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 SUPPLEMENTAL TESTIMONY OF BRYNN GUTHRIE ON BEHALF OF SCOUT CLEAN ENERGY

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SUPPLEMENTAL TESTIMONY OF BRYNN GUTHRIE

ON BEHALF OF

SCOUT CLEAN ENERGY

SEPTEMBER 5, 2023

I. INTRODUCTION:

Q. Please state your name, occupation, and business address.

A. My name is Brynn Guthrie. I am a Registered Landscape Architect/Visual Resources Specialist. My business address is 1750 S Harbor Way Ste. 400, Portland, OR 97201.

Q. What is the purpose of your supplemental testimony?

A. I am responding to new evidence submitted by Tri-Cities C.A.R.E.S. witness Dean Apostol during the adjudicative hearing.

Q. Are you able and willing to submit supplemental live testimony and cross examination regarding these changes?

A. Yes I am.

Q. Have you reviewed EXH-5906_R?

A. Yes.

II. EXH-5906_R PAGE 1:

Q. Is the map in EXH-5906_R consistent with industry standards for a visual impact assessment? Why or why not?

A. No, it is not. This map is a subjective and unorthodox approach to not just visual impacts analyses, but project development in general. It is not required or even recommended by BLM guidelines, which even Mr. Apostol admits is one of the more comprehensive methods for visual analysis. *See* EXH-5102_T at 7. Rather, it seems Mr. Apostol has come up with a haphazard, subjective figure based on inaccurate *zoning* designations, which not only have nothing to do with specific visual impacts but also ignores important intervening visual features that directly influence the visual effects of the Project. This map is not based on any actual viewsheds of the Horse Heaven Hills, and it undermines the unbiased and objective approach used by the industry and included in the ASC.

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What it appears Mr. Apostol has done is applied non-existent and inappropriate zoning setbacks to an arbitrarily sketched line. Yet the line in the map upon which the distance offsets are based does not even correspond to the actual Benton County zoning area RL-5.

Even more misleading is Mr. Apostol's omission of key intervening visual features. Mr. Apostol's map applies subjective and irrelevant categories that he calls "visual areas." For example, considering Mr. Apostol's "Visual Area" 1 and 2, we know views from highly populated areas to the north are screened by intervening topography: Badger Mountain, Goose Hill, etc. Views and visual effects from Benton City are represented and documented in the ASC; the community is located over 2 miles from the nearest turbine, and those views would be in the context of existing development. A change to the view, yes, but not an incompatible change.

In addition, Mr. Apostol's map and figure seem to support a mitigation development process that is at odds with established industry standards and regulatory practice. To specifically reduce visual impacts to the most susceptible resources, the appropriate process would be to identify those specific locations or viewpoints where removing turbines would have a direct and meaningful reduction in visual impacts, while balancing the important goals of the Project. Per current practices, once an objective visual impact analysis is performed, it is the project applicant who is in the best position to be able to utilize that information to make business decisions regarding location and number of turbines. For example, typically, a developer will approach us with a proposed idea. Our visual impacts assessment staff takes that proposal and analyzes what types of impacts that will have. Then the developer takes that information, considers and balances it with all the other factors, including regulatory and economic factors, to make final design decisions. I believe that is what was done here.

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As an example of how this process evolves, the Applicant removed 13 turbines proposed in the initial ASC, including 4 turbines (no. 5, 6, 7, and 8) in the northwest part of the Project, which will significantly reduce visual impacts to many residents along Badger Road. (*See* EXH-4014_X). The removal of the 4 turbines will double the distance from many residents to the nearest turbine, from about 1 mile to 2 miles. Rather than arbitrarily removing turbines across three zones, Applicant used actual visual impacts identified in the ASC's visual impact assessment and the DEIS, combined with information on commercial productivity to make its decision.

To address concerns over where views are impacted, the correct, appropriate and best practice would be to focus, with transparent, direct precision based on actual regulations, on reducing effects to the most susceptible designated resources, which are those areas protected and managed for scenery.

Q. Are there any other concerns you have with EXH-5906_R's map?

A. I have deep concerns with how this map was prepared, and its ability to effectively or adequately guide the Council, but what those concerns come down to is that the map makes arbitrary designations, is unsupported by both fact and methodology, and is utterly lacking of any foundation in existing regulation. I will address these individually:

- **Arbitrary:** Mr. Apostol's proposed reductions are arbitrary, haphazard and not commensurate with particular impacted views. For example, it is unclear what the "Visual Area" 1 through 4 represent or how they were defined. Taking another example of the haphazard approach, large areas of land to the east and west of Canyon View PR NE, a small residential development, are in *agricultural* production, so Mr. Apostol is seeming to suggest that turbines be removed from view from areas where no residences in fact exist and therefore effects would be low. As noted in the ASC, the applicable Benton County code requires turbines be

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located at least 1,000 feet from dwellings not located within the same parcel. Furthermore, the precedent set by EFSEC for a setback for wind turbines from residences is 4x the structure height. As designed, the Project *exceeds* these requirements, and again, with the recent removal of turbines 5-8, the Project has significantly *increased* the distance between residences and the nearest Project turbine.

- **False assumption about 2-mi turbine setback in RL-5 zone:** The major driver determining Mr. Apostol's proposed removal of turbines appears to be a 2-mile setback from a line labeled on the map as "RL-5", defined seemingly at random by three points. It is entirely unclear how this line is defined, or what it represents. Because Benton County zoning authorities show lands in these areas are zoned RL-5, I will assume that Mr. Apostol's intent, however imprecisely or erroneously executed, is to establish a setback of 2 miles from turbines and properties zoned RL-5. That approach fails to acknowledge that only a small fraction of residents (in their homes) of Tri Cities would experience a high level of visual change, because the vast majority of residents' views toward the project are heavily modified by development: neighbors' homes, landscaping, streetlights, electrical poles, commercial developments, etc. This lack of acknowledgement was exemplified during my oral testimony with Mr. Aramburu, who continuously and incorrectly displayed the visual simulations 'zoomed in' to hide the existing development present throughout the study area to some degree in all the visual simulations. For most residents for whom turbines would be viewed in the distance and through a filter of foreground development, impacts would be low. Both Mr. Apostol's map, and Mr. Aramburu's unrealistic zooming exercise are extremely misleading the Council and grossly overstate the actual impacts.

Mr. Apostol's conflation of zoning designations and visual impacts is seriously

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misguided and unrooted in any industry- or agency-accepted approach I am aware of. Even so, taking the RL-5 zone itself, and its stated purpose (Benton County Code 11.11.010) to "preserve Benton County's rural character", the rural character in the RL-5 zone is not under threat due to the project as no permanent infrastructure would be placed in that zone. In fact, the RL-5 zone would still have the qualities identified in BCC 11.11.010, to include rural open space, low densities, wildlife habitat, outdoor recreational activities, rural home sites, and a range of agricultural activities. The turbines will change some views looking south from the RL-5 zone, but these changes would not prevent these uses from occurring on the RL-5 land. People will still recreate, live, and conduct low density activities in the RL-5 zone during the operational period of the project.

- **No basis in written regulation:** as documented throughout the ASC, the project would primarily be installed on private property active in agricultural production, and all applicable setbacks for the Project components have been met or exceeded, and the current zoning has no visual restrictions. There needs to be no mistake here: The Project Scout Energy has proposed is fully compliant with applicable Benton County code requirements and precedential EFSEC standards, including for visual resources at the time the ASC was submitted. Specifically regarding setbacks, requirements at the time the ASC was submitted according to BCC 11.17.070(t)(2) required that wind turbine tower bases 'must be set back from all dwellings not located on the same parcel at least one thousand (1,000) feet'. No other setbacks from residences were identified in the applicable Benton county code. Regarding zoning, 11.17.070(t)(5) identified a setback 'a distance equal to the wind turbine height from all borders of the GMA Agricultural District […]'. The applicant has voluntarily exceeded these distances.

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Finally, Mr. Apostol continues to ignore that the Project is proposed primarily on privately-held working agricultural fields. Regarding viewpoints identified in the VIA in the ASC, with the exception of the lands owned and managed by the BLM, the identified affected viewpoints are not designated as scenic nor managed for visual quality. For that reason, mitigation for visual resources is not strictly required for affected residential views, or even locations like Badger Mountain. As depicted in the simulations prepared for the ASC, the landscape character of Tri-Cities is growing and changing rapidly and has been heavily modified over the past two decades.

III. EXH-5906_R PAGE 2:

Q. Is the table on page 2 consistent with industry standards for a visual impact assessment? Why or why not?

A. It is not. As I've discussed above, the appropriate and correct process would be to focus on objectively assessing actual visual impacts (not zoning designations or other arbitrary categorizations), and then aiming to reduce impacts to those views that are the most susceptible to visual change, namely public places designated and managed for visual quality, and continually weigh potential mitigation measures against the goal of the project, which is energy generation. Nothing in the table in the exhibit attempts to do any of this.

Q. What are your concerns with relying on this table as part of the evaluation of the Updated Application for Site Certification?

A. As with the map upon which the table is based, the map and table are unclear, arbitrary and not based on any actual regulation or code. There is no support for setting the line where Mr. Apostol did, and no evidence that removing random groupings of turbines based on that line would have a net reduction in visual impacts from the most susceptible viewing areas. Using a target approach based on the actual impacted viewpoints is a better method for mitigation than arbitrary and undefined

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lines. For example, there is no evidence in the map or figure that removing 6 or 21 turbines based on the lines drawn by Mr. Apostol will actually cause a net reduction in visual impact from identified viewpoints, like Badger Mountain.

One of the reasons that the map is inconsistent with the BLM VRM methodology is that it applies a single factor (distance views) that informs the *visual impact analysis* as the sole method for mitigation. Below is a portion of a 2013 BLM management guide, which supplements the BLM VRM methodology, for reducing visual impacts on BLM-administered lands:

> *Within the VRI process, distance zones are assigned based on the distance of lands from places where people are known to be present on a regular basis, such as highways, waterways, trails, or other key locations. They include the following:*
>
> *-Foreground-middle ground – This zone includes visible areas from 0 to 5 mi.*
>
> *-Background – This zone includes visible areas from 5 to 15 mi.*
>
> *-Seldom seen – This zone includes lands visible beyond 15 mi or lands hidden from view from key locations.*
>
> *These distance zones are for use in conducting VRIs only. While distance is an important factor in the perception of visual contrast in the landscape, BLM distance zones as defined here are not used in visual contrast or impact analyses,* ***or to identify appropriate mitigation.*** (USDI 2013 Pg. 9)

As this section of BLM's own guidelines indicate, the basis of the map is inconsistent with BLM's written methodology to identify mitigation scenarios, because it only applies distance. The actual mitigation strategies outlined by the 2013 BLM guidelines were addressed individually (i.e., project layout and siting factors) during written and oral testimony by Mr. Poulos. *See* EXH-1031_R p. 10-12. Finally, the same 2013 BLM guidelines acknowledge that wind farm engineering designs by necessity must consider specific environmental factors to achieve viability, and therefore "developers may be reluctant to site turbines in response to potential visual impacts, except where visual values **are considered a critical concern.**" (USDI 2013

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Pg. 44-45). As I have stated, apart from the BLM's Horse Heaven Recreation Area, the Project viewshed is a heavily modified, suburbanizing/urbanized landscape, and views from within it and surrounding it reflect that reality. It is not a designated scenic area where visual values would be considered a critical concern, as evidenced by the lack of actual regulation by Benton County for views.

Q. Is there a better analysis to rely on when evaluating the visual impacts of the proposed project?

A. The ASC contains a robust visual assessment, consistent with established agency precedent and industry standards, which identifies the most-impacted view locations. In addition, SWCA, another experienced firm, completed its own analysis for the DEIS that comes to essentially the same conclusions as the Applicant's Visual Impact Assessment. That assessment shows that although the degree of *visual contrast* would be high, there is no evidence that visual *impacts* would be high, let alone significant, to the typical resident of Kennewick, Pasco, or Richland, due to the mitigating effects of distance, existing dominance of urban development in their view, angle of view, and in certain cases, intervening topography. This does not mean residents wouldn't see the project, they certainly would from certain locations. However, for most residents and visitors going about their daily activities within the Project viewshed, the project would not result in a degradation of their experience of living, working and recreating within the Tri-Cities, a growing suburbanizing, developing, changing area.

Q. Does your testimony rely on any literature to support your conclusions?

A. Yes. Please see below.

References

United States Department of the Interior. 2013. Best Management Practices for Reducing Visual Impacts of Renewable Energy Facilities on BLM-Administered

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Lands. Bureau of Land Management. Cheyenne, Wyoming. 342 pp, April.

I declare under penalty of perjury that the above testimony is true and correct to the best of my knowledge.

DATED this 20th day of September, 2023 at Portland, Oregon.

Brynn Guthrie

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CERTIFICIATE OF FILING AND SERVICE

I hereby certify that on September 21, 2023, I filed the foregoing Supplemental Testimony of Brynn Guthrie, dated September 21, 2023, with the Washington Energy Facility Site Evaluation Council through electronic filing via email to adjudication@efsec.wa.gov.

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by electronic mail at the email addresses listed on the attached Service List.

DATED: September 21, 2023.

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