

March 23, 2018

Ms. Barcy F. McNeal, Secretary
Ohio Power Siting Board
Docketing Division
180 East Broad Street, 11th Floor
Columbus, Ohio 43215-3793

Re: Case No. 16-1871-EL-BGN, In the Matter of the Application of Icebreaker Windpower Inc. for a Certificate to Construct a Wind-Powered Electric Generation Facility in Cuyahoga County, Ohio, Communication with Ohio Department of Natural Resources

Dear Ms. McNeal:

In accordance with Ohio Administrative Code ("O.A.C.") Rule 4906-2-10, counsel for Icebreaker Windpower Inc. ("Applicant") hereby files this letter regarding a brief telephone discussion that was had in the presence of the Director of the Ohio Department of Natural Resources ("ODNR") and staff on March 20, 2018. Those present on behalf of the Applicant were Terrence O'Donnell and Christine Pirik (only for the latter end of the call).

Mr. O'Donnell inquired whether ODNR had received the favorable United States Fish and Wildlife Service ("USFWS") March 12, 2018 letter (attached) regarding timing of pre-construction radar studies (i.e., pre- or post-certificate), and whether ODNR desired further information on the subject. He noted that the procedural schedule in the case is currently suspended and that the Applicant was seeking the case to be re-started. Staff confirmed the agency received the USFWS letter but had not yet determined whether to respond, or what form any response might take.

In our opinion, the discussion did not go to the "merits" of the case, but Applicant's counsel is documenting this communication in the interests of transparency and to comply with the spirit of O.A.C. Rule 4906-2-10. As per the rule, "any participant in the discussion who believes that any representation made in this document is inaccurate or that the communications made during the discussion have not been fully disclosed shall prepare a letter explaining the participant's disagreement with the document and shall file the letter with the board and serve the letter upon all parties and participants in the discussion within two business days of receipt of this document."

Respectfully submitted,

/s/ Terrence O'Donnell

Terrence O'Donnell
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150 East Gay Street, Suite 2400
Columbus, Ohio 43215
Attorney for Icebreaker Windpower Inc.

Enclosure

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CERTIFICATE OF SERVICE

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to these cases. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons below this 23rd day of March, 2018.

/s/ Terrence O'Donnell

Terrence O'Donnell

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IN REPLY REFER TO:

FWS/AES

MAR 12 2018

Gary Obermiller
Assistant Director
Ohio Department of Natural Resources
2045 Morse Road
Columbus, Ohio 43229

Dear Mr. Obermiller:

The U.S. Fish and Wildlife Service (Service) has provided technical assistance for the Icebreaker project since the early stages of project development. Service input has included Endangered Species Act consultation, migratory bird related technical assistance, and NEPA comments on the Department of Energy's (DOE) Draft Environmental Assessment. The intent of this coordination has been to promote pre- and post-construction data gathering and analyses sufficient to understand and minimize project impacts. It is important to clarify the Service's role in this process. Particularly for non-listed migratory birds (not including eagles) and bats, various authorities provide us with the responsibility to provide technical assistance and recommendations, but we are not decision makers in this context.

Regarding potential take of federally listed species, DOE has determined that LEEDCo's Project Icebreaker is not likely to adversely affect Indiana bat, northern long-eared bat, piping plover, rufa red knot, and Kirtland's warbler. The Service concurred with these determinations.

For pre-construction radar monitoring, a USGS expert (Dr. Robert Diehl) recently completed a report (December 2017) analyzing various radar proposals and identifying which vendor's proposal would have the likelihood of the most accurate data. Based on Dr. Diehl's report, LEEDCo subsequently worked with the preferred vendor (Accipiter Radar) to address specific concerns and recommendations. We appreciate that LEEDCo is working with the vendor to address concerns and incorporate recommendations from Dr. Diehl and the Service to increase the reliability of the monitoring program. Accipiter provided LEEDCo with a second proposal that would include placing the radar on a fixed platform, at a water intake crib a few miles offshore. The Service believes both proposals have trade-offs (i.e., vessel based at the project site vs. fixed platform several miles away) and uncertainties related to data collection and interpretation. However, both proposals have the potential to contribute meaningfully to migratory bird and bat exposure data for the project.

The Service agrees with stakeholders that post-construction fatality monitoring is of particular importance to the project. This is because pre-construction monitoring will indicate if birds and bats are flying in or near the project area, whereas post-construction monitoring will help determine if birds and bats are actually struck by the turbines. In recent discussions, LEEDCo indicated there have been advancements in fatality monitoring detector technology. LEEDCo shared with the Service an Oregon State University proposal to further develop this technology and implement research at the project site. LEEDCo noted another research proposal is pending from the Netherlands. The Service is encouraged that there is progress in this realm of technological development. The Service continues to recommend implementation of post-construction monitoring (whether it be this technology if shown to be effective or another valid method) as soon as the wind turbine project is operational.

The Service acknowledges that Icebreaker is a relatively small-scale demonstration project consisting of six turbines and as such has limited direct risk to migratory birds and bats. The Service's interest is in both reducing the risk to birds and bats from this project and also gaining useful data from the pre- and post-construction monitoring of the operation of Icebreaker to inform any future off-shore wind developments in the Great Lakes so that risk to birds and bats from such projects can be avoided or minimized.

We recognize that for an off-shore project such as Icebreaker, any pre- and post-construction monitoring strategies will have technological challenges and uncertainties as a result of the environmental conditions under which the project will operate. Based on LEEDCo's ongoing efforts to incorporate expert input for pre- and post-construction monitoring, the Service believes the monitoring will inform our understanding of project impacts on birds and bats. It will also advance the understanding of radar capabilities and monitoring strategies in an off-shore environment. We expect that pre- and post-construction monitoring will be tied to a strong adaptive management plan so that any necessary changes can be made as monitoring results are acquired to reduce impacts to birds and bats.

Thank you for the opportunity to provide input on the technology for the pre- and post-construction monitoring for the Icebreaker project. If you have any questions regarding this letter, please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, reading "Lori H. Nordstrom". The signature is fluid and cursive, with the first name "Lori" and last name "Nordstrom" clearly legible.

Lori H. Nordstrom
Assistant Regional Director
Ecological Services
Midwest Region

cc: Dan Everson, Ohio Ecological Services Field Office, USFWS

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Case No(s). 16-1871-EL-BGN

Summary: Correspondence regarding communications electronically filed by Christine M.T. Pirik on behalf of Icebreaker Windpower Inc.