

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of)	
Nestlewood Solar I LLC)	
for a Certificate of Environmental)	Case No. 18-1546-EL-BGN
Compatibility and Public Need)	

SUPPLEMENTAL DIRECT TESTIMONY OF LYNN GRESOCK

Q.1. Please state your name, title and business address.

A.1. My name is Lynn Gresock. I am a Principal Consultant with Haley & Aldrich, Inc. My business address is 3 Bedford Farms Drive, Suite 301, Bedford, NH 03110. I have been the lead engineering consultant for the Nestlewood Solar Project ("Project") since its initial development and was responsible for the preparation of the Project's Application.

Q.2. On whose behalf are you offering testimony?

A.2. I am testifying on behalf of the Applicant, Nestlewood Solar I LLC.

Q.3. Did you previously testify in this proceeding?

A.3. Yes, I testified in the evidentiary hearing on June 13, 2019.

Q.4. Have you reviewed the Joint Stipulation filed on June 12, 2019?

A.4. Yes.

Q.5. What is the purpose of your supplemental testimony?

A.5. To provide additional explanation about information in the Project Application, including: (1) a further explanation of the anticipated absence of impact on cultural resources, and how the Applicant intends to confirm impacts are avoided; (2) a description of the absence of impact to the Kirtland's snake, a state threatened species; (3) a description of the role of the environmental specialist, as identified in Joint Stipulation Condition 26; and (4) a description of the absence of impact to plants and animals from the Project.

Q.6. What will be the impact of the Project on cultural resources?

A.6. The Project will have no impact on cultural resources in the Project Area or the surrounding area. As a part of the Application process, Tetra Tech, Inc. conducted a cultural resources records review for a 10-mile radius surrounding the Project Area. Based on this review, there are no identified cultural resources within the Project Area itself, and thus no direct impact to a cultural resource is expected. As well, the views of the Project will be limited to properties and structures within immediate proximity to the Project Area, and no archaeological sites, historic buildings and structures, historic cemeteries, or National Register of Historic Places-listed properties are within proximity to the Project Area. Therefore, no visual impacts to these resources are anticipated.

Finally, to confirm that the Project will have no direct impact to any cultural resources, Nestlewood will prepare a Phase I cultural resources survey program for the project area in conjunction with Staff and the Ohio Historic Preservation Office (“OHPO”), in compliance with Joint Stipulation Condition 11, which requires that a Phase I be prepared before the commencement of construction. Joint Stipulation Condition 11 is very similar, if not identical, to conditions in other certificates the Ohio Power Siting Board has issued to electric generating projects. In my experience, it has been successfully utilized on Ohio generation projects that have been constructed and are in operation today.

Q.7. What will the Phase I cultural resources survey program include?

A.7. A Phase I cultural resources survey program is a process to determine the presence or absence of archaeological resources within a project area. The Phase I cultural resources survey program for the Project will include, after the final layout of the Project is determined, an archaeological survey for those portions of the Project where substantial, direct

1 ground disturbance is proposed. Though no cultural resources have been identified in the Project
2 Area, and thus no impacts are anticipated, a limited archaeological survey will confirm these
3 findings. Because much of the Project Area will continue to be open space even after
4 construction of the Project, it will not be necessary to systematically survey the entirety of the
5 Project Area, including areas that will not be disturbed by construction or operation, to ensure
6 that impacts are avoided to any cultural resources that may exist. Should any archaeological
7 resources be identified, further coordination would occur with OHPO to either make minor
8 adjustments for avoidance or take additional steps to confirm no meaningful impact to
9 archaeological resources would occur. In my experience within similar agricultural fields, this
10 process can be effectively implemented at that time.

11 **Q.8. Will the Project have any impact on the Kirtland's Snake?**

12 **A.8.** No. As part of the Application process, Nestlewood engaged Doug Wynn (an
13 Ohio Department of Natural Resources ("ODNR")-approved herpetologist) to complete a habitat
14 review of the Project Area (see Appendix H to the Application). Mr. Wynn's review identified
15 two limited locations within the Project Areas that had potential for use as habitat by the
16 Kirtland's snake, and recommended a more detailed presence/absence survey, using coversheets,
17 be conducted unless these potential habitat areas can be avoided. Mr. Wynn specifically
18 concluded that "[t]he Kir[t]land's Snake tends to stay within a small range in its habitat areas;
19 therefore, avoidance of the potential habitat is considered an adequate protection for the species."
20 (Application Appendix H at "A Survey for Kirtland's Snake (*Clonophis kirtlandii*) Habitats" at
21 7). Mr. Wynn also conducted an additional survey within the additional collection line corridor
22 addressed through the modification of the Project footprint discussed in my previous testimony,
23 and confirmed that this area was not a suitable Kirtland's snake habitat.

1 Importantly, Nestlewood will avoid impacts to all potential habitat areas identified by Mr. Wynn,
2 thereby eliminating any need to conduct a presence/absence survey, and avoiding all potential
3 impact to the Kirtland's snake. Nestlewood is committing to completely avoid impacts to
4 potential Kirtland's snake habitat areas (and therefore to avoid impacts to the Kirtland's snake
5 itself) and can do so either by completely avoiding work in those areas or through the use of
6 other avoidance techniques, such as underground infrastructure and boring techniques as I
7 previously testified.

8 Finally, it is my understanding that Nestlewood intends to continue to work with ODNR as
9 necessary in compliance with Joint Stipulation Condition 24 to avoid any impacts to this species.

10 **Q.9. Please describe the role of the on-site environmental specialist for the Project.**

11 **A.9.** Joint Stipulation Condition 26 requires that:

12 The Applicant shall have an environmental specialist on site during construction
13 activities that may affect sensitive areas as shown on the Applicant's final
14 approved construction plan as approved by Staff. Sensitive areas include, but are
15 not limited to, areas of vegetation clearing, designated wetlands and streams, and
16 locations of threatened or endangered species or their identified habitat. The
17 environmental specialist shall be familiar with water quality protection issues and
18 potential threatened or endangered species of plants and animals that may be
19 encountered during project construction.

20 This is a common condition in other certificates issued by the Ohio Power Siting Board. In my
21 experience, the on-site environmental specialist is an individual, hired by the Applicant or a
22 construction contractor, who is present to monitor construction activities and ensure that they are
23 conducted in compliance with the certificate issued by the Board, including the Applicant's
24 vegetation management plan. The environmental specialist is not intended to be an independent
25 arbiter, but rather to be a resource to assist with maintaining compliance with all applicable rules
26 and regulations. This includes requirements related to construction and the protection of
27 sensitive areas that are to be avoided, such as the Kirtland's snake habitat areas, as I discussed

1 previously.

2 **Q.10. Do you have any concerns about the role of the Environmental Specialist?**

3 **A.10.** No. Again, this is a typical condition, and the environmental specialist acts as a
4 resource for the Applicant.

5 **Q.11. Will the Project result in any impacts to state or federal endangered or threatened**
6 **species?**

7 **A.11.** No impacts are anticipated. The Project will adhere to seasonal tree clearing
8 limitations, as required by Joint Stipulation Condition 22, and will avoid construction in the
9 northern harrier preferred nesting habitat during the species nesting period, as required by Joint
10 Stipulation Condition 23. Finally, if in the unlikely event a state or federal listed species is
11 encountered during construction, Nestlewood will comply with Joint Stipulation Condition 27,
12 which requires Nestlewood to:

13 contact Staff, the ODNR, and the USFWS within 24 hours if state or federal listed
14 species are encountered during construction activities. Construction activities that
15 could adversely impact the identified plants or animals shall be immediately
16 halted until an appropriate course of action has been agreed upon by the
17 Applicant, Staff and the appropriate agencies.

18 Nestlewood's compliance with these three conditions in the Joint Stipulation will avoid impacts
19 to threatened or endangered species.

20 **Q.12. Does this conclude your supplemental direct testimony?**

21 **A.12.** Yes.

CERTIFICATE OF SERVICE

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Summary: Testimony Supplemental Direct Testimony of Lynn Gresock electronically filed by Mr. MacDonald W Taylor on behalf of Nestlewood Solar I LLC