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7 BEFORE THE STATE OF WASHINGTON  
8 ENERGY FACILITY SITING EVALUATION COUNCIL

9 In the Matter of the Application of:

DOCKET NO. EF-210011

10 Scout Clean Energy, LLC, for  
11 Horse Heaven Wind Farm, LLC,  
12 Applicant.

MOTION OF TRI-CITIES C.A.R.E.S. TO  
ALLOW SUPPLEMENTAL TESTIMONY

13 **1. MOTION TO ALLOW SUPPLEMENTAL TESTIMONY.**

14 Intervenor Tri-Cities C.A.R.E.S. (TCC) moves the PALJ to admit the  
15 testimonies described below in Section 2.

16 On the final day of the current adjudication, the PALJ allowed the parties to  
17 submit motions requesting permission to file supplemental testimony; a deadline for  
18 motions and testimony was set for close of business (5:00 p.m.) on September 5,  
19 2023. This motion attaches the proposed supplemental testimony by reference to its  
20 exhibit numbers, together with an explanation of the relevancy to the current state of  
21 the record and adjudication. The PALJ is respectfully requested to permit the filing of  
22 these testimonies and their inclusion in the record.  
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MOTION OF TRI-CITIES C.A.R.E.S. TO ALLOW  
SUPPLEMENTAL TESTIMONY - 1

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1 **2. UNDER THE CIRCUMSTANCES OF THIS CASE, SUPPLEMENTAL**  
2 **TESTIMONY IS APPROPRIATE.**

3 As the PALJ is aware, the adjudication for the Horse Heaven Wind Farm  
4 (HHFW) has been undertaken under a very compressed time schedule. Indeed,  
5 under Prehearing Order #2, responsive testimonies were due just over two weeks  
6 after opening round and reply/rebuttal testimony only seven business days (June  
7 30/July 12) following response testimony.

8 In addition, Applicant's "ongoing delays" in making David Kobus, its Project  
9 Manager available for his deposition, not only "violated discovery rules," but such  
10 "delays were unnecessary and cost TCC time and money." Order Granting TCC  
11 Motion to Compel Attendance of Senior Project Manager David Kobus at a Deposition  
12 (July 21, 2023) at page 3. These delays occurred precisely during the time that  
13 opening and rebuttal testimony was to be prepared, as described above. Further,  
14 submission of a late-filed request to supplement Mr. Kobus' deposition with technical  
15 fire testimony and other additions to the record in the August 8, 2023 "Moon Memo"  
16 during the week before the adjudication began created additional review and  
17 investigation burdens on TCC and other intervenors. Throughout these proceedings,  
18 TCC and other intervenors, joined at times by the Counsel for the Environment, have  
19 requested continuances to fully prepare their cases.  
20  
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22 In light of these factors, TCC requests that the following supplemental  
23 testimonies be included in the record, subject to cross examination on the extended  
24 hearing dates of September 11 and/or 15.  
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1 In the text below, TCC provides a brief summary of the testimonies requested  
2 to be added to the record, again, subject to cross examination.

3 2.1 Local Fire Chiefs: Lonnie Click and Dennis Bates.

4 Testimony during the adjudication to date has included impacts of local fire  
5 fighting. Though he was not cross-examined, Chair Drew did ask questions of Mr.  
6 Click, the Chief of Benton County Fire District #1, the answers to which are found in  
7 EXH-5912\_S.  
8

9 To complete the testimony of local fire officials, Dennis Bates, the chief of  
10 Benton County Fire District #2, provides supplemental testimony in EXH-5911\_S.  
11 Mr. Bates' District #2 covers the east end of the twenty-five-mile project. His  
12 testimony discusses the impact of the project as proposed in his area of responsibility.  
13

14 2.2 Aerial Firefighting: David Wardell and Mark Baird.

15 Hearing testimony to date has included concerns and documentation of the  
16 frequent fires along the north side of the Horse Heaven Hills, including photographs of  
17 fires which occurred during this adjudication. Linda Lehman's testimony (EXH-  
18 5632\_R, EXH-5820\_R, EXH-5821\_R and EXH-5822\_R) described these impacts and  
19 included photographs of aerial tanker operations. Mr. Krupin's testimony included  
20 documentation of recent fires in the area, which included their areal extent and dates  
21 of the occurrences (admitted portions of EXH-5300\_T through EXH-5307\_R).  
22

23 Supplemental testimonies of David Wardell (EXH-5907\_S, EXH-5908\_S and  
24 EXH-5909\_S) and Mark Baird (EXH-5910\_S, EXH-5913\_S) are attached. Mssrs.  
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1 Wardell and Baird are pilots with extensive experience in aerial firefighting operations  
2 applying retardants and water to fires. Their testimony provides insights as to how  
3 wind turbines impact aircraft operations and maneuvering during fire events, including  
4 their opinions regarding maintaining minimum distances between areas of frequent  
5 wildfires and lines of wind turbines.  
6

### 7 2.3 Additional Visual Testimony: Dean Apostol.

8 Dean Apostol, TCC's visual impact expert, provided testimony during the  
9 hearings and was asked questions from Council members which were briefly  
10 responded to verbally. Following the hearing, Mr. Apostol, after additional  
11 consideration, has summarized his responses in EXH-5105\_S. This supplemental  
12 testimony addresses the value of visual resources to individuals and the community,  
13 the importance of public outreach and engagement and suggestion of a path toward  
14 effective mitigation of impacted resources in this adjudication. Mr. Apostol also  
15 provides a potential redesign of the project, and supporting material, that follows the  
16 guidance in this testimony, which is included as EXH-5106\_S. His testimony will  
17 assist the Council in addressing the important visual issues.  
18

### 19 2.4 Local Farmers: John Christensen, Margaret Hue and Loren Miller.

20 Chair Drew asked questions of Applicant Witness Christopher "Bubba" Wiley  
21 which were answered in an extended fashion by Mr. Wiley. TCC presents the  
22 testimony of three long-time farmers in the Horse Heaven Hills who provide a  
23 response to Mr. Wiley's testimony. The testimonies of John Christensen (EXH-  
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1 5914\_S), Margaret Hue (EXH-5917\_S, EXH-5918\_S) and Loren Miller (EXH-5916\_S)  
2 address the adverse impacts of wind turbines on the farmers and farmlands in the  
3 Horse Heaven Hills community.

4 2.5 Air Pollution: Paul Krupin.

5 Supplemental testimony is also provided by Paul Krupin concerning impacts  
6 from dust created by the access roads from the project. His testimony documents  
7 existing overburdened communities in the Tri-Cities regional that are impacted by the  
8 small particulates found in dust.

9  
10 **3. CONCLUSION.**

11 Intervenor respectfully requests that the following testimony be filed as a part of  
12 the record of these proceedings:

- 13  
14 1. Lonnie Click. EXH-5912\_S.  
15 2. Dennis Bates. EXH-5911\_S.  
16 3. David Wardell. EXH-5907\_S, EXH-5908\_S and EXH-5909\_S.  
17 4. Mark Baird. EXH-5910\_S, EXH-5913\_S  
18 5. Dean Apostol. EXH-5105\_S, EXH-5106\_S.  
19 6. John Christensen. EXH-5914\_S.  
20 7. Loren Miller. EXH-5916\_S.  
21 8. Margaret Hue. EXH-5917\_S and 5918\_S.  
22 9. Paul Krupin. EXH-5915\_S.

23 Respectfully submitted this 5<sup>th</sup> day of September, 2023.

24 Law Offices of J. Richard Aramburu PLLC

25 /s/ J. Richard Aramburu

26 J. Richard Aramburu, WSBA #466  
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