BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITING EVALUATION COUNCIL

In the Matter of the Application of: Scout Clean Energy, LLC, for Horse Heaven Wind Farm, LLC, Applicant.	DOCKET NO. EF-210011 REBUTTAL TESTIMONY OF BRYNN GUTHRIE ON BEHALF OF SCOUT CLEAN ENERGY

REBUTTAL TESTIMONY OF BRYNN GUTHRIE

ON BEHALF OF

SCOUT CLEAN ENERGY

EXH-1021_R

JUNE 30, 2023

STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480

I. INTRODUCTION AND QUALIFICATIONS:

Q. Please describe the purpose of this rebuttal testimony.

A. I am testifying in response to the pre-filed direct testimony of Mr. Dean Apostol, who has provided testimony on behalf of Tri Cities Cares.

Q. Are you able to answer questions under cross examination regarding your testimony?

A. Yes.

II. METHODOLOGY:

Q. Mr. Apostol criticizes the visual impacts methodology used by the Clean Energy States Alliance in the analysis it provided for EFSEC as part of the SEPA process. Are you able to speak to the analysis conducted for the DEIS?

A. No. My team was not involved in EFSEC's decision to conduct an independent visual assessment, nor in their choice of methodology. Because of the parallel processes (ASC preparation, SEPA and adjudication), it is important to distinguish between the two analyses completed, and identify which process was used for the Application for Site Certification ("ASC"). In addition to providing information requested through formal data requests, my team completed a Visual Impact Assessment ("VIA") for the ASC. That followed the well-established concepts of the BLM's Visual Resource Management ("VRM") system. The VRM system is a widely accepted standard in visual assessment practice.

For its SEPA analysis, EFSEC engaged a third party, SWCA, to conduct a separate visual impact assessment to evaluate the Project based on the Clean Energy States Alliance's ("CESA") guidance. My team was only responsible for providing data to the SEPA process through formal data requests. We did not participate in the CESA analysis.

STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480

Q. Mr. Apostol asserts that the photographs provided in the VIA used for the Visual simulations were improperly collected, speculating at points that a wide-angle lens or a cell phone camera were used. Do you believe this is an accurate assertion?

A. No. In no case was a cell phone camera used for a simulation. The photographs used in the VIA were collected over at least seven separate site visits going back to August 2018. The photos presented for simulations in the VIA (included in the Updated ASC) were taken using a DSLR camera [including Nikon D90, Canon EOS 60D] with a 35mm lens, and photos collected in 2023 used a full frame camera and fixed 50mm lens - all for the purpose of approximating normal human field of view. Individual image frames collected from a given viewpoint were stitched together to create the panoramic images used for the simulations. The process and equipment used to create the simulations followed standard industry practice.

Q. Mr. Apostol criticizes the visual simulations presented in the VIA for showing hazy conditions by arguing that they should show clear sky conditions. Can you explain why the photos in the simulations depict visible haze?

A. While I agree with Mr. Apostol's statement that clear-sky, low-haze conditions represent the most visually impactful viewing conditions and are the desired condition to capture site photography for visual analyses, there are a number of reasons why Scout's visual simulations contain atmospheric haze.

First, Scout's consultant conducted at least seven separate site visits to collect field photography for use in the VIA; the first site visit was conducted in August 2018 and the most recent was conducted in May 2023. All site visits were conducted with the intent to photograph the landscape under clear-sky conditions to represent the Project with the highest level of visual contrast. However, despite these numerous site visits in different months over a timeframe of six years, various amounts of visible haze is present in the site photography, from low (i.e., good visibility into the distance

STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480

as exemplified in VIA Figure 1/Representative Viewpoint 1 and Figure 11/Representative Viewpoint 8a) to a significant factor reducing visibility, as exemplified in the Original ASC VIA Figure 8/Representative Viewpoint 5.

Second, Mr. Apostol describes the Tri-Cities area as "desert-like" (P. 17-13), which is probably appropriate; it is arid. However, he does not take into account that this area has above average humidity. For example, the city of Kennewick, WA has an annual average humidity of around 60%. This means that on average, visible haze via atmospheric humidity is a common factor influencing the visual apparentness of objects, like wind turbines. We can see the effects of this typical humidity present around Tri-Cities as it affects visibility documented in the site photography, despite the fair-weather conditions.

Finally, Scout's consultant prepared a series of additional visual simulations in 2021 at the request of local stakeholders, including the Yakama Nation and winery operators. To counteract the effects of haze present during that fieldwork photography session, using Adobe Photoshop software, the photographed sky was replaced with clear blue conditions and a "dehaze" function was used to brighten the coloration of the landscape, simulating low-haze viewing conditions. The as-photographed conditions were included in the simulation layouts to demonstrate which viewpoints were modified and how the photos were edited. This photo editing process was explicitly undertaken to depict the Project under high contrast, "worst-case" visibility. These simulations were shared with the requestors in 2021 by Scout outside of the EFSEC process. Then for the sake of completeness, these additional simulations were provided to EFSEC in June 2023 along with simulations provided in response to data request 7. It is my understanding that EFSEC will make these additional simulations available soon.

STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480

Simply put, the photographs tend to represent real and practical viewing conditions of the Project's visual setting. It is not the applicant's fault that the area frequently includes the presence of haze, even on clear days. Applicant followed the best practices to highlight the actual visual impact of the project, and the reality is that this area frequently has low to substantial levels of haze. Frequent haze will in real and practical terms result in lesser visual impacts of objects seen in the middle ground or distance, because it reduces their visual contrast and prominence.

Q. Mr. Apostol claims that the visual simulations presented in the VIA are misleading. Do you believe this is a fair assertion?

A. No. Mr. Apostol claims the simulations are misleading various times in his testimony. However, the main objective support for his claim seems to be with regard to the viewing instructions, so I will address that claim here.

The simulation layouts each provide convenient means of comparing existing, 'Without Project' conditions with the simulated visual effects of Project Option 1 with Project Option 2: all included on a single sheet for each key observation point ("KOP"). This results in the simulation images being presented at a size smaller than fills a full 11 by 17 inch sheet. Viewing instructions to represent the image approximating true scale are clearly given on each simulation sheet included in the VIA, whether it is 6 inches or 8 inches from the eye. Given these clear instructions for viewing, I disagree with the assertion that viewers are misled. Viewers can approximate true scale using the viewing instructions, or they can view 'zoomed in' or at 'full screen.'

The simulations were prepared using the software WindPro v.3.6 to accurately depict the Project components in the photographed setting. This software has been used for visual simulations and accepted by past EFSEC Applications.

STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480

III. VIEWPOINTS:

Q. Mr. Apostol criticizes the VIA's selection of representative viewpoints. Is this critique valid?

A. No. Section 2.7 and Table 1 of the VIA explicitly describes the selection process used to determine the KOPs. Mr. Apostol correctly noted the types of viewpoints that Scout needed to include in its analysis, but he subjectively asserts that viewpoints "for the most part do not appear to be important viewing places." Many of the selected and simulated viewpoints were requested by stakeholders, and so Scout has to assume they are important. These requests are described in further detail below. The KOPs Scout identified are appropriate and effective for the evaluation because they are likely views of the Project and represent a locally identified, typical or sensitive view location and/or are representative of the identified viewer groups and view settings. They represent views from scenic overlooks, public roads and trails, residential and commercial settings, and public recreation areas. Views from different distances, orientations, elevations, and extent of Project exposure are included. Furthermore, Mr. Apostol does not identify a particular public viewpoint that he believes was excluded.

Q. Mr. Apostol insinuates that identified KOPs carried forward for the VIA were selected "randomly." Is this correct?

A. No. In total, 23 viewpoints were carried forward for analysis and 28 simulations have been prepared. Of those 23 locations, 16 were specifically identified by local stakeholders, indicating that the selected viewpoints were not chosen at random. Scout has been working with EFSEC and local stakeholders regarding views and visual effects since 2021. In all, **nearly 50** individual locations have been identified, visited, photographed, and considered. In addition, Scout received input from local

STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480

agencies and parties on the selection of the viewpoints and the analysis they represent.

Specifically, at the request of EFSEC under Data Request 2 in July 2021, six additional viewpoints were identified for simulations. Scout's consultant visited those six locations, developed simulations, and provided them to EFSEC in October 2021. They were also incorporated into the VIA for the Updated ASC in December 2022. Scout also conducted analyses at the request of Benton County, resulting in three KOP views from S. Clodfelter Road, which were incorporated into the VIA. Finally, at the request of EFSEC under Data Request 7, three additional viewpoints and simulations were prepared. These include two viewpoints identified by representatives from the Yakama Nation and an additional view of the Project from I-82. That request also included a request to provide an alternative view of the same location in Benton City.

Q. Mr. Apostol states that the viewpoint analysis is incomplete because it does not include "enough" or "valued" viewpoints. Do you agree?

A. My objections to this point are also addressed above. As noted by Mr. Apostol, KOPs in the VIA should include and evaluate:

- Scenic overlooks and viewpoints;
- Roads, Trails, other Transportation Routes;
- Where people Work; and
- Where people Recreate.

Applicant provided a viewpoint analysis from represented in the VIA by views from

- **Scenic overlooks and viewpoints**: represented by the McNary National Wildlife Refuge, Badger Mountain, Chandler Butte.
- **Roads, Trails, other Transportation Routes:** represented in the VIA by views from S Clodfelter Road (3 unique viewpoints along the roadway), I-82,

STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480

Bofer Canyon Road, Hwy 221, County Well Road, Travis Road. Trails are represented as described in the VIA from the public recreation areas listed in the bullet above.

- **Where people Work:** represented in the VIA by views from Benton City and Highland/Finley Area. In addition, subsequent work created by Scout's consultant in response to local engagement by Scout in 2021 illustrate views from local wineries. (The resulting simulations were provided to EFSEC in June 2023 as described above. It is my understanding these simulations will be shared by EFSEC soon.)
- **Where people Recreate:** represented in the VIA by views from McNary National Wildlife Refuge, Badger Mountain, Chandler Butte.
- **Where people Live:** represented in the VIA by views from Badger Mountain, S Clodfelter Road, Highway 221, Kennewick/Canyon Lakes Area, Badger Road, Highland/Finley Area, County Well Road, Travis Road.

Applicant also considered viewpoints from different cardinal directions, elevations, and distances. We also accounted for different types of view or viewers in these locations, such as recreational, motorist, residential, and commercial. Section 2.7 of the VIA contains the following:

> *"representative viewpoints were selected to represent different cardinal directions, elevations, and distances from the Project to represent perspectives from which the public will be expected to be able to observe the Project once constructed. These locations were selected to represent the viewer types/groups in the visual study areas, identified from known vantage points along public transportation routes, neighborhoods, and parks and trails and are analyzed further in the following sections."*

STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480

IV. IMPACTS

Q. Mr. Apostol testified that the project was not "reversible." Is that correct?

A. No. The Project is fully reversible, as described in the Decommissioning Plan. Although it represents significant investment of time, knowledge, and resources, following decommissioning the viewshed would be fully restored. The notion of wind farms visual effects being fully reversible has been accepted by BOEM for very large-scale offshore wind projects visible to millions of viewers with equally long-term anticipated life spans as anticipated for the Horse Heaven Wind Project.

Q. Do you agree with the testimony regarding Impact Conclusions?

A. No. In making his testimony, Mr. Apostol references Tables 2 and 3 and Tables 4 and 5 of the Visual Impact Analysis. It appears he is referring to work presented in the DEIS by EFSEC, not that prepared by Scout for the ASC. If so, these conclusions are outside the scope of this proceeding, in EFSEC's hands in the DEIS.

Impacts to views from the Project are evaluated and presented in the Updated ASC in order to support the decision makers in their determination.

Q. Do you believe Mr. Apostol's testimony regarding the Project's mitigation measures are reasonable?

A. No. Mr. Apostol seems to again conflate work prepared by EFSEC in the DEIS with measures committed to by Scout Energy in the Updated ASC. Setting that aside though, Mr. Apostol says "There is no evidence that Scout Energy did any of the above" [listed mitigation measures]. Regarding Mr. Apostol's assertion that topography and clustering were not considered in the design, I would direct the reader to the testimony of Mr. Poulos.

With regard to Mr. Apostol's opinion that the wind turbine layout design should "Increase the distance from most viewers to the nearest turbine" I would direct reviewers to the established precedent by EFSEC that turbines be located away from

STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480

neighboring receptors an equivalent distance of at least four times the structure height. The Project exceeds this standard.

In addition, a Decommissioning Plan was prepared and is available in Appendix A of the ASC. As noted above, the Decommissioning Plan describes how the Project would be uninstalled at the end of its lifecycle and therefore its visual effects would be fully reversible.

Regarding turbine coloration, Mr. Apostol claims without citing precedent that the FAA allows modifications to turbine colors in some instances. Per the relevant standard, the FAA's Advisory Circular, AC 70/7460-1L - Obstruction Marking and Lighting, acceptable colors for wind turbines are "white or light grey" for the purpose of being conspicuous to aircraft.

DATED: June 30, 2023.

STOEL RIVES LLP

TIMOTHY L. MCMAHAN
tim.mcmahan@stoel.com
WILLA B. PERLMUTTER
willa.perlmutter@stoel.com
ARIEL STAVITSKY
ariel.stavitsky@stoel.com
EMILY K. SCHIMELPFENIG
emily.schimelpfenig@stoel.com
Telephone: (503) 294-9517

Attorneys for Applicant

STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480