08 AM

To: "LUP-comments@multco.us" <LUP-comments@multco.us>

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

Please add this written testimony from Hans Nelson and Sons Nursery Inc. to the record in the case of Portland Water Bureau's Land Use application hearing. Case File #T3-2022-16220

Thank you.

 **Hans Nelson response.pdf**
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