

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Seneca)
Wind, LLC for a Certificate of Environmental)
Compatibility and Public Need for a Wind-) Case No. 18-0488-EL-BGN
Powered Electric Generating Facility in)
Seneca County, Ohio)

**STATEMENT OF ISSUES
PRESENTED BY STEVE C. SHUFF
INTERVENOR**

Pursuant to Entry entered on July 8, 2019, Steve C. Shuff (“Shuff”) submits this Statement of Issues. Shuff intends to cross-examine witnesses at the evidentiary hearing and to present direct testimony. Shuff reserves the right to amend or supplement this Statement of Issues depending on issues raised by the other parties.

Shuff submits that the present application filed in this case fails to fully justify the Seneca Wind project under the provisions of Chapter 4906 of the Ohio Revised Code and the regulations adopted in OAC Chapter 4906-4.

Specifically Shuff challenges the present Application on the following grounds:

1. Applicant has failed to demonstrate the nature of probable environmental impact as required by R.C. 4906.10(A)(2).

a. The Applicant has not shown that the proposed facility would not physically impact the recreational areas in and near the project area.

Applicant's studies are incomplete and outdated.

b. The applicant has not shown that the viewshed for these 656 foot tall industrial wind turbines would be adversely and permanently affected.

c. Applicant's study on Karst topography is incomplete. Its proposed siting of wind turbines does not correctly take into account all Karst areas.

d. Applicant has not completed specific geotechnical investigation at each wind turbine location. This investigation should occur immediately and before any decision on the pending Application.

e. Applicant's field assessment of state and federal listed threatened and endangered animal species is incomplete and outdated.

f. Applicant's proposal to protect great blue heron rookery, the Indiana bat, and northern long-eared bat is inadequate and non-existent.

g. The Incidental Take Permit (ITP) under Section 10(a)(1)(B) of the Endangered Species Act should be issued first before any decision on the pending Application.

h. Applicant has failed to obtain necessary setback waivers.

Applicant must be required to obtain ALL waivers before any decision on the pending Application.

i. The Project will hinder and adversely impact the operations of the Seneca County Airport (16G).

j. The Project will prevent Life Flight from operating within the project area at times when cloud cover is low.

k. The Application does not adequately provide for the decommissioning upon the closure of the project.

2. Applicant has failed to demonstrate the Project represents the minimum adverse environmental impact as required by RC Section 4906.10(A)(3).

a. The proposed facility will take and destroy endangered avian and animal species.

b. The proposed facility will have permanent and adverse effect on numerous landowners.

c. The project area is comprised of approximately 56,900 acres. Seneca Wind has leases for around 25,691 acres. The non-participating landowners in the project area will be adversely impacted – noise, infrasound,

shadow flicker, ice throw, contamination of groundwater supplies, and diminution of value of their property.

3. The Applicant has failed to demonstrate the Project would not adversely affect navigable airspace.

a. Applicant provided FAA with an incorrect or false location for preparation of a public notice. Therefore the public notice was incorrect and the public comments were severely impacted.

4. The Applicant has failed to demonstrate the Project would serve the public interest, convenience and necessity.

a. The staff recommendations recommend that many of the plans necessary to protect the public be made after the Certificate is issued. This deprives the Board and the parties of the opportunity to determine whether the plans will be done fully and will protect the Intervenors.

5. Shuff plans to cross-examine witnesses about any issues that are discussed in the witnesses' testimony as well as any issues and concerns raised by

the applicant and other parties to this proceeding.

Respectfully submitted,

/s/ Steve C. Shuff
Steve C. Shuff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Memorandum was served upon the following parties listed below by electronic mail, this 30th day of July, 2019.

/s/ Steve C. Shuff
Steve C. Shuff

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Summary: Response statement of issues electronically filed by Mr. steve c shuff on behalf of shuff, steve c