

BEFORE  
THE OHIO POWER SITING BOARD

In the Matter of the Application of Republic )  
Wind, LLC, for a Certificate to Site Wind )  
Powered Electric Generating Facilities in ) Case No. 17-2295-EL-BGN  
Seneca and Sandusky Counties, Ohio )

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**LOCAL RESIDENTS' MEMORANDUM CONTRA REPUBLIC  
WIND'S MOTION TO STRIKE AND MOTION IN LIMINE  
RELATED TO MARK SHIELDCASTLE'S TESTIMONY**

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The Local Residents file this memorandum in opposition to Republic Wind's motion to exclude Mark Shieldcastle's testimony about bats and bat studies. Republic Wind claims that Mr. Shieldcastle does not have the requisite experience with bats.

Mr. Shieldcastle has 45 years of experience in wildlife management and studies. He has a Bachelor of Science degree in Wildlife Management from Ohio State University. For 33 years, he was a wildlife biologist for the Ohio Division of Wildlife, dealing not only with bird species, but mammal species as well. For the last 27 years, he has been the research director for the Black Swamp Bird Observatory on wildlife issues. *See* Mr. Shieldcastle's resume, which is attached to his direct testimony as Exhibit A.

Republic Wind's motion presumes that a wildlife expert cannot express opinions on bats and bat studies without having previously conducted field studies of bats. This presumption is inaccurate. Certain principles for conducting accurate wildlife surveys apply universally, regardless of the species. For example, he is fully capable of expressing educated opinions about the proper techniques for conducting accurate wildlife surveys, because he has conducted numerous wildlife surveys of birds and mammals. He has conducted banding operations or has supervised banding operations of almost a million birds using mist nets. Since bats also are

caught in mist nets and banded to trace their subsequent travels, Mr. Shieldcastle's experience with bird surveys and banding translates well to the same activities for bats. Accordingly, he has the necessary knowledge and experience to express expert opinions on bats and bat surveys, and Republic Wind's motion should be denied.

Respectfully submitted,

/s/ Jack A. Van Kley  
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### **CERTIFICATE OF SERVICE**

On November 11, 2019, the docketing division's e-filing system will electronically serve notice of the filing of this document on the following counsel for the parties: Sally W. Bloomfield ([sbloomfield@bricker.com](mailto:sbloomfield@bricker.com)), Dylan Borchers ([dborchers@bricker.com](mailto:dborchers@bricker.com)), Joshua D. Clark ([jclark@senecapros.org](mailto:jclark@senecapros.org)), Leah F. Curtis ([lcurtis@ofbf.org](mailto:lcurtis@ofbf.org)), Chad A. Endsley ([cendsley@ofbf.org](mailto:cendsley@ofbf.org)), Miranda Leppla ([mleppla@theoec.org](mailto:mleppla@theoec.org)), Amy M. Milam ([amilam@ofbf.org](mailto:amilam@ofbf.org)), Mark Mulligan ([mulligan\\_mark@co.sandusky.oh.us](mailto:mulligan_mark@co.sandusky.oh.us)), Devin D. Parram ([dparram@bricker.com](mailto:dparram@bricker.com)), Chris Tavenor ([ctavenor@theoec.org](mailto:ctavenor@theoec.org)), Trent Dougherty ([theoec.org](mailto:theoec.org)), Dane Stinson ([dstinson@bricker.com](mailto:dstinson@bricker.com)), Derek Devine ([dwd@senecapros.org](mailto:dwd@senecapros.org)), Jodi Bair ([jodi.bair@ohioattorneygeneral.gov](mailto:jodi.bair@ohioattorneygeneral.gov)), and William Cody (. On the same date, I served a copy of this filing by electronic mail on the above-listed counsel, Dennis Hackenburg at [Dennyh7@frontier.com](mailto:Dennyh7@frontier.com), and Mike and Tiffany Kessler at [mkessler7@gmail.com](mailto:mkessler7@gmail.com).

/s/ Jack A. Van Kley  
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**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**11/11/2019 10:06:44 PM**

**in**

**Case No(s). 17-2295-EL-BGN**

Summary: Memorandum in Opposition to Republic Wind's Motion to Strike A Portion of Mark Shieldcastle's Direct Testimony electronically filed by Mr. Jack A Van Kley on behalf of Local Resident Intervenors