

IDAHO POWER, THE LEAD IN THE B2H PROJECT, WOULD BUY BPA'S 24% SHARE

BPA might bow out of power line plan

By Dick Mason
The (La Grande) Observer

The ownership structure of the proposed 500-kilovolt Boardman to Hemingway transmission line project, which would pass through Baker County, could lose a major player.

The Bonneville Power Administration, one of B2H's three partners, along with Idaho Power Co. and PacificCorp, may pull out in a move that would electrify discussions about the controversial project but not endanger it. Idaho Power has notified the public utility commissions of Oregon and Idaho that it is discussing a possible change in the project's ownership arrangement. Under the proposal, Idaho Power would

acquire BPA's ownership share and provide transmission service to BPA's southeast Idaho customers. BPA has a 24% share in the project. Idaho Power's share is 21%, and PacificCorp's is 55%. Under the proposed arrangement, Idaho Power would assume BPA's share, boosting its ownership level to 45%. BPA, under the arrangement now, is expected to pay 24% of the expense of the B2H project, which could be between \$1 billion and \$1.2 billion, said Sven Berg, an Idaho Power spokesperson. This means should BPA pull out, B2H would lose between \$240 million and \$288 million in up-front funding. However, that likely would

not spark a financial problem for the project. Berg explained under the proposal, BPA would pay a surcharge to use the Idaho Power lines after the transmission line begins sending juice to its southeast Idaho customers. The surcharge would last until it raised enough revenue to cover that 24% of the cost of the project. Berg said the proposal actually might make the process of getting the B2H project underway work more smoothly. "It would simplify things," he said. Berg explained that with just two owners, decisions could be made more efficiently, which would ultimately benefit consumers.

He added that the B2H project is meant to make it possible for clean, affordable and reliable energy to continue to be available in the Northwest. "The project is best for customers, period. If (the proposed ownership structure change) will help us get over the finish line, it will be in the best interest of our customers," he said. The Idaho Power spokesman emphasized that talks about this step are still very preliminary. "Things are up in the air," Berg said. Kevin Wingert, a spokesperson for BPA, seconded this assertion.

See **B2H** / Page 5A

WELCOME

Continued from Page 1A

"Over 20 people contributed to this project," Cowan said. Oregon Trail Electric Cooperative (OTEC) donated employee time and

equipment to hang the sign. "We know a lot of our members are struggling and want to help our members however we can," said Joseph Hathaway, OTEC's communications coordinator. "We just want to do our part to support the community."

Michael Bourne, 18, is one of the volunteers who helped repaint the sign. Bourne said that he has been volunteering with the Kiwanis Club since he was 9, so it wasn't out of the ordinary. "There was a way to help, so I did it," Bourne said.

City water extra aerated

Baker City residents might notice their water has more air bubbles, making it appear cloudy. The water is safe to drink and the bubbles will dissipate if water is left to stand, according to a press release from the city. As demand for water has increased due to warm weather, the city is bringing more water to town through a pipe at Marble Creek that has higher pressure and increases the amount of air entrained in the water, city officials said.

VIRUS

Continued from Page 1A

Kendall Cikanek, ranger for the Wallowa-Whitman National Forest's Whitman Ranger District, said last week that two Forest Service workers from Baker County who lived in the same house

tested positive. Three other agency employees who were friends with the pair and spent time at the house also were listed as confirmed cases. Four tested positive and the other, who tested negative, had symptoms consistent with COVID-19, Cikanek said.

LAWSUIT

Continued from Page 1A

County commissioners discussed the lawsuit during an executive session, which was closed to the public as allowed under Oregon's public meetings law, on July 8. The lawsuit, which seeks an injunction requiring the defendants to cease restricting public access on the Connor Creek Road, contends that a resolution county commissioners passed in 2002 affirms the road as public and precludes landowners from blocking access on that road. Commissioners passed that resolution after a different property owner, on the eastern end of the road at the Connor Creek Mine, also put in a locked gate. The resolution, citing a one-sentence federal statute from 1866 that assures public access to routes not otherwise reserved, states that the entire Connor Creek Road, including the section crossing the property Longgood now owns, is a public right-of-way that can't be blocked. That 1866 statute is commonly known as RS 2477. Other counties have cited the statute to show a route is legally open to the public. The key to proving a claim under RS 2477 is that the route in question was being used before the property it crosses was reserved for another purpose, a common example being that the land was transferred from public to private ownership. The county's lawsuit also argues that four other roads have, dating to at least 1908, crossed Longgood's property and that each of those routes should be legally open to the public. Those routes, unlike the Connor Creek Road, are not developed, but the public doesn't have access to them because Longgood's property is fenced. County commissioners have discussed during previous meetings the possibility of reopening one of those routes as an alternative public access across Longgood's property, one that would rejoin the Connor Creek Road after it leaves Longgood's parcel. Charles F. Hudson, the Portland attorney who represents Longgood, the Hansen Trust and Forsea River

Ranch LLC, filed a response to the county's amended lawsuit on July 1. Hudson argues that the basis of the county's argument is flawed because the Connor Creek Road, in its current alignment, was not built until after the property that Longgood now owns was transferred from public to private ownership. As a result, Hudson contends, the county's RS 2477 claim is invalid. In a July 2018 letter to Sullivan, the county's attorney, Hudson included multiple historic maps, the earliest from an 1882 survey, none of which shows that a road existed on the route of the current Connor Creek Road through Longgood's property prior to the property being transferred from public to private ownership. That transfer happened between 1912 and 1923, according to deed records that Hudson included with his letter. Hudson contends that the earliest record of a road that follows, at least in places, the route of the current gated section of the Connor Creek Road is a 1938 federal survey — one done at least 15 years after the property Longgood now owns became private, thus negating a later public route claim under RS 2477. Although the people who owned the property before Longgood bought it allowed public access on that section of the Connor Creek Road, by doing so they did not forfeit their legal right to close the road across their property, Hudson writes in his July 1 response to the county's amended lawsuit. Hudson also wrote in his letter to Sullivan that in 1978 the Bureau of Land Management negotiated an easement to use the Connor Creek Road to allow logging on public land in the area. That easement "expressly acknowledged that the road was private and might be locked by the owner," Hudson wrote. Hudson also contends, in his July 1 response, that the county, prior to passing the Connor Creek Road resolution in 2002, failed to notify the previous owners of Longgood's property that commissioners were considering declaring the entire road as

public under RS 2477, including the section that runs through that property. Instead, Hudson notes, the original purpose of commissioners' 2002 actions was to ensure public access at the eastern end of the Connor Creek Road, where it was temporarily blocked by a gate at the privately owned mine parcel. The county failed to notify the owners of the property Longgood now owns that the 2002 resolution was not limited to the section of the Connor Creek Road passing through the mine property, but in fact encompassed the entire road, including the section, several miles from the mine, that crosses the Longgood parcel. Hudson also writes that the county has not surveyed the section of the Connor Creek Road that crosses Longgood's property. In his response to the county's amended lawsuit, Hudson writes that Longgood, prior to

buying the property in 2017, talked with county officials, including then-Roadmaster Jeff Smith, about the Connor Creek Road. Hudson writes that a map Smith gave to Longgood, purportedly showing the route that the county considered public, does not depict the Connor Creek Road but rather one of the four other routes mentioned in the county's lawsuit. That map, Hudson writes, did not depict the Connor Creek Road, which is the road where Longgood installed the gate that was locked in August 2017. Hudson writes that Longgood and the Hansen Trust decided to buy the property, early in 2017, based in part on his belief, from reviewing the map that Smith provided, that the county would not contest his decision to install a locked gate on the Connor Creek Road. Allowing unlimited public access on that road through

the property, Hudson wrote in his response, "would interfere with ranching operations, significantly increase costs for road maintenance, and have a material negative impact on the market value of the property." In his response, Hudson writes that Longgood, after buying the property, also discussed road access with Smith and with Bill Harvey, chairman of the Baker County Board of Commissioners. According to Hudson, Longgood didn't learn until December 2017, in a phone call with Smith, that the county was objecting to the locked gate and contending that Longgood lacked the legal right to block the Connor Creek Road. As for the four other routes that Sullivan lists in the

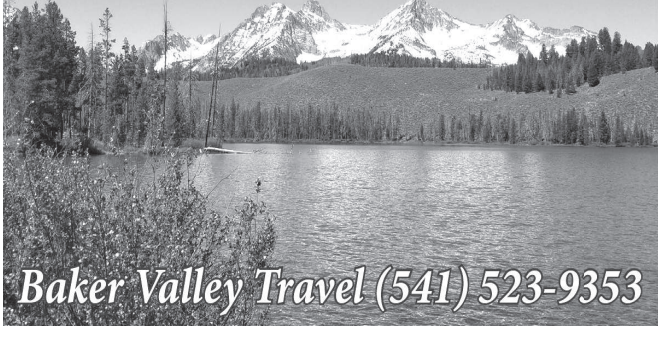
county's amended lawsuit, Hudson contends that "to the extent they once existed, none of these roads have been used by the public in many decades." Further, Hudson contends, with the possible exception of sections of one of those roads, "there is no evidence to establish that any of these roads was ever accepted or designated by plaintiff as a public road." Trying to rebuild or reopen any of those roads, Hudson writes, "would neither "provide a means of travel between public places, or serve any legitimate public purpose." Hudson, in addition to arguing that the county's lawsuit lacks legal merit, contends that Longgood and the other defendants are entitled to "reasonable attorney fees." He commonly took long walks, family members said. They called to report him missing about 9 o'clock that night after he failed to return to camp. McClay said Bah is believed to have fallen in the water and died sometime that night. Last week, his family offered a reward to anyone with information that might lead to helping searchers find the boy. Members of the Baker County Sheriff's Office Search and Rescue Team were summoned the night of July 3 and began searching for Bah. They later were joined by members of the Umatilla County Sheriff's Office Search and Rescue Team, Malheur County Sheriff's Office, Oregon Department of Forestry, Idaho Power and Oregon State Police. The search included ground crews who interviewed people camped at Hewitt Park and the nearby Holcomb Park on Brownlee Reservoir as well as residents of the Richland and Halfway areas. Aerial drones with infrared capabilities, boats equipped with side scan sonar, a diver and a fixed-wing aircraft were used during the effort to find Bah. Fliers with photos of Bah and a detailed description of him also were distributed widely in the area.

FOUND

Continued from Page 1A

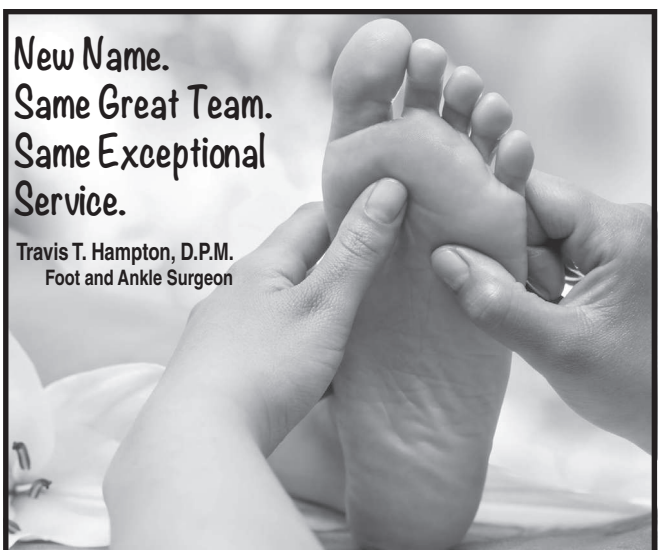
The Baker County Sheriff's Office was notified at about 6:03 p.m. Friday. "It does appear that at some point he fell in the water and drowned," McClay said. Bah could not swim, she said. "This is not the outcome myself, or anyone on our Search and Rescue team, had hoped for," Sheriff Travis Ash stated in a press release. "Our condolences go out to the family and friends of Thierno." Dr. James Davis, Baker County medical examiner, said drowning was the cause of death. "There were no signs of any other contributing factors there," Davis said. Bah had gone missing on Friday, July 3, from the Hewitt Park campground where he was vacationing with his foster parents, Ahmed Ebeid and Omnia "Nora" Mahmoud, who live in the Portland area, and a group of friends. The park is in eastern Baker County, 3 miles east of Richland just off Highway 86. Bah was originally from the West African country of Guinea. He had been placed in foster care with the Portland-area couple about two months ago, McClay said. Bah had gone for a walk about 5:30 Friday evening.

"So much of who we are is where we have been."



Baker Valley Travel (541) 523-9353

New Name.
Same Great Team.
Same Exceptional Service.



Travis T. Hampton, D.P.M.
Foot and Ankle Surgeon

La Grande 1408 N Hall Street	Enterprise 601 Medical Parkway	Baker 3175 Pocahontas Rd.
---------------------------------	-----------------------------------	------------------------------

GRANITE VIEW
Foot & Ankle

541-963-0265
888-843-9090
www.GVfoot.com



Opened its doors on July 16, 1960 as the Arctic Circle

60th Anniversary Specials

Saturday, July 18, ONLY

Hamburgers.....60¢	w/cheese.....90¢
(only regular or plain)	
Foot Long Hot Dogs...\$1.20	Cones.....60¢
Small Shakes.....\$1.20	Quart Drinks.....60¢

Drive-Thru Open For All Orders

A BIG THANK YOU
to our community for your loyal support in these trying times. It's been an honor to serve you these past 60 Years!

2380 10th Street **Baker City**