



# DAVE YOST

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September 18, 2020

Public Utilities Commission of Ohio  
ATTN: Tanowa Troupe  
Director of Administration  
Docketing Division – 11th Floor  
180 East Broad Street  
Columbus, OH 43215

Re: *In the Matter of the Application of Republic Wind, LLC for a Certificate of Environmental Compatibility and Public Need for a Wind-Powered Electric Generating Facility in Seneca and Sandusky Counties, Ohio*, Case No.:17-2295-EL-BGN

Director Troupe:

Staff of the Ohio Power Siting Board files this Responsive Prefiled Testimony of Grant Zeto in compliance with the Administrative Law Judge Entry setting forth the procedural schedule in Case Number 17-2295-EL-BGN.

Respectfully submitted,

/s/ Jodi J. Bair

**Jodi J. Bair**

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**Counsel for Staff of  
The Ohio Power Siting Board**

Attachment

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of	:	
Republic Wind, LLC for a Certificate of	:	
Environmental Compatibility and Public	:	Case No. 17-2295-EL-BGN
Need for a Wind-Powered Electric	:	
Generating Facility in Seneca and	:	
Sandusky Counties, Ohio	:	

**RESPONSIVE PREFILED TESTIMONY  
OF  
Grant Zeto  
ON BEHALF OF THE STAFF OF THE PUBLIC UTILITIES COMMISSION OF OHIO  
POWER SITING DEPARTMENT**

**STAFF EX. \_\_\_\_**

**September 18, 2020**

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

2 A. My name is Grant Zeto, and my business address is 180 East Broad Street,  
3 Columbus OH 43215.

4

5 2. Q. By whom are you employed and what is your position?

6 A. I am employed by the Public Utilities Commission of Ohio (PUCO) as a  
7 Utility Specialist 2 in the Power Siting Department.

8

9 3. Q. Please summarize your educational background and work experience.

10 A. I received a Bachelor of Science Degree in Environment and Natural  
11 Resources from The Ohio State University in Columbus, Ohio.

12

13 I have been employed by the PUCO since August 2011. My responsibilities  
14 during this time have primarily involved review of Power Siting cases.

15

16 4. Q. What was your role in this case?

17 A. I was a Staff subject analyst for portions of the staff report by contributing  
18 to the overall staff investigation.

19

20 5. Q. What sections of the staff report of investigation did you work on?

21 A. Surface Waters, Threatened and Endangered Species, and Vegetation.

22

1     6.     Q.     Have you previously filed testimony in this case?

2           A.     Yes. I filed testimony on October 28, 2020 supporting my pieces of the  
3           Staff Report. I also filed testimony on September 9, 2020 in this case  
4           supporting condition 40 of the Staff Report.  
5

6     7.     Q.     What is the purpose of your revised testimony in this case?

7           A.     I am testifying to continue to support condition number 40 of the Staff  
8           Report as it serves to ensure minimal adverse impact to wildlife. I am also  
9           providing this testimony to respond to Mr. Shieldcastle's testimony filed on  
10          September 9, 2020.  
11

12    8.     Q.     What response would you provide to Mr. Shieldcastle's testimony speaking  
13          to the significance of the half-mean inter-nest distance proposed by the U.S.  
14          Fish and Wildlife Service.

15          A.     The USFWS no longer uses the half-mean inter-nest distance as a measure  
16          of risk, rather they consider any nest within two miles of a turbine to be at  
17          risk and recommend further investigation to determine the extent of that  
18          risk.<sup>1</sup> These distances are not the final determination of the level of risk,  
19          rather they are a factor used to determine when to take a closer look and  
20          determine the extent of the risk. This information is outlined in a memo

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<sup>1</sup> <https://www.fws.gov/migratorybirds/pdf/management/EagleNestSurveyGuidanceMemo.pdf> (Attached)

1 from the USFWS's Assistant Director for Migratory Birds signed April 21,  
2 2020. I would also like to reiterate that requiring the Applicant to adhere to  
3 condition 40 would ensure minimum adverse environmental impact to bald  
4 eagles.

5  
6 9. Q. Does this conclude your testimony?

7 A. Yes, it does. However, I reserve the right to submit supplemental  
8 testimony, as new information subsequently becomes available or in  
9 response to positions taken by other parties.

## PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Prefiled Testimony of Grant Zeto**, submitted on behalf of the Staff of the Ohio Power Siting Board, was served via electronic mail, upon the following parties of record, this 18th day of September, 2020.

/s/ Jodi J. Bair

**Jodi J. Bair**

Assistant Attorney General

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# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington, D.C. 20240



## Memorandum

To: Regional Directors, Regions 1-12  
Assistant Director, Ecological Services

From: Assistant Director for Migratory Birds JEROME FORD

Subject: Eagle Surveys

Digitally signed by JEROME FORD  
Date: 2020.04.21 16:32:42 -04'00'

The purpose of this memorandum is to provide a technical update to eagle nest survey protocols for eagle incidental permitting. The Service's 2013 Eagle Conservation Plan Guidance, Module 1—Land-based Wind Energy (ECPG), provides guidance to developers of wind energy facilities that may pose a risk to eagles regarding best practices for siting projects and compiling the data needed to apply for permits to authorize unavoidable incidental take of eagles. Appendix C of the ECPG addresses surveys, including nest surveys to determine the number and locations of occupied eagle nests in the vicinity of a proposed project. The Service's recommendation in Appendix C was, in the absence of available data on the spacing of occupied eagle nests, the appropriate boundary within which surveys should be flown is the project footprint and all area within 10 miles. The Service now has data to support reducing the surveyed area to the area within 2 miles of the project footprint.

Through this memorandum, the ECPG's 10-mile area recommendation is rescinded and replaced with the recommendation to conduct nest surveys in the area within 2 miles around the project footprint. This update is effective immediately and will reduce regulatory burden. Please ensure all appropriate staff receive a copy of this memorandum in a timely manner.

The information that is the basis for the 2-mile recommendation is described in the attached document.

Attachment



**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**9/18/2020 2:52:30 PM**

**in**

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

Summary: Testimony Responsive Prefiled Testimony Of Grant Zeto On Behalf Of The Staff Of The Public Utilities Commission Of Ohio Power Siting Department electronically filed by Mrs. Kimberly M Naeder on behalf of OPSB