

To: Case No. 16-1109-GE-BRO

Final comments on the draft rules for the Certificate Applications for Electric Generation Facilities.

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OPSB Staff,

The new proposed drafted wind rules for the OAC do need to reflect the Ohio Statue as well as the protection of property rights for all rural property owners.

Some groups think that comments promoting the use of wind powered industrial electrical generating facilities have a place in the review of the currently proposed draft rules docket, but this is not that venue.

The OPSB Staff have tried to address many of the concerns of stakeholders that where involved in the wind rules workshops in these new proposed draft rules.

Setbacks of wind turbines for health and safety are an important part of those rules. Unlike a conventional electric generating plant that could be placed on a few hundred acres or less, the footprint for an industrial scale wind farm could include 10,000-20,000 acres. While this acreage is predominantly agricultural there are rural property owners living throughout these entire project footprints. Although wind powered electrical generating facilities prefer to be called wind farms these projects have nothing to do with farming.

Rural property owners choose to be near the day to day tasks associated with agricultural farming operations that involve the noises and smells associated with planting, harvesting, and animal husbandry, when living within agricultural zoned land. This calling of an industrial scale wind powered electrical generating facility a farm does not justify putting them on agriculturally zoned land or justify forcing the non-participating property owners to assume, anywhere on their property without their consent, the associated risks of a wind project.

The non-participating property owners rights start at their property line not just the outer corner of their present home. The project's participating property owners have the right to sign a lease, but not to infringe on the rights of his non-participating neighbor by use of a trespassing setback measurement based on the corner of a current residence. All property owners would agree they want the safety and health of themselves and their families to be protected anywhere on their property. The rights of rural property owners whether project participants or not need to be safeguarded. Setbacks measured from the property line only, whatever the current distance requirement may be, is equal protection for all.

While the new rules are not perfect they do reflect an attempt to address the rights of all property owners within a wind project boundary, and not just those of project participants and wind developers.

Respectfully,

Gary J. Biglin

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Summary: Comments electronically filed by Mr. Matt Butler on behalf of Mr. Gary Biglin