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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
DIRECT TESTIMONY AND
ATTACHMENTS OF ERIK JANSEN ON
BEHALF OF SCOUT CLEAN ENERGY

**DIRECT TESTIMONY AND ATTACHMENTS OF ERIK JANSEN
ON BEHALF OF
SCOUT CLEAN ENERGY**

EXH-1002_T

Revised 6/26/23

STOEL RIVES LLP
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JUNE 12, 2023

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I. INTRODUCTION AND QUALIFICATIONS:

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

A. My name is Erik William Jansen and I am a wildlife and habitat biologist. My business address is 2725 NW Walnut Blvd., Corvallis, Oregon 97330 which is the Pacific Northwest office of Western EcoSystems Technology (WEST). WEST is an employee owned consulting firm providing environmental and statistical services to industry, government, and private organizations. WEST and their biologists have been involved in some capacity on nearly all renewable energy projects in the Pacific Northwest (PNW) since development began in 1999. My work in studying wildlife and their habitats at proposed and operational renewable energy projects in the PNW began in 2006. but previously worked on listed wildlife and coal bed methane issues in the Powder River Basin and Big Horn Basin of Wyoming and Montana, respectively.

Q. What are your job duties and responsibilities in that role?

A. At WEST, I am a consulting biologist and project manager working at the intersection of natural resource development and species/habitat conservation throughout the United States. My broad background and experience has allowed me to work with a diversity of species on a variety of conservation issues but the majority of my projects involve the development of wind and solar energy projects in the Columbia Plateau Ecoregion of eastern Washington and Oregon. I work directly with clients and oversee all facets of project development from early conception through post-permit biological monitoring.

Q. What is your educational and professional background?

A. A summary of my education and professional experience is included as Attachment A.

1 Q. How many times have you testified in energy facility adjudication proceedings?

2 A. This is my first time.

3 Q. When were you engaged in this matter?

4 A. I began work on the Horse Heaven Project in January 2017.

5 Q. How is your testimony organized?

6 A.

7 **II. PURPOSE AND SUBJECT MATTER OF TESTIMONY:**

8 Q. For whom are you testifying and what is the purpose of your testimony?

9 A. My testimony is offered on behalf of Scout Clean Energy. The purpose of my
10 testimony is to provide additional explanation and support for the wildlife and
11 habitat-related sections of the Horse Heaven Wind Farm Application for Site
12 Certification.

13 Q. Are you sponsoring any portions of the Application for Site Certification for the
14 Horse Heaven Wind Farm? Please describe the sections of the application you
15 contributed to.

16 A. Although I contributed to portions of the Section 3.4 – Habitat, Vegetation, Fish, and
17 Wildlife, and some information was incorporated by reference, I was not the primary
18 author. ,.

19 Q. Are you sponsoring any appendices or other documents that are part of the
20 Application for Site Certification?

21 A. Yes. I am sponsoring the following appendices of the updated ASC:

- 22 • Appendix K – Biological Reports, inclusive of Appendix Sections 1–23,
23 excluding reports produced independently by Tetra Tech (Sections 17, 19)
- 24 • Appendix M – Bird and Bat Conservation Strategy
- 25 • Supplemental Report: Population Viability Analysis of Ferruginous Hawk
26 (*Buteo regalis*) in Eastern Washington

- 1 • Supplemental Report: Multi-scale Resource Selection of Ferruginous Hawk
2 (*Buteo regalis*) Nesting in Eastern Washington and at the Horse Heaven Clean
3 Energy Center, Benton County, Washington
- 4 • Supplemental Report: Cumulative Effects to Birds, Bats, and Land Cover
5 from Renewable Energy Development in the Columbia Plateau Ecoregion of
6 Eastern Oregon and Washington

7 Q. Are you familiar with those portions of the identified sections and appendices of the
8 Application for Site Certification?

9 A. Yes.

10 Q. Did you prepare these portions of those sections and appendices of the Application
11 for Site Certification, or, if not, did you direct and/or supervise their preparation?

12 A. Although I did not direct nor supervise the development of Section 3.4 – Habitat,
13 Vegetation, Fish, and Wildlife of the updated ACS, I contributed to select topics that
14 reflected the subject matter in the technical reports which were produced by WEST.

15 Q. Is the information in these portions of those sections and appendices of the
16 Application for Site Certification within your area of authority and/or expertise?

17 A. Yes.

18 Q. Are the contents of these portions of those sections and appendices of the Application
19 for Site Certification either based upon your knowledge, or upon evidence, such as
20 studies and reports that reasonably prudent persons in your field are accustomed to
21 rely on in the conduct of their affairs?

22 A. Yes.

23 Q. To the best of your knowledge, are the contents and portions of those sections and
24 appendices of the Application for Site Certification true?

25 A. Yes.

26

1 Q. Do you incorporate the facts and contents of these portions of those sections and
2 appendices of the Application for Site Certification as part of your testimony?

3 A. Yes.

4 Q. Are you able to answer questions under cross-examination regarding these portions of
5 those sections and appendices of the Application for Site Certification?

6 A. Yes.

7 Q. Do you sponsor the admission into evidence of these portions of those sections and
8 appendices of the Application for Site Certification?

9 A. Yes.

10 Q. Are there any modifications or clarifications to be made to these portions of those
11 sections of the Application for Site Certification that you are sponsoring?

12 A. No.

13 Q. How did you develop your contributions to those sections and appendices of the
14 Application for Site Certification?

15 A. I relied on state and federal guidance describing the process used to study wildlife and
16 other environmental issues at land based renewable energy facilities in the U.S. The
17 guidance documents describe a tiered process that starts with broad characterizations
18 of the area in interest to identify environmental resources of concern or what is
19 referred to as critical issues. During this broad investigation phase, state and federal
20 wildlife agencies were contacted to solicit feedback on the area and was intended to
21 raise awareness and obtain agency-related data to guide future biological surveys and
22 inform siting decisions by the renewable energy developer. Based on this initial
23 assessment and guided by agency feedback, field surveys were conducted during the
24 appropriate season for the species in question. This data collection phase included a
25 combination of continuous multi-year surveys (e.g., avian use) and focused limited
26 duration surveys for species on interest (e.g., breeding and nesting raptors).

1 Methodology used during surveys are described in the guidance documents or
2 common data collection standards in the biological sciences (e.g., Ralph et al. 1995).
3 Absent formal guidance for solar energy development in Washington, WDFW Wind
4 Power Guidelines and related documents were used as a surrogate in addition to
5 informal commentary and feedback from WDFW. Emerging scientific research and
6 other information were continuously incorporated to help inform surveys and
7 recommendations to the client. Based on increasing amounts of data and site-specific
8 information collected at the project over time, more specific project documents and
9 analyses were developed to assist in project development to avoid and minimize
10 impacts to biological resources (e.g., Bird and Bat Conservation Strategy – Appendix
11 M).

12 Q. On what resources, data or other references did you rely on in contributing to those
13 sections and appendices of the Application for Site Certification?

14 A. In general, resources, data, or other references that were used to develop material for
15 the Project included a combination of publicly available data available from state and
16 federal resource agencies (e.g., Washington Department of Fish and Wildlife,
17 National Resource Conservation Service, US Fish and Wildlife, US Geological
18 Survey,), conservation partnerships (e.g., Washington Wildlife Habitat Connectivity
19 Working Group), and biological data collected during site- and resource- specific
20 field surveys. Remotely sensed spatial data are available in the public domain on host
21 websites. The data, materials, and methodology used for each study, assessment, or
22 evaluation is fully disclosed in each technical report or memorandum.

23 Principal guidance and management documents referenced for the project included
24 but were not limited to:

- 25 • NWCC Studying Wind Energy/Bird Interactions: A Guidance Document
26 (Anderson et al. 1999)

- 1 • ODFW Oregon Columbia Plateau Ecoregion Wind Energy and Permitting
- 2 Guidelines (ODFW 2008)
- 3 • WDFW Washington Wind Power Guidelines (WDFW 2009)
- 4 • USFWS Interim Golden Eagle Inventory and Monitoring Protocols; and other
- 5 Recommendations (Pagel et al. 2010)
- 6 • WDFW Various documents related to Priority Habitats and Species that include
- 7 but not limited to Management Recommendations for Washington's Priority
- 8 Habitats: Managing Shrub-steppe in Developing Landscapes (Azerrad et al. 2011)
- 9 and Management Recommendations for Washington's Priority Species (Larsen et
- 10 al. 2012)
- 11 • USFWS Land-based Wind Energy Guidelines (USFWS 2012)
- 12 • USFWS Eagle Conservation Guidelines (USFWS 2013)
- 13 • USFWS Updated Eagle Nest Survey Protocol (USFWS 2020)

14 Although not guidance documents, spatial data and information from the Arid Lands
15 Initiative State Wildlife Action Plan, and Washington Wildlife Habitat Connective
16 Working Group were integrated into biological resource assessments and site design
17 considerations.

18 Q. On what topics in the Application for Site Certification are you prepared to testify
19 about?

20 A. Principal topics include the primary subject matter found in each of the sponsored
21 documents. In general, topics include avian use and species composition, bat acoustic
22 monitoring, wildlife habitat and land cover, raptor nest and nest occupancy, bird and
23 bat mortality, and cumulative effects.

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DATED: June 12, 2023.

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1 **CERTIFICATE OF FILING AND SERVICE**

2 I hereby certify that on June 12, 2023, I filed an original and one copy of the
3 foregoing **DIRECT TESTIMONY AND ATTACHMENTS OF ERIK JANSEN ON**
4 **BEHALF OF SCOUT CLEAN ENERGY** with the Washington Energy Facility Site
5 Evaluation Council, through electronic filing via email to adjudication@efsec.wa.gov,
6 together with mailing via U.S. Postal Service, Return receipt requested, with postage prepaid
7 to the following address:

8 Energy Facility Site Evaluation Council
9 ATTN: Horse Heaven Adjudication
10 621 Woodland Square Loop SE
11 P.O. Box 43172
12 Olympia, WA 98504-3172

13 I hereby certify that I have this day served the foregoing document upon all parties
14 of record in this proceeding by first-class U.S. Mail (authorized method of service
15 pursuant to WAC 463-30-120(3)) at the addresses listed below (with a copy sent via email
16 where an email address is indicated).

17 ***Service List Attached***

18 DATED: June 12, 2023.

19 STOEL RIVES LLP



20 TIMOTHY L. MCMAHAN
21 tim.mcmahan@stoel.com
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23 *Of Attorneys for Applicant*
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