

1 BEFORE THE STATE OF WASHINGTON
2 ENERGY FACILITY SITING EVALUATION COUNCIL

3 In the Matter of the Application of:
4 Scout Clean Energy, LLC, for Horse Heaven
5 Wind Farm, LLC,
6 Applicant.

DOCKET NO. EF-210011
SUPPLEMENTAL TESTIMONY OF
BRYNN GUTHRIE ON BEHALF OF
SCOUT CLEAN ENERGY

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1 **I. INTRODUCTION:**

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

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

5 Q. What is the purpose of your supplemental testimony?

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

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

10 A. Yes I am.

11 Q. Have you reviewed EXH-5906_R?

12 A. Yes.

13 **II. EXH-5906_R PAGE 1:**

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

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

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

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

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

1 As an example of how this process evolves, the Applicant removed 13 turbines
2 proposed in the initial ASC, including 4 turbines (no. 5, 6, 7, and 8) in the northwest
3 part of the Project, which will significantly reduce visual impacts to many residents
4 along Badger Road. (See EXH-4014_X). The removal of the 4 turbines will double
5 the distance from many residents to the nearest turbine, from about 1 mile to 2 miles.
6 Rather than arbitrarily removing turbines across three zones, Applicant used actual
7 visual impacts identified in the ASC's visual impact assessment and the DEIS,
8 combined with information on commercial productivity to make its decision.
9 To address concerns over where views are impacted, the correct, appropriate and
10 best practice would be to focus, with transparent, direct precision based on actual
11 regulations, on reducing effects to the most susceptible designated resources, which
12 are those areas protected and managed for scenery.

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

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

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

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

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

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

- 12 • **No basis in written regulation:** as documented throughout the ASC, the project
13 would primarily be installed on private property active in agricultural production,
14 and all applicable setbacks for the Project components have been met or exceeded,
15 and the current zoning has no visual restrictions. There needs to be no mistake
16 here: The Project proposed by the Applicant is fully compliant with applicable
17 Benton County code requirements and precedential EFSEC standards, including for
18 visual resources at the time the ASC was submitted. Specifically regarding
19 setbacks, requirements at the time the ASC was submitted according to BCC
20 11.17.070(t)(2) required that wind turbine tower bases 'must be set back from all
21 dwellings not located on the same parcel at least one thousand (1,000) feet'. No
22 other setbacks from residences were identified in the applicable Benton county
23 code. Regarding zoning, 11.17.070(t)(5) identified a setback 'a distance equal to the
24 wind turbine height from all borders of the GMA Agricultural District [...]'. The
25 applicant has voluntarily exceeded these distances.

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

9 **III. EXH-5906_R PAGE 2:**

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

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

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

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

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

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

9 *Within the VRI process, distance zones are assigned based on the distance of*
10 *lands from places where people are known to be present on a regular basis, such*
11 *as highways, waterways, trails, or other key locations. They include the*
12 *following:*

13 *-Foreground-middle ground – This zone includes visible areas from 0 to 5*
14 *mi.*

15 *-Background – This zone includes visible areas from 5 to 15 mi.*

16 *-Seldom seen – This zone includes lands visible beyond 15 mi or lands*
17 *hidden from view from key locations.*

18 *These distance zones are for use in conducting VRIs only. While distance is an*
19 *important factor in the perception of visual contrast in the landscape, BLM*
20 *distance zones as defined here are not used in visual contrast or impact analyses,*
21 *or to identify appropriate mitigation. (USDI 2013 Pg. 9)*

22 As this section of BLM’s own guidelines indicate, the basis of the map is inconsistent
23 with BLM’s written methodology to identify mitigation scenarios, because it only
24 applies distance. The actual mitigation strategies outlined by the 2013 BLM
25 guidelines were addressed individually (i.e., project layout and siting factors) during
26 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

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

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

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

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

23 A. Yes. Please see below.

24 **References**

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

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