

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITING EVALUATION COUNCIL

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In the Matter of the Application of:

Scout Clean Energy, LLC, for Horse Heaven
Wind Farm, LLC,

Applicant.

DOCKET NO. EF-210011

REPLY TESTIMONY OF BRYNN
GUTHRIE ON BEHALF OF SCOUT
CLEAN ENERGY, LLC

REPLY TESTIMONY OF BRYNN GUTHRIE
ON BEHALF OF
SCOUT CLEAN ENERGY, LLC
EXH-1036_R

JULY 12, 2023

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1 **Q.** Please describe the purpose of this reply testimony.

2 **A.** I am testifying in response to the rebuttal testimony of Dean Apostol and David
3 Sharp, who provided testimony on behalf of Tri Cities Cares.

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

5 **A.** Yes.

6 **Q.** Mr. Apostol in his testimony dated July 5, 2023 (EXH-5103-R), lines 17 and 18,
7 expresses confusion regarding where the revised visualizations may be viewed. Can
8 you clarify?

9 **A.** Yes. Revised visualizations were provided to EFSEC in a memorandum on October
10 21, 2022, and subsequently included in the Revised ASC submitted in December
11 2022. The following simulations were updated based on field photos taken under
12 clearer atmospheric conditions:

13 * Representative Viewpoint 3: Chandler Mountain (Figure 5)

14 * Representative Viewpoint 5: Badger Mountain (Figure 8) (this location was
15 re-photographed for the Updated ASC)

16 * Representative Viewpoint 6: Bofer Canyon Road/I-82 (Figure 9)

17 * Representative Viewpoint 7: Highway 221 (Figure 10)

18 These updates and their methodology were described in the December 2022 Revised
19 ASC, Page 4-62. Additional visualizations prepared in 2022 were described in my
20 June 30 testimony.

21 **Q.** Mr. Apostol's July 5 testimony, lines 19-22, asks where the viewpoints are located for
22 three new visualizations requested by EFSEC. Can you provide additional
23 information?

24 **A.** Yes. The new viewpoints were requested by EFSEC as part of their SEPA review in
25 Data Request 7. Preliminary locations for the viewpoints were included in the data
26 request posted on EFSEC's SEPA page for this project. The three locations were in

1 Benton City (along WA-225), along I-82 south of Kennewick, and at Wallula Gap on
2 the east side of the Columbia River, i.e., the opposite side of the River from the
3 Project site. The final locations were close to the locations identified in the data
4 request, but adjusted based on EFSEC’s subsequent outreach to the Yakama Nation
5 (for the Wallula Gap location) and based on views of the project area from the Benton
6 City location at the time photos were taken. As described in my testimony dated June
7 30, these simulations were submitted to EFSEC in response to Data Request 7 on
8 June 16, 2023 but have not yet been posted to EFSEC’s website.

9 **Q.** Mr. Apostol’s July 5 testimony, lines 23-29, asserts that the BLM visual impact
10 methodology was not followed in its entirety. Specifically, he asserts that no
11 inventory of public resources from which visibility was anticipated was conducted.
12 How did your team identify key observation points (KOPs) to be used for developing
13 visual simulations?

14 **A.** As described in Section 4.2.3.2 of the ASC, aerial photography was used to identify
15 possible residential structures, travel ways, cultural resources, recreation, other areas
16 of interest, and open space areas. As described in my testimony dated June 30, the
17 KOPs represent identified viewer groups and locally identified, typical, or sensitive
18 viewing locations. Accordingly, the identified KOPs are representative of the range of
19 sensitive views of the project. A map of the inventory points considered and visited in
20 the field for the original ASC, is available on EFSEC’s website as part of the response
21 to Data Request 1. As I have described in my pre-filed testimony and in this
22 testimony, many additional viewpoints have since been considered and evaluated.

23 **Q.** Mr. Sharp’s July 5 testimony (which Applicant has moved to strike on multiple
24 grounds, a motion that remains pending and is in no way waived or withdrawn
25 through this line of questioning), asserts that views from BLM land adjacent to the
26 project are protected by BLM’s management guidelines for this land. Can you

1 describe how BLM’s management guidelines for their land affect development of the
2 surrounding area?

3 **A.** Firstly, I understand that Scout has moved to strike the testimony of Mr. Sharp. That
4 request notwithstanding, the conclusion in Mr. Sharp’s testimony that BLM has
5 identified their lands in the Horse Heaven Hills (identified as unit OR135-02) for
6 management as VRM Class II and III is accurate. These designations are intended to
7 guide BLM in management of their own lands so that the BLM lands may retain
8 values that are important to the public. However, BLM management guidelines do not
9 apply to lands owned by other entities, which are managed according to guidelines
10 established by the relevant state or local jurisdiction. BLM does not have the
11 authority to regulate development of lands outside of their jurisdiction, which I am
12 sure is a comfort to landowners, including those private property owners who have
13 chosen to build residential developments adjacent to BLM lands.

14 **Q.** Mr. Sharp in his rebuttal testimony asserts that the BLM visual impact guidance was
15 applied incorrectly because the lands were not rated ‘properly’ or ‘consistently’. Do
16 you agree with this assertion?

17 **A.** No. Key concepts from the BLM VRM program were applied to guide the assessment
18 of visual impacts from the project and were applied consistently in accordance with
19 accepted practice. Mr. Sharp seems to be arguing that the analysis downplayed the
20 expected visual impacts from the facility. This is not the case; the majority of
21 viewpoints analyzed were deemed to have ‘moderate to high’ overall visual impact
22 ratings (see Table 4.2.3-2 of the Revised ASC, Dec. 2022), under the applicable
23 standards and methodology. The applicant does not dispute that there will be adverse
24 visual impacts from the facility. In certain instances, the impacts are high. However,
25 it is important that those impacts be considered in context and as one relevant factor
26 of many in EFSEC’s evaluation criteria.

1 Q. Mr. Sharp also provides a discussion of each of the representative viewpoints
2 included with the ASC. Would you like to respond to his comments in this
3 discussion?

4 A. Yes. Mr. Sharp has commented on each of the various representative viewpoints and
5 visual simulations. I will not go into a detailed rebuttal for each of those discussions
6 here, but broadly I note that while it is always possible to find additional locations to
7 conduct analysis, as stated in my pre-filed direct testimony, the viewpoints selected
8 for this analysis are appropriate and effective to represent the range of potential
9 viewer groups, distances, locations, and uses. See my pre-filed direct testimony
10 beginning on p. 6 for additional discussion. The addition of more viewpoints to those
11 already analyzed would not change the conclusions of the analysis.

12 I would like to address Representative Viewpoints evaluated in the ASC
13 which Mr. Sharp characterizes in his testimony as “not representative.” I again point
14 to the direct input from EFSEC and local stakeholders for impacts to views.
15 Specifically, the following view locations were requested by EFSEC or others and
16 evaluated by Scout:

- 17 • RV- 3, Chandler Butte was specifically identified by members of the
18 Yakama Nation;
- 19 • RV-4a and RV-4b, I-82: a major interstate offering views to many
20 viewers is exactly the kind of representative view (though not the only
21 type) standard practice dictates we endeavor to evaluate under the BLM
22 VRM program;
- 23 • RV-7, Travis Road: requested by EFSEC as part of data request 2;
- 24 • RV-10, Badger Road: requested by EFSEC as part of data request 1.

25 Mr. Sharp is correct here that the GPS coordinates listed originally for RV-10 were
26 misstated for another view location. However, the intended viewpoint was presented,

1 simulated, and evaluated for impacts, and the GPS coordinates were resolved under
2 Scout’s response to Data Request 7.

3 I would also like to clarify one statement in my direct testimony. On p. 6, line
4 24, I stated that Scout has been working with EFSEC and local stakeholders since
5 2021. While Scout has been working with EFSEC since 2021 (when the ASC was
6 submitted), it has been working with local stakeholders for much longer, since 2017,
7 and the results of those discussions were incorporated into the visual impact analysis
8 presented in the ASC and subsequent documents.

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