

**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)	

Memorandum in Opposition

Seneca Wind's request to continue the adjudicatory hearing and request for expedited treatment should be Denied.

Brad Newman and the undersigned filed with the FAA a petition for review of the DNH's on August 1, 2019 by facsimile transmission and on August 2, 2019 by overnight mail. It was this petition, not Seneca Wind, that informed the FAA that the public notice was in error due to the wrong location. The termination of the DNH's is not solely to correct a public notice error. Other issues will still remain. See, attached Petition for Review.

Again, delay in this case is unreasonable. It is the applicant who keeps requesting indefinite suspension of the schedule. It is the Applicant who caused the error with the FAA. Fundamental fairness dictates that Seneca Wind should not benefit from that error. In civil court, many times cases need to be dismissed because the plaintiff is not ready for trial. This is exactly the situation here.

There will be substantial public comment to the FAA regarding the applicable aeronautical studies. This process could take many months or even longer. A continuance is not warranted in the pending case.

Public confidence and trust in the administrative process would be best served by a denial of the Applicant's motion.

Respectfully submitted,

/s/ STEVE C. SHUFF

Steve C. Shuff

91 E. TR 1178

Tiffin, OH 44883

Telephone: (419) 618-6869

E-Mail: SShuff@foreignjourneys.com

Petitioner

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 6th day of August, 2019.

/s/ Steve C. Shuff

Steve C. Shuff

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TO: Manager of the Airspace Policy Group
Federal Aviation Administration

**PETITION FOR
REVIEW OF DETERMINATIONS
OF NO HAZARD TO AIR NAVIGATION**

* * * * *

Now comes Brad Newman ("Newman") and Steve C. Shuff ("Shuff") and respectfully submits this petition for a formal review of the 94 aeronautical studies and determinations of No Hazard to Air Navigation. The following is a full statement of the issues and basis for such review.

1. Newman is one of the owners of Tiffin Aire, a pilot and the operator of the operator of the Seneca County Airport (16G). Shuff is one of the intervenors in the Seneca Wind Case pending before the Ohio Power Siting Board. Shuff also is a customer of Tiffin Aire. Both Newman and Shuff are residents of Seneca County, Ohio.
2. The 94 aeronautical studies and the resulting determination letters that are being petitioned for review are attached as Exhibit A, and incorporated herein.
3. The public notice for all 94 aeronautical studies was defective and therefore void. The public notice had the wrong location for these industrial wind turbines. The Form 7460-1 and the public notice indicated the location at Bloomfield, Ohio. There is no Bloomfield in Seneca County. Bloomfield, Ohio is 74 miles away from the Seneca County Airport. Because, the general public does not know the proper latitude and longitude for these obstructions, public comments were almost non-existent. The proper location was BLOOMVILLE, OHIO, not Bloomfield, Ohio.

4. The 84 proposed wind turbines with ASNs sequentially 2018-WTE-5607-0E through 2018-WTE-5690-0E exceed 499 feet AGL by 157 feet. Further 7 proposed wind turbines exceed the requirements of Section 77.17(a)(2) by 173 feet to 308 feet. See page 6-7 of the Determinations Letters.

The proposed wind turbines would exceed the obstruction standards and cause the initial approach altitude and the missed approach altitude to increase from 2400 feet to 3000 feet. This increase will cause less operations for the Seneca County Airport. In the event of bad weather or icing conditions, single engine aircraft flying under VFR would be adversely affected by raising approach heights by 25%.

5. On page 10 of the determination letters, it indicates no issues were raised during the public comment period. To the contrary, Brad Newman, Luther Gilbs and Steve Shuff filed comments. The remaining interested parties did not receive proper notice. (See Paragraph #3 above). Shuff's submitted comments are attached as Exhibit B and incorporated herein.
6. No consideration was given to private air strips which number approximately 11 in these aeronautical studies/determination letters.
7. No considerations were given to the concerns of Life Flight and to the NAAA. Attached are Exhibits C and D, incorporated herein.
8. There will be an adverse impact on radar LoS. Further study should be done.
9. Contrary to these aeronautical studies and the resulting determination letters, there will be an adverse impact on the Seneca County Airport.

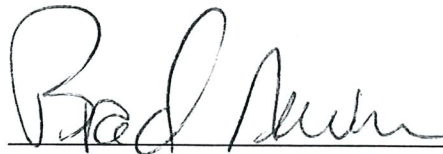
These adverse impacts are as follows:

1. Lessen taxpayer investment in the Seneca County Airport.
2. Hamper future investment in the Seneca County Airport.
3. Economic development in the area would suffer if operations at the Seneca County Airport would be curtailed by these obstructions.

Relief Requested by Petitioners:

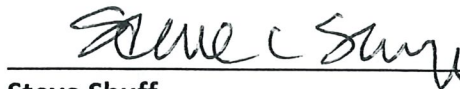
- A. Withdraw all determinations of no hazard to air navigation dated July 5, 2019 since notice was completely defective and the public and interested parties were unable to raise appropriate issues.
- B. Require a further study on the impact on radar LoS.
- C. Determine that the cumulative impacts of these wind turbines constitute a substantial adverse effect on the Seneca County Airport requiring appropriate navigation options including elimination of certain wind turbines.

Respectfully submitted



Brad Newman

Tiffin Aire - pilot, and resident



Steve Shuff

Intervenor and resident

1. LOCATION OF PROPOSED CONSTRUCTION

Exhibit A

The 94 proposed wind turbines' described heights and locations are expressed in AGL/AMSL and latitude/longitude.

ASN	Structure Name	AGL/AMSL	LAT/LONG
2018-WTE-5597-OE	2	455 / 1380	41-05-29.19N / 83-01-16.82W
2018-WTE-5598-OE	70	490 / 1399	41-06-51.45N / 82-58-03.82W
2018-WTE-5599-OE	1	499 / 1396	41-08-07.09N / 82-55-00.19W
2018-WTE-5600-OE	3	499 / 1407	40-59-50.04N / 83-04-44.61W
2018-WTE-5601-OE	4	499 / 1440	41-04-37.00N / 82-50-50.05W
2018-WTE-5602-OE	5	499 / 1442	41-05-54.96N / 82-58-20.34W
2018-WTE-5603-OE	6	499 / 1452	41-05-10.16N / 82-56-03.28W
2018-WTE-5604-OE	7	499 / 1362	41-01-41.33N / 83-04-46.72W
2018-WTE-5605-OE	8	499 / 1447	41-05-56.84N / 82-55-26.54W
2018-WTE-5606-OE	71	499 / 1469	41-04-34.58N / 82-52-15.22W
2018-WTE-5607-OE	9	656 / 1610	41-04-34.55N / 82-53-21.36W
2018-WTE-5608-OE	10	656 / 1616	41-03-35.22N / 82-50-12.48W
2018-WTE-5609-OE	11	656 / 1564	41-07-43.91N / 82-54-52.80W
2018-WTE-5610-OE	12	656 / 1570	41-03-47.07N / 83-02-14.64W
2018-WTE-5611-OE	13	656 / 1583	41-04-16.84N / 83-02-23.92W
2018-WTE-5612-OE	14	656 / 1585	41-02-36.65N / 83-01-31.24W
2018-WTE-5613-OE	15	656 / 1600	41-05-04.64N / 82-54-18.34W
2018-WTE-5614-OE	16	656 / 1590	41-06-01.97N / 82-53-43.48W

2018-WTE-5615-OE	17	656 / 1581	41-02-30.74N / 83-02-52.16W
2018-WTE-5616-OE	18	656 / 1599	41-04-10.58N / 82-50-14.39W
2018-WTE-5617-OE	19	656 / 1580	41-06-49.52N / 82-57-11.23W
2018-WTE-5618-OE	20	656 / 1624	41-05-04.80N / 82-55-03.40W
2018-WTE-5619-OE	21	656 / 1607	41-05-59.38N / 82-56-07.11W
2018-WTE-5620-OE	22	656 / 1608	41-03-50.04N / 82-50-14.93W
2018-WTE-5621-OE	23	656 / 1592	41-06-24.01N / 82-56-46.10W
2018-WTE-5622-OE	24	656 / 1620	41-04-34.03N / 82-51-45.16W
2018-WTE-5623-OE	25	656 / 1608	41-04-17.75N / 82-51-40.59W
2018-WTE-5624-OE	26	656 / 1592	41-06-23.38N / 82-56-07.62W
2018-WTE-5625-OE	27	656 / 1563	41-02-45.22N / 83-02-58.50W
2018-WTE-5626-OE	28	656 / 1603	41-05-19.73N / 82-54-31.82W
2018-WTE-5627-OE	29	656 / 1608	41-04-12.20N / 82-51-25.12W
2018-WTE-5628-OE	30	656 / 1553	41-00-13.22N / 83-05-01.36W
2018-WTE-5629-OE	31	656 / 1608	41-04-38.18N / 82-51-15.38W
2018-WTE-5630-OE	32	656 / 1619	41-05-09.97N / 82-55-34.67W
2018-WTE-5631-OE	33	656 / 1575	41-03-45.14N / 83-03-28.80W
2018-WTE-5632-OE	34	656 / 1560	41-03-35.54N / 83-02-59.73W
2018-WTE-5633-OE	35	656 / 1552	41-03-01.71N / 83-03-32.75W
2018-WTE-5634-OE	36	656 / 1617	41-05-25.71N / 82-55-00.58W
2018-WTE-5635-OE	37	656 / 1530	41-02-35.36N / 83-05-48.22W
2018-WTE-5636-OE	38	656 / 1626	41-05-26.97N / 82-55-38.50W
2018-WTE-5637-OE	39	656 / 1586	41-06-49.69N / 82-56-54.68W
2018-WTE-5638-OE	40	656 / 1553	41-00-37.58N / 83-04-46.55W
2018-WTE-5639-OE	41	656 / 1549	41-01-30.88N / 83-04-16.35W
2018-WTE-5640-OE	42	656 / 1475	41-02-04.08N / 83-08-46.00W
2018-WTE-5641-OE	43	656 / 1596	41-05-56.44N / 82-55-45.00W
2018-WTE-5642-OE	44	656 / 1570	41-00-55.49N / 83-03-51.57W
2018-WTE-5643-OE	45	656 / 1562	41-03-47.67N / 83-03-04.25W
2018-WTE-5644-OE	46	656 / 1538	41-00-41.52N / 83-05-27.33W
2018-WTE-5645-OE	47	656 / 1560	41-00-09.20N / 83-04-41.34W
2018-WTE-5646-OE	48	656 / 1534	41-01-04.87N / 83-04-58.05W
2018-WTE-5647-OE	49	656 / 1514	41-02-46.62N / 83-06-01.81W
2018-WTE-5648-OE	50	656 / 1555	41-03-13.58N / 83-03-43.64W
2018-WTE-5649-OE	51	656 / 1483	41-02-19.86N / 83-08-45.50W
2018-WTE-5650-OE	52	656 / 1553	41-01-08.94N / 83-03-49.19W
2018-WTE-5651-OE	53	656 / 1486	41-02-01.56N / 83-08-30.21W
2018-WTE-5652-OE	54	656 / 1539	41-00-58.75N / 83-04-44.02W
2018-WTE-5653-OE	55	656 / 1530	41-01-46.08N / 83-04-16.45W
2018-WTE-5654-OE	56	656 / 1580	41-02-27.12N / 83-02-15.65W
2018-WTE-5655-OE	57	656 / 1574	41-02-51.35N / 83-01-37.82W
2018-WTE-5656-OE	58	656 / 1578	41-06-45.40N / 82-56-35.99W
2018-WTE-5657-OE	59	656 / 1556	41-01-37.31N / 83-03-37.41W
2018-WTE-5658-OE	60	656 / 1530	41-01-59.27N / 83-03-53.95W
2018-WTE-5659-OE	61	656 / 1540	41-01-55.67N / 83-03-34.27W
2018-WTE-5660-OE	63	656 / 1599	41-05-26.13N / 82-58-52.48W
2018-WTE-5661-OE	64	656 / 1555	41-04-38.12N / 82-58-19.15W
2018-WTE-5662-OE	65	656 / 1559	41-03-42.15N / 83-03-58.24W
2018-WTE-5663-OE	66	656 / 1551	41-02-52.13N / 83-04-44.53W

2018-WTE-5664-OE	67	656 / 1558	41-03-14.62N / 83-04-03.93W
2018-WTE-5665-OE	68	656 / 1533	41-03-09.18N / 83-05-14.91W
2018-WTE-5666-OE	69	656 / 1509	41-03-04.10N / 83-05-54.18W
2018-WTE-5667-OE	72	656 / 1568	41-06-19.48N / 82-52-27.56W
2018-WTE-5668-OE	73	656 / 1590	41-03-35.06N / 82-51-19.40W
2018-WTE-5669-OE	74	656 / 1595	40-59-55.98N / 83-03-38.45W
2018-WTE-5670-OE	75	656 / 1575	41-05-05.99N / 83-01-57.36W
2018-WTE-5671-OE	77	656 / 1591	41-06-00.24N / 82-59-18.85W
2018-WTE-5672-OE	78	656 / 1567	41-07-13.09N / 82-55-33.85W
2018-WTE-5673-OE	79	656 / 1603	41-05-08.60N / 82-57-03.95W
2018-WTE-5674-OE	80	656 / 1612	41-05-27.65N / 82-56-47.33W
2018-WTE-5675-OE	81	656 / 1575	41-07-09.63N / 82-55-08.01W
2018-WTE-5676-OE	82	656 / 1595	41-06-17.12N / 82-57-16.63W
2018-WTE-5677-OE	83	656 / 1592	41-04-36.76N / 82-56-08.39W
2018-WTE-5678-OE	84	656 / 1600	41-06-04.49N / 82-58-46.05W
2018-WTE-5679-OE	85	656 / 1579	41-00-36.93N / 83-03-54.08W
2018-WTE-5680-OE	86	656 / 1527	41-02-02.50N / 83-06-22.76W
2018-WTE-5681-OE	87	656 / 1587	41-06-17.14N / 82-53-43.83W
2018-WTE-5682-OE	88	656 / 1584	41-06-20.44N / 82-58-19.84W
2018-WTE-5683-OE	89	656 / 1595	41-04-34.26N / 82-55-47.97W
2018-WTE-5684-OE	90	656 / 1525	41-00-47.77N / 83-06-01.58W
2018-WTE-5685-OE	91	656 / 1499	41-02-57.44N / 83-06-25.86W
2018-WTE-5686-OE	92	656 / 1528	41-00-45.39N / 83-05-43.68W
2018-WTE-5687-OE	93	656 / 1603	41-04-36.00N / 83-01-15.41W
2018-WTE-5688-OE	94	656 / 1616	41-05-27.04N / 83-00-07.07W
2018-WTE-5689-OE	95	656 / 1604	41-05-11.45N / 83-00-34.33W
2018-WTE-5690-OE	96	656 / 1608	41-05-24.58N / 82-58-20.87W

Exhibit B

Steve Shuff

From: "Steve Shuff" <sshuff@foreignjourneys.com>
Date: Monday, July 08, 2019 8:13 AM
To: "Holmquist, Paul (FAA)" <Paul.Holmquist@faa.gov>
Subject: Re: Aeronautical Study No. 2018-WTE-5607-OE and Study No. 2018-WTE-11673-OE

Paul: Regarding ASN. 2018-WTE-5607-5690 OE, I notice "Bloomfield". Where does that come from and who supplied that ? Thanks, Steve Shuff

From: Holmquist, Paul (FAA)
Sent: Friday, July 05, 2019 7:57 PM
To: Steve Shuff
Subject: RE: Aeronautical Study No. 2018-WTE-5607-OE and Study No. 2018-WTE-11673-OE

A different study locations. You can look at the archives to see the details.

Thanks, Paul

206-231-2990
<https://oeaaa.faa.gov>

From: Steve Shuff <sshuff@foreignjourneys.com>
Sent: Friday, July 05, 2019 12:15 PM
To: Holmquist, Paul (FAA) <Paul.Holmquist@faa.gov>
Subject: Re: Aeronautical Study No. 2018-WTE-5607-OE and Study No. 2018-WTE-11673-OE

Paul: What is the difference between ASN 2018-WTE-5597-5696 and the above reference ? Thanks, Steve Shuff

From: Holmquist, Paul (FAA)
Sent: Monday, May 20, 2019 9:28 AM
To: Steve Shuff ; Wheeler, Kent M (FAA)
Cc: Perez, Cesar CTR (FAA)
Subject: RE: Aeronautical Study No. 2018-WTE-5607-OE and Study No. 2018-WTE-11673-OE

Steve, we have received your comments and they are now attached to our study documentation.

Thanks, Paul

206-231-2990
<https://oeaaa.faa.gov>

From: Steve Shuff <sshuff@foreignjourneys.com>
Sent: Friday, May 17, 2019 11:47 AM
To: Wheeler, Kent M (FAA) <kent.m.wheeler@faa.gov>
Cc: Perez, Cesar CTR (FAA) <Cesar.CTR.Perez@faa.gov>; Holmquist, Paul (FAA) <Paul.Holmquist@faa.gov>
Subject: Aeronautical Study No. 2018-WTE-5607-OE and Study No. 2018-WTE-11673-OE

I request this e-mail be submitted as a comment to these studies. I live in Eden Township, Seneca

7/23/2019

County, Ohio. I respectfully request the FAA oppose the construction of these industrial wind turbines in Seneca County. There are major issues that will adversely affect the Seneca County airport (16G) . Raising approach limits will result in loss of flights at the airport in adverse weather. The Seneca County airport is necessary for economic development of our area. The possible required changes of increases to an IFR terminal minimum altitude would result in less air traffic for our airport and the area businesses that rely on the airport . On a personal note , these industrial wind turbines (some 652 feet tall) will reduce the opportunity for life flight to land at locations to assist persons who need immediate medical care at a regional hospital. My daughter was one of these persons. She was able to be taken to Toledo by a life flight helicopter with life threatening injuries. That quick response probably saved her life. Thanks for your consideration of my comment. Steve C. Shuff

7/23/2019



Mercy St. Vincent Medical Center
St. Rita's Medical Center
Critical Care Transport Network
2213 Cherry Street
Toledo, Ohio 43608-2691
(419) 251-4290 Fax: (419) 251-4293

October 4, 2018

Thank you for taking the time to contact Life Flight in regard to our flight operations in your area. We have no specific regulations or policies that relate to wind-turbines. We do however, have FAA regulations that govern how HAA (Helicopter Air Ambulance) helicopters are to be operated in the United States. I have attached a copy of the specific regulation, FAR 135.615, for your review. The specific guidance for us regarding obstacle clearance is under Paragraph (b) Enroute.

The "Reader's Digest" version of what it says - we as pilots must determine obstacles along our route of flight and must also identify the highest one and be able to clear it by 300ft during the day or by 500ft at night while also staying 500ft below the cloud "ceiling" above us.

If the said obstacle happens to be a wind-farm, it will be depicted on our FAA Approved maps. We in turn will have to comply with the above regulation. As far as landing in the vicinity of the wind-farm our pilots would assess the safety of the Landing Zone like any other. They will perform a high circling pattern while communicating with Fire, EMS, or Law Enforcement personnel via radio to confirm any obstacles and hazards prior to landing.

There is one caveat to this, if the proposed wind-turbine were to be constructed within one and a half miles or less of a PDLZ (Predesignated Landing Zone), we would be opposed to the construction. An obstacle like a wind-turbine would degrade our ability to serve patients brought to us by Fire and EMS for expedited helicopter transport to a hospital. We define a PDLZ as any concrete or asphalt area that has been improved for helicopter landings by FAA recommended lighting, markings, and obstacle clearance. And that the PDLZ is maintained by a municipal or private entity. Meaning it is kept clear of snow and ice in the winter and that it is secure for landing by Fire, EMS or Law Enforcement prior to aircraft arrival for patient pickup.

I hope this answers your question, please do not hesitate to contact me if you would like more information.

W, Mike Conrad

Director Mercy Health Life Flight Network
Director of Operations Life Flight
567-525-1167 Mobile
419-251-4588 Office

§ 135.615 VFR flight planning.

(a) *Pre-flight.* Prior to conducting VFR operations, the pilot in command must -

- (1)** Determine the minimum safe cruise altitude by evaluating the terrain and obstacles along the planned route of flight;
- (2)** Identify and document the highest obstacle along the planned route of flight; and
- (3)** Using the minimum safe cruise altitudes in paragraphs (b)(1)-(2) of this section, determine the minimum required ceiling and visibility to conduct the planned flight by applying the weather minimums appropriate to the class of airspace for the planned flight.

(b) *Enroute.* While conducting VFR operations, the pilot in command must ensure that all terrain and obstacles along the route of flight are cleared vertically by no less than the following:

- (1)** 300 feet for day operations.
- (2)** 500 feet for night operations.

(c) *Rerouting the planned flight path.* A pilot in command may deviate from the planned flight path for reasons such as weather conditions or operational considerations. Such deviations do not relieve the pilot in command of the weather requirements or the requirements for terrain and obstacle clearance contained in this part and in part 91 of this chapter. Rerouting, change in destination, or other changes to the planned flight that occur while the helicopter is on the ground at an intermediate stop require evaluation of the new route in accordance with paragraph (a) of this section.


(d) *Operations manual.* Each certificate holder must document its VFR flight planning procedures in its operations manual.

Exhibit D

Steve Shuff

From: "chris aichholz" <caichholz@yahoo.com>
Date: Wednesday, June 12, 2019 9:12 PM
To: "Brad Newman" <newman@tiffinaire.com>; "Steve Shuff" <sshuff@foreignjourneys.com>
Cc: "Greg Smith" <gsmith@nationalmachinery.com>; "Jim Feasel" <jfeasel@woh.rr.com>
Subject: Thought I'd share

Low-Flying Aircraft Have A "Towering" Problem.



Wind Energy Development Impacts Everyone.

Aerial spraying, or "crop dusting" gets more challenging with every wind turbine project erected on America's farmland.

Without careful planning in their placement, farmers could lose the option—and the advantage—of aerial spraying. Agricultural aircraft can treat large areas of land quickly and safely, and may be the only option for treating crops when wet fields, rolling terrain or dense crop foliage exist.


Landowners are being asked to make crucial decisions that will impact farmers and their neighbors for years to come. Improper wind turbine siting may negatively affect aerial applicators, emergency medical flights, aerial firefighting and other low-flying aircraft.

Be sure to consider all the facts before "green lighting" a wind energy installation on your land.

Let's Be Fair About Sharing The Air

Learn more at www.agaviation.org/towers.htm

A MESSAGE BROUGHT TO YOU BY
YOUR LOCAL AERIAL APPLICATOR AND



[Sent from Yahoo Mail on Android](#)

7/22/2019

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/6/2019 4:36:15 PM

in

Case No(s). 18-0488-EL-BGN

Summary: Memorandum in Opposition electronically filed by Mr. steve c shuff on behalf of shuff, steve c