



Control Number: 38140



Item Number: 907

Addendum StartPage: 0

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**NOTES**

## ADMINISTRATIVE HEARINGS

**J.K. "ROOTER" BRITE, JR.**

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**S.O.A.H. DOCKET NO. 473-10-4109  
P.U.C. DOCKET NO. 38140**

**DIRECT TESTIMONY OF  
J.K. "ROOTER" BRITE, JR.  
ON BEHALF OF THE RILEY TO KRUM WEST O2 INTERVENORS**

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**I. INTRODUCTION**

**Q. Please state your name and business address.**

**A.** My name is J.K. "Rooter" Brite, Jr. and my business address is P.O. Box 1477, Bowie, Texas 76230.

**Q. What is your current profession, generally?**

**A.** Described by some as a "conservation activist," I am a born-to-the-land Texas rancher in Montague County. Specifically, I am the range manager of the JA Ranch.

**Q. Have you ever testified as an expert witness before the Public Utility Commission of Texas?**

**A.** No, I have not.

**Q. On whose behalf are you testifying in this proceeding?**

**A.** I am testifying on behalf of The Riley Krum-West O2 Intervenors.

**Q. Please describe your background.**

**A.** I am the full-time range manager, with my wife Lynda, and son, J.K., on the JA Ranch. I was born and raised on this ranch near Bowie, Texas. My grandfather, J.A. Brite, purchased the property that comprises the ranch in 1929. My educational and professional experience are as reflected in Attachment JKR-1.

At an early age, I learned the cause and effect of different land management practices. For example, not enough rain resulted in limited grass

1 and water supplies, and misuse of the land can cause desirable plants to die and  
2 less desirable weeds to thrive. However, as I ranched I learned that if I give to  
3 the land, it gives back. These first-hand lessons I learned from the land  
4 stimulated my desire to learn more.

5 By college age, I became ever so intrigued by the land. I had experienced  
6 positive results on the land, effectively managing the herd of purebred Hereford  
7 cattle. Being immersed in ranch life every day of my life, I learned many ranch  
8 management skills, but understood there was more to it. No doubt about it, I  
9 wanted to learn the science behind it.

10 **Q. When did you first take ownership of the JA Ranch?**

11 **A.** My Grandfather and Father had worked the land for decades. I purchased my  
12 Father's cow herd in the mid-1960s and purchased the ranch from my Father in  
13 1974, when I began full-time management of the ranch with my family.

14 **Q. Have you been recognized for your accomplishments in range  
15 management?**

16 **A.** Yes, I am quite proud to state that I have received the 2009 Outstanding  
17 Rangeland Stewardship Section Award Texas Section Society for Range  
18 management.

19 I have also received a regional range stewardship award from the National  
20 Cattleman's Beef Association. As one of the regional winners, I will be travelling  
21 to Denver for the National convention where I will be a candidate for the  
22 National award.

23 **Q. Please describe more about your professional associations with  
24 conservation and range management.**

25 **A.** I actively work to promote land stewardship and education at the community,  
26 State, and National levels. The JA Ranch has hosted numerous field trips in

1 cooperation with Cooperative Extension, Natural Resources Conservation Service  
2 (NRCS), and Resource Conservation & Development (RC&D) promoting practical  
3 approaches to many different areas of conservation management.

4 The Brite Ranch has been a member of the Texas and Southwestern  
5 Cattle Raisers Association for my entire life. I have been a director of the TSCRA  
6 since 1999, and have served on their Agriculture, Research, Natural Resources,  
7 and Environmental committees since 1994. I am a member of the Texas Wildlife  
8 Association. I have also served as a director of the Upper-Elm Red Soil and  
9 Water Conservation District since 1979. I have served on the Association of  
10 Texas Soil and Water Conservation Districts Board and on the Texas State Soil  
11 and Water Conservation Board. I represent the National Association of  
12 Conservation Districts on the National Grazing Lands Conservation Initiative  
13 Steering Committee. Additionally, I serve on the National Cattlemen's Beef  
14 Association, Natural Resource and Environment Committee. Further professional  
15 associations are described in Attachment JKB-1.

## 16 17 **II. PURPOSE OF TESTIMONY**

### 18 **Q. What is the purpose and scope of your testimony?**

#### 19 **A. My testimony:**

- 20 1) describes my land, JA Ranch, as an example of properties along Link O2;
- 21 2) explains the range management operations on this land, including an  
22 airstrip; and
- 23 3) addresses the impact that the construction of a 345-kV transmission line  
24 will have upon my land and that of my neighbors both in the short- and  
25 long-term.

1 **Q. Are you familiar with the application filed by Oncor Electric Delivery**  
2 **Company, LLC ("Oncor") to amend its Certificate of Convenience and**  
3 **Necessity for the Riley to Krum West (formerly Oklaunion to West**  
4 **Krum) 345kV transmission line?**

5 **A.** Yes, I am, generally. However, I have not read or evaluated every filing in this  
6 docket.  
7

8 **III. DESCRIPTION OF JA RANCH**

9 **Q. Will you please briefly describe the primary use of your property?**

10 **A.** Yes. The JA Ranch lies in a transition area of tall grass prairie and cross timbers  
11 region of North Central Texas. We run over 850 cows and yearlings on 3,400  
12 acres of shallow, rocky soils in an area that receives less than 30 inches of  
13 rainfall annually.

14 **Q. Do the Oncor maps accurately depict your property?**

15 **A.** The Oncor maps show only a portion of my property. Oncor lists me as the  
16 owner of Tracts 1220, 1222, and 1228. I do own these tracts, but the entirety  
17 of the JA Ranch consists of approximately 3400 acres. The majority of the ranch  
18 is west of the tracts shown on the Oncor map.

19 **Q. What are some of the details of the use of your property?**

20 **A.** Over the past 30 years, I have developed a ranch management program that is a  
21 model for landowners and a showcase for sustainable management of natural  
22 resources. Cattle are at the center of our operation. I run a pure-bred Hereford  
23 cow-calf and stocker operation, with retained ownership through the feed yard  
24 on a portion of the stockers. The cattle are used not only to produce income for  
25 the ranch, but also as a tool to manage the range for optimum health. Over the  
26 past 30 years, the cattle herd consists of: yearlings, two-year old heifers, three-

1 year-old cows, and a small group of older cows. The ranch has 49 pastures  
2 which vary from 2 to 170 acres, generally averaging about 80 acres. I use a 3 to  
3 10 pasture rotation, at any given time of the year. The ranch usually maintains a  
4 separate rotation for fall and spring calving cows, first calf heifers, and a stocker  
5 operation of heifers and steers that are also kept separate. Grazing time on each  
6 pasture varies greatly, depending on the time of year and how much weight is in  
7 each herd. There are times of the year, such as calving time, when the calving  
8 cows are dispersed into multiple pastures and rotating is stopped for as long as  
9 two months to lessen the problem of orphaned calves before restarting the  
10 rotation. This method allows for more ease of checking on a daily basis.

11 The ranch is watered by over 60 water sites, varying from water pipelines  
12 to water troughs to stock ponds.

13 **Q. How do you protect your operation against drought?**

14 **A.** To protect against drought we are only stocked at about 50% of our pastures'  
15 potential with yearlings, perhaps as much as 75% with cows. I keep the ranch  
16 stocked on observation. I adjust grazing management primarily on forage  
17 conditions, and secondarily on the cattle condition. We have to keep them  
18 healthy and bred to be a viable operation, but we want the range in good  
19 condition too.

20 **Q. Do you keep different types of cattle separated, and why?**

21 **A.** Yes. I keep the different types of cattle separated so I can better meet each of  
22 their different nutritional requirements. The winter stocker operation utilizes  
23 small grain pastures (wheat and rye), usually beginning around the first of  
24 November. I limit access to the grain fields by utilizing adjacent high-quality  
25 native grass pastures. On the native pastures, the cattle are rotated to maintain



1 a minimum stubble height of six inches or greater utilizing a multi-pasture  
2 rotation system.

3 The stocker cattle are given access to the grain starting with about two  
4 hours daily, and increasing by about one hour each week up to eight hours daily  
5 until the last six weeks, at which time they are given full access to the grain  
6 fields for optimum weight gain. A substantial added bonus to this type of  
7 management is the gentle, daily handling of the cattle. Additionally, any sick  
8 cattle can easily be spotted and treated with a minimum amount of stress. The  
9 daily grazing rotation program also allows for easy removal from grain fields in  
10 times of ice or snow to prevent trampling of forage.

11 **Q. Why do you handle the land and livestock so gently?**

12 **A.** With the land and livestock, low impact and gentle handling are trademarks of  
13 the JA Ranch management techniques. Our income is generated by the cattle  
14 gaining weight and breeding well. We take every opportunity to handle the  
15 cattle gently and effectively.

16 The gentle nature of our cattle is attributable to the use of rotational  
17 grazing and associated handling of the livestock. The stress and risk of injury is  
18 greatly reduced for both cattle and cowboys. In fact, only two or three cowboys  
19 are needed to pen as many as 500 to 600 head in one group.

20 In addition, our cow-calf operation is stocked at one animal unit per 10  
21 acres. Comparatively, neighboring ranches that have not implemented resource  
22 management plans are stocked at approximately one animal unit per 15-20  
23 acres.

24 **Q. Please describe the diversity of plant life on the ranch.**

25 **A.** Livestock and wildlife benefit from the diversity of plant life on the JA Ranch. A  
26 mix of grasses, broad leaf, and woody plants provide forage for many types of

1 wildlife. A wide variety of wildlife can be found on the ranch. I closely monitor  
2 the annual harvest of white tail deer, turkey, quail, and ducks. There are no  
3 high fences on the ranch - we allow all the wildlife to come and go as they  
4 please.

5 The ranch also offers anglers great fishing opportunities. Bass and other  
6 species thrive in the stock ponds that receive clear water runoff thanks to the  
7 dense ground cover of the watershed. Because the majority of the ranch is  
8 watered with stock ponds, nearly 60 of them, quail, deer and other wildlife have  
9 easy access to fresh water supplies year round.

10 **Q. How does the wildlife benefit from the JA Ranch range management**  
11 **practices?**

12 **A.** There are areas on the ranch that are designated as exclusive wildlife habitat.  
13 Rotational grazing plans are very conducive to producing good wildlife  
14 vegetation. For example, the deer are always one pasture ahead of the cattle.  
15 If I want to go check on the deer, I know where to go.

16 In addition to excellent range conditions, the wildlife benefit from the  
17 wheat and rye grasses we plant in the late fall. While the cattle have limited  
18 access to the grain fields, deer can be seen grazing on the lush greens all winter  
19 and spring.

20 I have found that when I do things that are good for the land and the  
21 natural resources, there are a lot of other benefits that come from that. In  
22 addition to better livestock grazing, wildlife also benefits from healthy range  
23 conditions and improved watering sites.

24 Wildlife is considered in all of our land management decisions. For  
25 example, with our prescribed burn and brush control programs, we intentionally  
26 leave edges for forage and cover in the pastures.

1           We ensure the wildlife has easy access to the watering facilities on the  
2           ranch, most of which are ponds. When renovating ponds of adequate size, we  
3           construct an island to encourage the presence of waterfowl. We have allowed  
4           brush and trees to grow up and create a "riparian buffer" along the creeks and  
5           streams. These buffer areas are havens for all types of wildlife.

6   **Q. Does your ranch work with the Natural Resources Conservation**  
7   **Service?**

8   **A.** Yes, the JA Ranch has had an active conservation plan with the Montague  
9           County Natural Resources Conservation Service (NRCS) office since 1964. A  
10          prescribed grazing plan, prescribed burning, riparian buffers, pipeline installation,  
11          and brush control are just a few of the practices the ranch has benefited from  
12          over the last 40 years.

13               Participating in the Great Plains Conservation Program in the early 60s  
14               and again in the 80s, we chained brush, shaped gullies, renovated native  
15               pastures and built stock tanks. Over the years, we have successfully re-  
16               established stands of big and little bluestem, Indiangrass and Switchgrass.

17               The best range sites on the ranch can produce up to 5,000 pounds of  
18               forage per acre, and varying down to 200 pounds per acre on the poorest sites.  
19               Although I have never broken out any native land for cultivation, about one-third  
20               of the ranch was in cotton production prior to first acquisition of the ranch in  
21               1929 by my Grandfather. The cotton fields created some difficult challenges due  
22               to extensive depletion of top soil in many areas, along with some extensive gully  
23               erosion. Beginning in the 1960s, our family began attempting to reintroduce  
24               native grasses to those old field sites.

25               I approach the resource management of the ranch using a short-term  
26               reactionary response to changing forage, production, and anticipated market

1 condition. Our long term management is of a continuing upward trend in success  
2 of native forage. We have seen range conditions improve over the past years. In  
3 the 1960s, range specialists from the NRCS conducted base line assessments,  
4 classifying pastures in poor to fair condition. More recently, NRCS personnel  
5 assessed the ranch and determined that all pastures were in good to excellent  
6 condition.

7  
8 **IV. CONSEQUENCES OF LINK O2**

9 **Q. What affect would proposed Link O2 have on these operations?**

10 **A.** Link O2 cuts at an angle through the ranch and does not follow property lines or  
11 fence lines. The proposed location of this line would impede all of the operations  
12 I have described.

13 **Q. Please provide a general description of your range management**  
14 **techniques.**

15 **A.** My range management consists of a combination of rotational grazing,  
16 prescribed burning, and weed control. I utilize intensive grazing for weed control  
17 on pastures in the spring for a three-week period to achieve good weed control  
18 on a limited number of pastures where I am able to achieve great enough stock  
19 densities. In years that moisture is adequate and sufficient fine fuels are  
20 available, we also use prescribed fire for weed control and to refresh grass. I  
21 have an aerial spraying program.

22 My goal is not to eliminate all weeds, but rather to maintain a highly productive  
23 native range. On the prairie pastures, I spray in early spring using herbicides  
24 based on 60-foot strips, but to reduce costs and still achieve the desired results,  
25 I extend to 90-foot strips. On the pastures in the post oak areas, we extend the  
26 spray interval to 120 feet, in order to be assured of leaving adequate forbs for

1 wildlife. The pastures have had about 15% woody plants and trees left to  
2 provide cover and browse for deer, turkey, and quail.

3 **Q. Could you provide more detail with respect to your aerial spraying**  
4 **program?**

5 **A.** Yes. Generally, we aerially spray (i.e., crop dusting) at least once per year. The  
6 pastures are sprayed on a specific rotation. Also if we have a breakout of pests,  
7 such as army worms and green bugs, we do additional spraying. Many times  
8 the only available alternative to control these pests is to aerially spray.

9 **Q. Would proposed Link O2 affect those operations?**

10 **A.** Yes. It would not be safe for a crop duster pilot to fly the eastern portion of the  
11 ranch given the propose location of Link O2. This will restrict my ability to  
12 manage this portion of the ranch.

13 **Q. Do you have other aviation concerns with regard to the proposed Link**  
14 **O2?**

15 **A.** Yes, I have an airstrip on the ranch that is within 2500 feet of the proposed Link  
16 O2. I have a hanger on the property which normally houses 2 of my planes.  
17 As a pilot, I am concerned with the safety of landing and take-offs given the  
18 proximity of the proposed Link O2.

19 **Q. Are you familiar with any features on your neighboring properties that**  
20 **would be negatively impacted by construction of the proposed**  
21 **transmission line along Link O2?**

22 **A.** Yes, the Ogles own and operate the ranch to the north of JA Ranch. They utilize  
23 a significant amount of aerial spraying on their ranch. Link O2 would bisect a  
24 significant portion of this ranch also frustrating these range management  
25 techniques.

1 I also share property lines with Ann and Larry Smith. There is a stand of pecan  
2 trees in that area. Some of these trees are approximately 200 years old. Ms.  
3 Smith has registered some of these pecan trees. A number of these trees along  
4 the creek that would be crossed by Link O2 would be taken out by the proposed  
5 line.

6 **Q. Do you have any concerns regarding the fact that Link O2 follows a**  
7 **natural gas pipeline on your property?**

8 **A.** Yes, this is a high pressure natural gas pipeline. On the portion of the pipeline  
9 south of Briar Creek and north of SH-59, there is a junction station. This  
10 junction station is above-ground. It is the point at which there is a tap in the  
11 high pressure gas line for the primary line that delivers natural gas to the  
12 community of Bowie.

13 According to the Oncor map, the proposed Link O2 would go directly over  
14 this above-ground junction station. I am concerned that this configuration would  
15 pose a significant safety risk.

16 In addition, according to Oncor's maps the proposed Link O2, appears to  
17 switch from following on the west side to east sides of the pipeline on my  
18 property. The necessary proximity to the line raises safety concerns for me,  
19 particularly in light of the recent pipeline accident that was caused by  
20 construction of an electric transmission line on behalf of Brazos Electric  
21 Cooperative in proximity to a natural gas pipeline.

22  
23 **V. CONCLUSION**

24 **Q. What is your conclusion with respect to proposed Link O2?**

25 **A.** Proposed Link O2 would have a devastating effect on the JA Ranch and on the  
26 property of my neighbors. It does not follow property lines on any of the

1 properties located to the southwest of Bowie. The fact that the proposed Link  
2 follows a pipeline and travels over an above-ground pipeline station argues  
3 against placement of the line in this location. Other proposed links that follow  
4 existing proposed transmission line corridors would be far more preferable.

5 **Q. Does this conclude your testimony?**

6 **A.** Yes it does.

**J. K. "ROOTER" BRITE**

**PROFESSIONAL ACTIVITIES**

- Bowie Rural Volunteer Fire Department – Board Member and former President
- Bowie Economic Development Steering Team – Committee Member
- Wise Electric CO-OP, Inc. (Decatur, Texas) – Former Board Member & Vice- President
- Texas & Southwestern Cattle Raisers Assoc. – Director & Member
- Natural Resources & Environment Committee (TSCRA) – Vice-Chairman
- National Cattlemen's Beef Assoc. – Member
- Upper-Elm Red Soil Conservation District – Vice-Chairman
- National Association of Conservation Districts (NACD) – Committee Member
- Resource Conservation & Development (RC&D) – Board Member & former President
- Association of Texas Soil & Water Conservation Districts (ASWCD) – former Board Member & former Vice-President
- Texas State Soil & Water Conservation Board (Area 5) – Board Member & Vice-Chairman
- Texas Grazing Lands Conservation Initiative (GLCI) - Member & former State Chairman
- GLCI National Steering Committee – Member and Treasurer
- NACD Farm Bill Task Force – Member
- National Watershed Coalition – Member
- Texas Section Society for Range Management – Member
- State-Wide Dry Hydrant Committee – Member
- Texas Farm Bureau - Member