

## BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the Application )  
 of Black Fork Wind Energy, LLC for )  
 a Certificate to Install Numerous )  
 Electricity Generating Wind Turbines in )  
 Crawford and Richland Counties, Ohio )

PUCO  
 Case No. 10-2865-EL-BGN

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**DIRECT TESTIMONY OF COURTNEY DOHONEY**

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

**A.1** My name is Courtney Dohoney, Senior Environmental Scientist, Ecology and Environment, Inc., 1501 Lee Highway, Suite 306, Arlington, VA 22209.

**Q.2 What are your duties as Senior Environmental Scientist at Ecology and Environment, Inc.?**

**A.2** My primary duties as a Senior Environmental Scientist include overseeing pre-construction biological surveys, conducting State and Federal resource agency consultation, reviewing and preparing comprehensive environmental reports, and obtaining applicable environmental permits.

For the Black Fork Wind Project I oversaw the design, management, and implementation of the E & E studies and field activities (wetlands, vegetation, wildlife, and threatened and endangered species) conducted to determine the impact of the Project on the environment. Additionally, I oversaw the activities associated with the evaluation of land use, soils, and water impacts of the Project. I also directed the preparation of the Application and all supplemental reports related to this Project. Further, I participated in

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public meetings, OPSB meetings, and Ohio Department of Natural Resources – Division of Wildlife and U.S. Fish and Wildlife Service consultation.

**Q.3 What is your educational and professional background?**

**A.3** I received a Bachelor of Science degree from Bucknell University in Environmental Studies and a Masters of Environmental Management from Duke University. I have been employed by E & E for five years as an environmental scientist and project manager. During that time I have managed and supported a variety of energy, water resource, and hazardous waste remediation projects for commercial and government clients. I have conducted environmental regulatory compliance evaluations, supported National Environmental Policy Act (NEPA) assessments (Environmental Assessments and Environmental Impact Statements) and facility permitting programs (CWA Section 404/401 permits; NPDES Stormwater permits); and both managed and supported E & E's preparation of Endangered Species Act Section 10 Habitat Conservation Plans/Incidental Take Permits and 3<sup>rd</sup> Party Environmental Assessments for wind energy facilities.

**Q.4 On whose behalf are you offering testimony?**

**A.4** I am testifying on behalf of the Applicant in this proceeding, Black Fork Wind Energy, LLC.

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

**A.5** The purpose of my testimony is to describe the studies my firm, Ecology and Environment, Inc., performed on behalf of the Applicant. I am also providing testimony to address some of Staff's recommended conditions.

**Q.6 Did you perform any studies on behalf of the Applicant?**

**A.6** Yes, E & E conducted a variety of studies on behalf of the Applicant.

**Q.7 Please describe the studies that you and your firm undertook on behalf of the Applicant.**

**A.7** As part of the necessary pre-construction studies, E & E conducted the following biological surveys related to the project:

- Passerine Migration Study
- Diurnal Bird/Raptor Migration Study
- Raptor Stick Nest Search
- Owl Playback Study
- Bat Acoustic Monitoring Study
- Bat Mist-Netting Study
- Wetland Delineation Survey
- Habitat Mapping/Vegetation Survey
- General Wildlife Survey

In addition to biological surveys, E & E also supported the design of the Project by conducting a constraints analysis for turbine siting and verifying field conditions at all locations where Project infrastructure is proposed.

**Q.8 Are the results of the studies contained in the Application?**

**A.8** Yes, all results pertaining to the studies listed in A. 7 are included within the Application.

**Q.9 Did you and your firm perform any additional studies other than those summarized in the Application?**

**A.9** No, all studies conducted by E & E are reported within the Application.

**Q.10 At page 20 of the Staff Report, Staff notes that the Applicant has consulted with the U.S. Fish & Wildlife Service. Were you involved in those consultations?**

**A.10** Yes. I have been involved in all consultations/meetings with USFWS regarding avian and bat surveys and threatened and endangered species in the Project area.

**Q.11 At pages 56 and 57 of the Staff Report, Staff recommends Condition 27 stating that the Applicant's post-construction avian and bat monitoring plan shall be consistent with the ODNR-approved, standardized, protocols, as outlined in ODNR's *On-Shore Bird and Bat Pre- and Post-Construction Monitoring Protocol for Commercial Wind Energy Facilities in Ohio*. Do you agree with that requirement?**

**A.11** No. While I agree that post-construction monitoring should be implemented at the site, I do not believe that the ODNR Protocol, as recommended, is necessary to provide an accurate assessment of the Project's impacts on bird and bat resources. I have reviewed Todd Mattson's direct testimony regarding this requirement and concur with his rationale for disputing the need to adopt the ODNR Protocol.

**Q.12 Do you believe the Project will have an adverse impact on groundwater resources?**

**A.12** No. The foundation for each turbine will only be approximately 8 feet deep with a 40 foot radius spreadfooter design making the foundation above the water table at nearly all the reported wells within 1,300 feet of a turbine. Further, because of the distance between each turbine and the nearest water well (at least 435 feet), it is not expected that construction activities related to excavation or dewatering will negatively impact water

wells. As described in the Application, CTL Thompson, Inc, the geotechnical engineering firm who conducted a preliminary geotechnical investigation at the site, determined that impacts to groundwater resources are expected to be localized (100-200 feet) near the turbine foundation. If areas of shallow groundwater exist in the vicinity of the turbines, they will be identified during site-specific detailed foundation engineering investigation performed in conjunction with the foundation design process and addressed in the design plans.

To protect groundwater resources and therefore potable water wells from contaminant spills during construction a Spill Prevention, Containment, and Countermeasure (SPCC) plan will be developed to minimize the potential release of hazardous substances during construction of the Project. The SPCC plan will outline the SPCC employee training program, secondary containment requirements for all oil-filled equipment and storage containers, inspection programs, and reporting procedures.

Overall, given the localized impact that is expected to result from excavation and dewatering of turbine foundations and the implementation of a SPCC plan to prevent contaminant spills, impacts to potable water wells in the Project area are not expected.

Any concerns that residents have regarding their water wells can be reported and addressed using the protocol established as part of the Project's Complaint Resolution Plan, which is currently under development. This Plan will provide detailed information for residents on how to report concerns to Black Fork Wind and consequently how the Applicant will investigate and address the concern. In addition to the formal Complaint Resolution Plan, notification of phone numbers and office hours when Black Fork Wind

Project personnel can be reached will be distributed to landowners and available throughout the life of the Project.

**Q.13 Does this conclude your direct testimony?**

**A.13** Yes, it does.

### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was served by hand delivery upon John Jones and Stephen Reilly, Assistant Attorneys General, Public Utilities Section, 180 E. Broad Street, 6<sup>th</sup> Floor, Columbus, OH 43215 and via U.S. Mail upon the following persons listed below this 8th day of September 2011:

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