

I. Introduction

Pursuant to the procedural schedule established by the Attorney Examiners in this case, the Ohio Environmental Council (“OEC”) and the Environmental Defense Fund (“EDF”) (collectively, “Environmental Advocates”) respectfully submit the following post-hearing Reply Brief in the above-captioned proceeding. The initial post-hearing briefs of the parties to the case demonstrate that Republic Wind, LLC should be granted a certificate to construct a wind farm subject to certain conditions, and that several revisions, as detailed below, are appropriate as part of those conditions.

II. Argument

A. The OPSB Should Approve the Republic Wind LLC’s Proposed Project, Subject to Conditions.

The Ohio Power Siting Board should grant Republic Wind, LLC’s request for a certificate to site a wind facility in Seneca and Sandusky Counties, Ohio, subject to conditions recommended in the Staff Report. Republic Wind, LLC (“Republic Wind” or “Republic”) has proposed several revisions to those, some of which the Environmental Advocates support and some for which we have suggested revisions detailed below. Further, arguments made by intervening parties opposed to the Republic Wind project have failed to show that Republic should not receive its certificate. The OPSB should grant Republic Wind, LLC a certificate subject to Conditions in the Staff Report, with certain suggestions herein.

B. Revisions Suggested by Republic Wind

1. Condition 22

The Environmental Advocates support the revisions proposed by Republic to Condition 22, but recommend the revision include endangered plant species as well, making the revision to Condition 22: “state and federally listed threatened or endangered plant species”. Calling out

exactly what types of plants are subject to this condition is important to ensure Republic is protecting those that are threatened or endangered while in the midst of construction.

2. Conditions 24, 26, and 40

The Environmental Advocates believe Conditions 24, 26, and 40 are sufficient as written in the original Staff Report.

3. Condition 25

As for Condition 25, the Environmental Advocates recommend leaving the phrase “adversely impact” and, for consistency, using the phrase “state and federally listed threatened or endangered plant or animal species” in the first sentence of the Condition.

4. Condition 29

The Environmental Advocates proposed revisions to this Condition in our initial post-hearing brief, which included revising “wild animals” to “state and federally listed endangered or threatened species”.

5. Condition 32

Because the revisions proposed by Republic still give final decision-making authority to ODNR, the Environmental Advocates believe the revisions suggested by Republic are acceptable.

6. Conditions 33-35

Republic Wind’s proposed revisions to these conditions merely clarify and defer to ODRN, and Environmental Advocates support those revisions.

7. Condition 36

The Environmental Advocates appreciate Republic's interest in participating in the process developed by an ODNR-approved herpetologist, but recommend that the revisions read as follows:

- (c) Obtain an ODNR-approved herpetologist to develop and implement an avoidance/minimization plan, in coordination with the Applicant.

C. Arguments by Opposed Intervenors

Arguments related to environmental impacts made by intervening parties opposed to the Republic Wind project have failed to show that Republic should not receive its certificate. In particular, certain arguments hinge on aesthetics and visual impact, and others fail to recognize the multiple protections within the Application and Staff Conditions that will protect bats, birds, and other wildlife as well as plant species as the project moves forward to ensure the Republic Wind project has minimal adverse impact. These arguments are without merit, and Republic should be granted a certificate.

III. Conclusion

As a whole, Republic Wind's Application, along with the recommended Staff Conditions as clarified above, defines the nature of the probable environmental impacts and represents the minimum adverse environmental impact. Republic Wind estimates it will generate up to 665,000 MWh per year, helping Ohio reduce our reliance upon fossil fuels for generation. Wind projects, such as this, address ecological issues while serving the public interest by reducing greenhouse gas emissions, thereby mitigating the causes of climate change. The nearly 200 MW of renewable energy Republic will provide is a significant step toward a cleaner future for Ohio. For the foregoing reasons and those in our Initial Brief, Republic Wind has met the requirements

set forth in R.C. 4906.10(A) and the Environmental Advocates urge the Board to issue Republic
Wind a certificate of environmental compatibility and public need.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing *Initial Post-Hearing Brief by the Ohio Environmental Council and Environmental Defense Fund* was served by electronic mail, upon all Parties of Record on this 13th day of January, 2020.

/s/Miranda Leppla
Miranda R. Leppla

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Summary: Reply Brief of the Ohio Environmental Council and Environmental Defense Fund electronically filed by Ms. Miranda R Leppla on behalf of Ohio Environmental Council and Environmental Defense Fund