

Exhibit No.: 552
Issue: Impact on Farm Environment
Witness: Jack Garvin
Type of Exhibit: Rebuttal
Sponsoring Party: Matthew and
Christina Reichert
Case No. EA-2016-0358
Date Testimony Prepared: January, 2017

MISSOURI PUBLIC SERVICE COMMISSION

CASE NO. EA-2016-0358

REBUTTAL TESTIMONY OF

JACK GARVIN

ON BEHALF OF

MATTHEW AND CHRISTINA REICHERT

January 24, 2017

Reichert Exhibit No. 552
Date 3-20-17 Reporter KB
File No. EA-2016-0358

1 **Q: What is your name?**

2 A: Jackie L. Garvin

3 **Q: What is your occupation?**

4 A: Custodian

5 **Q: What is your home address?**

6 A: 26030 Brush Creek Lane, Brunswick, MO 65236

7 **Q: What is your spouse's name?**

8 A: Gaye J. Garvin

9 **Q: How long have you lived at this address?**

10 A: 22 years

11 **Q: Did you or Gaye's family own this property prior to your occupancy?**

12 A: The property was owned by my family starting with my great-grandmother, Emma Syler,

13 followed by my grandparents.

14 **Q: How long has this property been in the Syler/Garvin family?**

15 A: On September 27, 1897, Emma Syler purchased 40 acres and on March 18, 1904, she

16 purchased the additional 15 acres.

17 **Q: Are you for or opposed to the application for a CCN by Grain Belt Express Clean**

18 **Line (GBE)?**

19 A: I am opposed with very strong convictions.

20 **Q: What is the main reason for opposing the transmission line?**

21 A: It is quite time consuming to go through the multitude of reasons to oppose GBE. But,

22 by laying numerous personal reasons aside, it is down to the change that will be made to personal

1 property rights and then used as precedent to undermine property owner rights in the entire state
2 of Missouri and, possibly, the Nation.

3 **Q: What do you think will happen if GBE is granted the CCN?**

4 A: If granted, Grain Belt will sweep across privately owned lands with the threat of eminent
5 domain and, much like the locust plagues of biblical note, leave landowners devastated in their
6 wake. Our property will be devalued, our views and vistas permanently marred by huge
7 industrial looking towers, our wildlife scattered and displaced by habitat destruction, our farming
8 practices and land use choices forever altered and, in many cases, completely stripped away.

9 **Q: Will this Project have a negative impact on your day to day life?**

10 A: Yes. For years we have been very environmentally conscientious providing organic fruits
11 and vegetables for our family. As hunters, we have provided meat for our family and enjoyed the
12 wonders of our tranquil rural lifestyle. In addition, we have worked hard to diversify our farm to
13 provide for us in our retirement years. This Project will have a negative impact on all of these
14 areas.

15 **Q: What is your primary concern?**

16 A: Granting a CCN would result in a fundamental shift in landowner's rights if eminent
17 domain is granted to a non-utility company. Being allowed to abscond with personal property,
18 especially when the property owners will receive no direct benefit from the transmission line, is
19 fundamentally wrong.

20 **Q: What is another concern?**

21 A: Riparian Issues: Brush Creek runs through my property. If they strip the timber and
22 shrubs from the buffer zone along the banks of the creek to run their line it will begin to wash at

1 the first heavy rains. This will continue until farm fields are washed and flooded.

2 **Q: What is another concern?**

3 A: Habitat Loss: although spokespeople from GBE are quick to say hunting will be better
4 since you can see better, they fail to get the point. I do not hunt only deer. I want my hunting
5 experience to be optimal. I enjoy hunting squirrels with a flintlock rifle. Removing my timber
6 eliminates this possibility. Loss of habitat will also affect my trapping season as loss of den trees
7 means fewer coons to catch. My bat population may also be of concern with the loss of any older
8 hollowed trees. Unfortunately, many bats are already endangered and cling to existence.

9 **Q: What are your other concerns?**

10 A: There are several:

- 11 • Limited future land use opportunities
- 12 • Property value decrease
- 13 • Will limit my ability to build more bait ponds
- 14 • Destruction of the landscape

15 **Q: Are you a landowner that is affected by the reroute of the GBE line in Chariton**
16 **County?**

17 A: I was not a landowner in the original route in the 2014 case. The Proposed Line ran north
18 of our home on our neighbor's property, Matthew & Christina (Tina) Reichert. The first reroute
19 of the 2016 Proposed Line cut my south 40 acres in half. The latest reroute still affects my
20 property, as explained below.

21 **Q: Were you contacted by a representative from GBE concerning the reroute?**

22 A: I was never notified, in any way, by GBE of the reroute for the 2016 Proposed Line. I

1 learned about it from my son-in-law, Matthew Blunk, who overheard a land agent discussing the
2 Project with his father, Dennis Blunk. Matt called me to let me know I would be looking at the
3 transmission line out my front door because the reroute crossed his grandmother's land, west of
4 our home. It would continue east and cross right through the middle of my south 40 acres. Matt
5 also informed me I should attend the upcoming meeting concerning the Project.

6 **Q: Did you attend that public information meeting hosted by GBE?**

7 A: Yes, I did.

8 **Q: When and where was the meeting held?**

9 A: If I remember correctly, it was held on Wednesday, June 15, 2016. It was held at the
10 Knights of Columbus Hall in Brunswick.

11 **Q: What did you learn from the informational meeting?**

12 A: I learned that GBE is fully intent to get what they want by telling people what they want
13 to hear. As my wife and I discussed the Project with the land agent, such as the size of the towers
14 used and the payment structure, our daughter, Samantha, read the printed materials on display.
15 She pointed out the printed materials said one thing which did not agree with what we were
16 being told.

17 **Q: What were those discrepancies?**

18 A: Samantha pointed out that we were being told one amount for tower compensation but
19 the printed material said something else. The same thing was true regarding the height and
20 footprint of the towers. We were being told one thing that did not agree with the printed material.

21 **Q: Are you familiar with the term, "Heritage Value?"**

22 A: Not until Tina mentioned it when discussing my testimony.

1 **Q: In your discussions with GBE representatives regarding compensation, did they ever**
2 **mention landowners of land in their families for 50 years or more may be entitled to**
3 **additional compensation?**

4 A: No, they did not.

5 **Q: Did you notice any problems with the reroute selection?**

6 A: Yes. It was going to be outside my front door.

7 **Q: Any other problems?**

8 A: It would cross over two small, historic cemeteries.

9 **Q: What was the response of the land agents when you pointed out the cemeteries?**

10 A: They asked me if I had told anyone else. I told them I had contacted the historical society
11 and informed them about the transmission line. I had the impression the land agents were
12 disappointed I had made this call.

13 **Q: Did you share any other objections to the reroute?**

14 A: Yes. I told them the reroute for the Proposed Line interfered with my daughter's plan for
15 a house site. In addition, it would limit land use choices for other entrepreneurial endeavors for
16 our retirement; the destruction of riparian zones; and the fact that this project violates our private
17 property rights.

18 **Q: Did the land agents give any indication that the reroute being discussed was subject**
19 **to change?**

20 A: No, they did not. We were given the distinct impression this was the route being
21 proposed.

22 **Q: How do you feel about not being contacted by GBE, again, about another reroute?**

1 A: This appears to be characteristic of this company. They have not done due diligence, nor
2 do they have respect for the landowners. It is GBE's responsibility to see that each and every
3 landowner and, in my opinion, adjacent landowners are notified of what is taking place on their
4 land and changes that are being made. If landowners cannot be contacted by phone, they should
5 be notified by U.S. mail. They deliver six days a week to my location.

6 **Q. How did you learn of the subsequent reroute?**

7 A: I learned of the latest reroute from my neighbor, Tina Reichert, who informed me several
8 weeks ago. Tina said the Proposed Line had been rerouted, once again, and it looked like it now
9 crossed the northeast corner of our property. I had my daughter, Samantha, look the information
10 up on her computer to show me the maps. Sure enough, the Proposed Line has been rerouted and
11 looks like it will cross a different part of our land. It was no longer "outside our front door" but
12 would still be visible from our home, marring the view to the north and east.

13 **Q: According to the drawings on the GBE web site, are there any transmission poles or**
14 **towers on your property in the present reroute of the transmission line?**

15 A: I do not know for sure, since the maps on the GBE web site do not give any indication of
16 pole placement.

17 **Q: Do you have environmental concerns of the Proposed Line?**

18 A: Yes, I have several environmental concerns:

- 19 • Riparian Zone damage causing soil erosion.
- 20 • Soil compaction.
- 21 • Habitat loss and associated impact.

- 1 • Potential for herbicides used for ROW contaminating the creek, ponds, and any
- 2 other waterway in the proximity.
- 3 • Possible product spills such as fuel and/or oil.
- 4 • Decreased fur-bearer populations due to habitat loss.

5 **Q: Do you have any safety concerns if this Project receives approval?**

6 A: I have two major safety concerns. First, I am concerned about the toxicity of the
7 pesticides and/or herbicides used for easement maintenance. As I have said, we have not used
8 chemicals on our land for the past 22 years and we do not want to risk contaminating the land.
9 GBE cannot guarantee that pesticides and/or herbicides used on adjoining land will not drift on
10 to my farm or contaminate the waterways from run-off. Second, is the potential for farm
11 equipment entanglement. I believe Tina covers this safety issue in her testimony.

12 **Q: What are your final comments?**

13 A: I would think the Missouri Public Service Commission would find it a slap in the face
14 that their prior decision is not being honored but, instead, GBE thinks to ignore them and keep
15 coming back with their unlimited assets to back them until they get what they want. What they
16 want is a fundamental change in Missouri landowner property rights setting an unheard
17 precedent of habitat destruction, land use limitations, potential environmental hazards, property
18 devaluations, and all for profits, profits, profits. After all, they are not a utility company and they
19 want to take from Missouri landowners so they can sell and make money. Profit is their only
20 concern.

21 **Q: Does that complete your testimony?**

22 A: Yes, it does.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Grain Belt Express)
Clean Line LLC for a Certificate of Convenience and)
Necessity Authorizing it to Construct, Own, Operate,)
Control, Manage, and Maintain a High Voltage, Direct) Case No. EA-2016-0358
Current Transmission Line and an Associated Converter)
Station Providing an interconnection on the Maywood-)
Montgomery 345 kV Transmission Line)

Affidavit of Jack Garvin

STATE OF MISSOURI)
) SS
COUNTY OF CHARITON)

Jack Garvin, being first duly sworn on oath states:

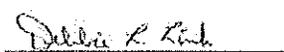
1. My name is Jack Garvin.
2. Attached hereto and made a part hereof for all purposes is my testimony submitted to the Missouri Public Service Commission.
3. I hereby swear and affirm that my answers contained in the attached testimony to the questions therein asked are true and accurate to the best of my knowledge, information and belief.



Jack Garvin

Subscribed and sworn before me this 6th day of January, 2017.

DEBBIE L. LINK
NOTARY PUBLIC-STATE OF MISSOURI
CHARITON COUNTY
MY COMMISSION EXPIRES: 05/30/2018



Notary Public