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BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of the Application of:  
Scout Clean Energy, LLC, for Horse Heaven  
Wind Farm, LLC, Applicant

DOCKET NO. EF-210011  
  
PREFILED TESTIMONY OF  
MICHELLE COOKE

**Please state your full name and job title.**

My name is Michelle Cooke and I am the Benton County Planning Manager. I will have worked for Benton County eight years in August. Prior to working for Benton County, I worked for two years for forestry non-profits and natural resource conservation groups. I attended Portland State University and graduated with a degree in Geography and a minor in Community Development, which is essentially planning.

**Do you have any special connection to the Horse Heaven Hills?**

Yes. My family owns around 30,000 acres of irrigated crops in Klickitat and Benton Counties, all of which is located within the Horse Heaven Hills. My family also owns a winery in Prosser which, with its associated vineyard, is part of the Horse Heaven American Viticultural Area. I am intimately familiar with the practices and economics of farming in

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Benton County and the Horse Heaven Hills as my dad, mom, uncles, and cousins are all current farmers and are fourth- and fifth-generation farmers.

**Are you familiar with the proposed Horse Heaven Wind Farm Project?**

Yes. I am familiar with the Horse Heaven Wind Farm Project (“HHWF”).

**Are there any limitations to your testimony that the Energy Facility Site Evaluation Council should be aware of?**

Yes. My testimony is limited by the fact that a final environmental impact statement (“FEIS”) for the project has not yet been issued. I cannot know the actual features and impacts of the project until the FEIS is issued. Without knowing the features and the impacts of the project, I cannot evaluate the actual impacts the project will have to agricultural lands of long term commercial significance, which is an important term in state planning law defined at RCW 36.70A.170 (“ALLTCS”). Benton County submitted substantive comments on the HHWF draft environmental impact statement (“DEIS”) that directly related to ALLTCS. It is possible that my analysis would change based upon the response to Benton County’s comments.

With that caveat, I present my testimony below.

**Will the Horse Heaven Wind Farm Project have significant impacts on Growth Management Act agricultural lands of long term commercial significance?**

Yes. The HHWF will have significant impacts on Growth Management Act ALLTCS.

**How will the Horse Heaven Wind Farm Project have significant impacts on Growth Management Act agricultural lands of long term commercial significance?**

The Horse Heaven Hills is one of the County’s primary areas for dryland wheat production and in turn is one of the County’s most valuable areas designated for long term

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commercially significant agriculture. The County’s comprehensive plan policies direct the County to conserve and maintain ALLTCS, sustain the County’s agricultural economy while discouraging incompatible uses, reduce the inappropriate conversion of agricultural lands to non-agricultural uses, and protect critical areas and visually prominent naturally vegetated steep slopes and elevated ridges that define the Columbia Basin landscape.

Benton County has highly productive agricultural soils with over \$900 million generated by Benton County crops and livestock per year. The proposed project is located within the Growth Management Act Agricultural District (“GMAAD”), which encompasses approximately 649,153 acres or 59 percent of the County’s land base. Agriculture, specifically long term commercially significant agriculture, is the cornerstone of Benton County’s economy, natural resources industries, and way of life. The HHWF proposes a direct loss of 1% of the total agricultural lands within Benton County. This is an unprecedented change that likely exceeds the cumulative results of decades of ordinary permitting activity in the GMAAD area. Ignoring for a moment the environmental impacts of such loss, the HHWF’s conversion of agricultural land significantly impacts Benton County’s regional agricultural economy.

The HHWF will result in 6,869 acres of prime farmland being permanently taken out of agricultural production. Once ALLTCS are taken out of production, it is almost impossible for them to return to production, let alone profitable production. If the HHWF is approved, the County’s ALLTCS will be inappropriately converted to non-agricultural uses. The County understands that the HHWF has a decommissioning plan that proposes to return the converted lands back to agricultural use once the life of the Project has ended. However, that plan ignores the reality of ALLTCS. Once ALLTCS are put to non-agricultural uses,

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they simply will not be converted back to ALLTCS. Historically speaking, roads and accessory industrial uses do not revert back to an agricultural use because the impacts to soils regarding soil depth, nutrient content, and overall fertility are nearly irreparable. Soil regeneration in the real world is often impractical and is seldom pursued on an area-wide basis. It is expected that new roads will be constructed to allow the transportation and construction of the wind turbines, including roads constructed right up to the wind turbines. These roads will take additional ALLTCS out of production. The land will not be able to revert to agricultural use due to the extreme compaction, importation of road base material, and other effects the roads will have on the land (e.g., erosion, changes in drainage patterns, weed introduction, etc.). The nature of the new use will encourage non-agricultural uses to be located in the vicinity and will pressure the land use permit review system to allow them to do so.

The project will cause agricultural fragmentation with the new industrial uses, roads, and loss of habitat, which will make it extremely difficult to sustain economically viable agricultural activities in this region. Similarly, restoring the shrub-steppe habitat impacted as a result of the project to pre-disturbed conditions will be extremely costly and difficult.

Dryland agricultural activities in Benton County primarily consist of dryland wheat production, principally in the Horse Heaven and Rattlesnake Hills. Dryland production has an economy of scale requiring large operations, typically in the thousands of acres. Placing a wind turbine or solar array in the middle of a plot of land will have a cumulative effect on the surrounding hundreds, if not thousands, of acres by also disrupting viable agricultural production on a broader area. This is a much larger loss than the 1% of loss the HHWF is

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projecting based solely upon the physical site of the project. The HHWF will cause improper fragmentation of highly sensitive agricultural lands on an entire, landscape-wide level.

Dryland farming requires farmers to grow crops on a cycle, resting their soil for at least a year after each harvest to give it time to collect enough rain to produce another crop. If the soil is tilled, or if there is any other disturbance of the soil, that bare soil becomes subject to wind and water erosion, losing water storage to evaporation and weeds. If a dryland field does not contain adequate organic material or retain enough water, it will not yield a profitable crop.

The HHWF will remove the natural cover of the landscape for its towers, solar facilities, roads, and accessory infrastructure. The soils in Benton County are generally suitable for both agriculture and structural development, with localized constraints relating to slope, hydrogeology, and pockets of sandy soils and fines. Soils in the region are very susceptible to wind and water erosion once stripped of their natural cover. However, in undisturbed condition, the indigenous shrub-steppe and bunchgrass vegetative cover has adapted to hold basin soils in place. Basin soils are soils within the Columbia Basin, in which the HHWF is located. These soils tend to be dry in the summer and then are re-moistened by rains in the fall and winter. When stripped of natural cover, prevention of erosion requires the application of deliberate and aggressive management techniques such as the reintroduction of organic materials into the soil. These techniques are cost-prohibitive for most farmers in Benton County, which is why dryland farming techniques employed throughout Benton County, such as no-till methods, seek to retain as much natural cover as possible.

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Following the HHWF project life, it will be cost prohibitive for farmers in Benton County to take the necessary steps to return the land to viable agricultural production. Once land is stripped of its natural cover, in order to return the land to viable agricultural production one must put organic matter back into the soil and stabilize the soil. Straw is generally the cheapest organic material that can be used, at \$50-80 per ton. The general application rate of straw is about two tons per acre. Most dryland wheat farms cover thousands of acres. Assuming a farm of one thousand acres and straw at its present-day price, the cost solely for the necessary organic material to put the land back into production is \$100,000. This does not include any of the machinery needed to till the straw back into the soil, the cost to haul the straw, or the cost of fuel. Because farming is a commodity, an additional \$100,000 expense is a cost that will render a farming operation uncompetitive. Further, this example assumes that straw alone would be complete soil remediation. This is a gross oversimplification to illustrate a point. In reality, significantly more site-specific remediation work would be needed to deal with damage to soil based on compaction, imported foreign matter, and intervening erosion causing the topsoil to simply be stripped away.

**Will the Horse Heaven Wind Farm have additional impacts outside of the loss of agricultural land?**

Yes. The actual loss/conversion of ALLTCS is only one impact the HHWF will have. The HHWF's removal of ALLTCS from production will also impact the agricultural support economy in Benton County.

While the County predicts that the HHWF will result in much more than a 1% loss of the total agricultural lands in Benton County, even a loss of 1% will have significant

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impacts to the economy of scale required for agricultural production in the County. Benton County has highly productive agricultural soils with over \$900 million generated by Benton County crops and livestock per year. This 1% loss is a direct impact, and does not include or even attempt to estimate the larger indirect impact this loss will have to the agricultural support economy. While the DEIS discloses how many bushels of wheat may be lost during a single season, the DEIS does not discuss what this loss would mean to the overall agricultural economy, nor does the DEIS disclose what the economic loss over the entire life of the HHWF would be. All the DEIS discloses in regards to taking land out of production is that “[t]he Project would financially support ongoing agricultural ownership and operations via its lease agreements with participating landowners.” DEIS, p. 4-261.

While lease agreements may compensate farmers for their direct loss of revenue, it does not address what taking nearly 7,000 acres of ALLTCS out of product will do to the agricultural support business. The farming economy is not limited to the actual farms—farmers need support in order to properly and efficiently run their farms. One of the biggest industries within the Tri-Cities is agricultural support products and services. These important services and products include, but are in no way limited to: (1) the transportation of agricultural products, supplies, and equipment, including the trucking industry and operations; (2) the sale, repair, maintenance, and servicing of agricultural equipment, vehicles, implements, and machinery; (3) the winery industry, including American Viticultural Areas; and (4) commercial agricultural establishments providing sale, storage, repair, and/or sale of irrigation, mechanical, and excavation services.

Maintaining agricultural viability relies upon farmers productively farming a given piece of land or in a specific area; maintaining an economically viable farm business through

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experience, exploration, ingenuity, and technology; keeping the land in agriculture use long-term; and stewarding the land so it will remain productive into the future.

Taking agricultural land out of production for 30 years will not maintain agricultural viability. By allowing an essentially industrial use of this size, the County will face pressure to rezone surrounding areas to non-agricultural uses. Additionally, as I explain in more detail below, the landowners will likely not want to return the land to agricultural use as the cost to remedy the impacts from the HHWF will be prohibitive when facing pressure to either sell or convert to other non-agricultural uses. Other farmers in Benton County have received inquiries from data farms that are looking for large swaths of land to host their centers. I anticipate that as the HHWF is constructed we will see a continued push from other non-agricultural land users to buy land to place data centers or other facilities.

Instead of sustaining Benton County's long heritage of agriculture, I expect we will see ALLTCS land in the Horse Heaven Hills turned into a patchwork of semi-industrial sites devoted to short- and medium-term transitional uses. The surrounding farms will become remnants and, over the 30-year foreseeable planning horizon for the HHWF, it is likely that the Horse Heaven area will have a large percentage of its overall area occupied by no traditional farming activity at all. Under no likely scenario at the end of that time frame will these lands again combine the present features of soil types, ownership patterns, regional support businesses, and other synergies to justify a return to a viable regional farm economy. The Horse Heaven Hills' heritage as a region of dryland wheat farming since the late 19<sup>th</sup> and early 20<sup>th</sup> centuries will be lost.

The HHWF will be located where there are good soil types, farming activities are close to export facilities, the area has a good agricultural road system, the climate is good for



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diverse groups of crops, and there are strong agricultural organizations that provide agricultural technical advice and cooperation amongst the Horse Heaven farming industry. This land is more suitable for continuing the farming industry in Benton County than being put to use as a large industrial project.

**Will the land be able to go back to agricultural production once the project is decommissioned?**

When it comes to the physical ALLTCS, portions of the project may theoretically be able to return to agricultural production, depending on the impact and cost to rehabilitate the land. However, without an FEIS for the project that realistically engages with these impacts, it is impossible to know what the actual impact of the project will be. Additionally, while the soil may be able to return to production in an abstract technical sense, I do not believe the owners will actually return the land to agricultural production. As I noted above, when I spoke of “agricultural production” what I am really talking about is the economic viability of agriculture on sustained a regional basis.

A majority of farming in Benton County is predicated on what we call “legacy farming” or “family farms.” In essence, most farms in Benton County are held by families and are passed down from generation to generation. Often, farms in Benton County are run by one person, who will intend to pass the farm down to whichever child wishes to take over the business. In my experience, most families have at least one person willing to take over the farm.

The HHWF and the associated lease agreements will disrupt this legacy farming. These farms will be taken out of production for 30 years, and during this time most farms will have passed from one generation to the next. However, instead of the next generation


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taking over, the leasing of the agricultural land due to the HHWF will create a disconnection to the landscape of subsequent generations as they will most likely go into non-farming related industries. When the lease expires, one of the children of the landowner would need to leave their non-farming related job in order to renew the family legacy. Due to the fragmentation associated with the HHWF, these landowners will likely face pressure to either sell or convert their land to non-agricultural uses that will have become in the meantime more profitable than farming. Because ordinary farm income will be strained or lost, I expect to see farmers sell off their land to institutional investors who have funds to buy large tracts of land to hold for speculative purposes.

In conclusion, based on my personal knowledge and professional training and experience, it will not be economically viable for farmers to return the ALLTCS lands to agricultural use at the end of the HHWF project. Mitigation measures in the DEIS suggesting otherwise are poorly conceived, do not reflect a considered view of agricultural practices and the local farm economy, and will not prove adequate.

I, MICHELLE COOKE, declare under penalty of perjury under the laws of the State of Washington that the foregoing PREFILED TESTIMONY OF MICHELLE COOKE is true and correct to the best of my knowledge.

DATED this 7<sup>th</sup> day of June, 2023, at Kennewick, Washington.

  
MICHELLE COOKE

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**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that I served, in the manner indicated below, a true and correct copy of the foregoing document as follows:

<p>Energy Facility Site Evaluation Council PO Box 43172 Olympia, WA 98504-3172</p>	<p><input type="checkbox"/> By United States Mail <input checked="" type="checkbox"/> By Email: <a href="mailto:adjudication@efsec.wa.gov">adjudication@efsec.wa.gov</a> <a href="mailto:adamtorem@write.me">adamtorem@write.me</a> <a href="mailto:jonathan.thompson@atg.wa.gov">jonathan.thompson@atg.wa.gov</a> <a href="mailto:lisa.masengale@efsec.wa.gov">lisa.masengale@efsec.wa.gov</a> <a href="mailto:sonia.bumpus@efsec.wa.gov">sonia.bumpus@efsec.wa.gov</a> <a href="mailto:andrea.grantham@efsec.wa.gov">andrea.grantham@efsec.wa.gov</a> <a href="mailto:alex.shiley@efsec.wa.gov">alex.shiley@efsec.wa.gov</a></p>
<p>Timothy L. McMahan Ariel Stavitsky Willa Perlmutter Stoel Rives LLP 760 SW Ninth Avenue, Suite 3000 Portland, OR 97205 <i>Counsel for Scout Clean Energy, LLC</i></p>	<p><input type="checkbox"/> By United States Mail <input checked="" type="checkbox"/> By Email: <a href="mailto:tim.mcmahan@stoel.com">tim.mcmahan@stoel.com</a> <a href="mailto:ariel.stavitsky@stoel.com">ariel.stavitsky@stoel.com</a> <a href="mailto:willa.perlmutter@stoel.com">willa.perlmutter@stoel.com</a> <a href="mailto:Emily.Schimelpfenig@stoel.com">Emily.Schimelpfenig@stoel.com</a></p>
<p>Sarah Reyneveld Office of the Attorney General 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188 <i>Counsel for the Environment</i></p>	<p><input type="checkbox"/> By United States Mail <input checked="" type="checkbox"/> By Email: <a href="mailto:Sarah.Reyneveld@atg.wa.gov">Sarah.Reyneveld@atg.wa.gov</a> <a href="mailto:CEPSeaEF@atg.wa.gov">CEPSeaEF@atg.wa.gov</a> <a href="mailto:Julie.Dolloff@atg.wa.gov">Julie.Dolloff@atg.wa.gov</a></p>
<p>J. Richard Aramburu Law Offices of J. Richard Aramburu, PLLC 705 2nd Ave, Suite 1300 Seattle WA 98104-1797 <i>Counsel for Tri-Cities C.A.R.E.S.</i></p>	<p><input type="checkbox"/> By United States Mail <input checked="" type="checkbox"/> By Email: <a href="mailto:Rick@aramburu-eustis.com">Rick@aramburu-eustis.com</a> <a href="mailto:aramburulaw@gmail.com">aramburulaw@gmail.com</a></p>
<p>Ethan Jones Shona Voelckers Jessica Houston Yakama Nation Office of Legal Counsel PO Box 151 Toppenish, WA 98948 <i>Counsel for Yakama Nation</i></p>	<p><input type="checkbox"/> By United States Mail <input checked="" type="checkbox"/> By Email: <a href="mailto:ethan@yakamanation-olc.org">ethan@yakamanation-olc.org</a> <a href="mailto:shona@yakamanation-olc.org">shona@yakamanation-olc.org</a> <a href="mailto:jessica@yakamanation-olc.org">jessica@yakamanation-olc.org</a></p>

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DATED THIS 12<sup>th</sup> day of June, 2023, at Yakima, Washington.

/s/Julie Kihn  
JULIE KIHN