

BEFORE THE OHIO POWER SITING BOARD

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)

Case No. 10-2865-EL-BGN

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 DIRECT TESTIMONY OF BARRY YURTIS

Q.1 Please state your name and business address?

A.1 My name is Barry Yurtis, Williams Aviation Consultants, Inc., 8490 South Power Road #105-181, Gilbert, Arizona 85297.

Q.2 What are your duties at Williams Aviation Consultants?

A.2 I hold the position of Vice President of Domestic Operations. In that role, I provide advice and counsel to government agencies, cities, corporations, attorneys and individuals on a broad range of technical and regulatory issues including Airport Land Use Compatibility Planning, Airport/Airspace Obstruction Analysis relating to FAR Part 77 and Terminal Instrument Procedures (TERPS), Airport Master Planning and FAR Part 150 noise compatibility issues; expert consulting assistance as to pilot actions and responsibilities relating to aircraft operations and aircraft accidents and incidents.

Q.3 What is your educational and professional background?

A.3 I am a 1970 graduate of the University of Illinois, holding a Bachelor of Science Degree. In 1971 I enlisted in the U.S. Marine Corps and served one tour as a Naval Flight Officer aboard the A6 Intruder. I also have substantial civilian aviation experience, holding the following pilot certificates and ratings: Commercial Pilot, single and multi-

engine land, Certified Flight Instructor, Instrument Instructor, Multi-engine Instructor;

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Technician 

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FAR Part 141 Chief Flight Instructor; FAR Part 135 Air Taxi Pilot with single pilot authorization. I have also managed two general aviation Fixed Base Operations. In 1975 I became employed by the Federal Aviation Administration in the capacity of an air traffic controller, and after a 25 year career in the FAA Air Traffic Division, I retired as a Senior Air Traffic Manager. Positions of note with the FAA were Air Traffic Manager, Los Angeles Air Route Traffic Control Center and Quality Assurance Safety Manager of the Western Terminal Service Area (Western USA, Alaska and the Pacific Islands). I joined Williams Aviation Consultants in 2007.

Q.4 On whose behalf are you offering testimony?

A.4 I am testifying on behalf of the Applicant, Black Fork Wind Energy LLC, in support of the Joint Stipulation and Recommendation filed in this proceeding.

Q.5 What is the purpose of your testimony?

A.5 The purpose of my testimony is to support the Joint Stipulation and Recommendation by addressing the testimony given at the public hearing in this matter regarding the Cole airfield.

Q.6 Have you reviewed the testimony presented at the public hearing in regards to the Cole airfield?

A.6 Yes, I have.

Q.7 Do you have any general comments regarding the Cole airfield?

A.7 Yes. It is important to note that the Cole airfield is what we call a private/private airport. This means that it is privately owned and can only be used by pilots that have prior permission of the landowner to takeoff or land. This is in contrast to a

private/public airport such as the Weller Field near Urbana, Ohio. That grass strip airport is privately owned but open to the public for use.

Q.8 Is the Cole airfield subject to FAA and State of Ohio oversight?

A.8 No it is not. The Federal Aviation Administration and the State of Ohio do not regulate private/private airports such as the Cole Airfield.

Q.9 Do you have any comments on the testimony presented at the public hearing in regards to the Cole airfield?

A.9 Yes. The testimony at the public hearing by the local resident, who apparently is not experienced in aviation, focused on his belief that the turbines could be a hazard to a pilot in the event of an emergency landing. I would like to address the resident's statements point by point.

1) The resident made reference to <http://www.airnav.com>, a web page that provides the latitude and longitude of the Cole airfield and which serves the purpose of making pilots aware of the location of the airfield. The resident's assumption is that since this web page contains an entry for the Cole airfield, which includes the location of the airfield in latitude/longitude coordinates, a pilot would utilize this resource to assist him in locating the Cole airfield for the purpose of executing an emergency landing. However, <http://www.airnav.com> is not an in-flight pilot resource. Rather, it is an unofficial pre-flight planning resource used by pilots, before becoming airborne, to familiarize them with aviation data unique to their departure/destination airport.

Pilots encountering airborne emergency situations and seeking an airport at which to execute an emergency landing use an entirely different procedure to locate a suitable airport.

Pilots flying in Visual Meteorological Conditions (VMC) normally locate airports visually with the assistance of an aeronautical chart upon which an airport is depicted. The Cole airfield, however, IS NOT depicted on the local area (Detroit) Sectional Aeronautical chart. Therefore, a pilot, in an emergency situation, searching the aeronautical chart for a suitable airport at which to land (the normal procedure and practice) would not be drawn to the Cole airfield, but would rather be drawn to other airports in close proximity (which are depicted on the sectional chart) having hard surfaced runways, such as Port Bucyrus, Galion Municipal, Shelby Community or Mansfield Lahm Regional Airport.

Additionally, assuming that the pilot, whether under either normal or emergency conditions, is able to visually acquire the Cole airfield, Federal Aviation Regulation (FAR) Part 91, specifies that pilots operating under Visual Flight Rules (VFR) are primarily responsible for navigation, obstacle clearance and maintaining separation from other aircraft using the *see-and-avoid* concept. To avoid collisions, the VFR pilot is expected to "see and avoid" obstacles and other aircraft. It is my opinion that a pilot that was successful in visually acquiring the airfield for landing would have no difficulty seeing and avoiding the turbines in question.

2) The resident makes the charge that the wind turbines constitute aviation hazards to pilots. The FAA, however, is the sole entity empowered by Congress, through the Federal Aviation Act of 1958, to ensure the safety of the National Airspace System. In complying with the Act, the FAA performs aeronautical studies of objects proposed for construction under the provisions of FAR Part 77, *Objects Affecting Air Navigation*. The FAA has performed aeronautical studies of the wind turbines in question and has issued

Determinations of No Hazard to Air Navigation for each of the structures. As a provision of the Determinations, the FAA has required that certain of these turbines be lighted and marked in accordance with FAA directives for greater visual conspicuity. The FAA has, therefore, made the determination that the wind turbines in question do not pose a hazard to air navigation.

3) The FAA does not recognize the Cole airfield, a private/private airfield, as an airport.

The FAA Airport/Facility Directory (AF/D) is the official publication which informs pilots of data specific to their departure/destination airport. Since the Cole airfield is not recognized as an airport by the FAA, it is not listed in the AF/D.

Private/private airfields are not recognized by the FAA unless they are equipped with an FAA Approved Instrument Approach Procedure, which the Cole airfield is not. Private/private airfields are not subject to FAA design standards and safety oversight and are not in the public domain; meaning they exist for the benefit of an individual or a group of individuals, not for the benefit of the general public. The FAA does not exercise safety oversight on private/private airports. An airfield owner could have a runway on Tuesday and then on Wednesday the owner could decide to plant crops on the runway. There might be obstructions or vehicles blocking the runway, but there is no requirement for the airfield owner to inform pilots. Because a private/private airport is not regulated by the FAA and the FAA cannot ensure the safety of the airstrip, the FAA does not recognize such an airfield as an airport.

4) The resident makes reference to the “aircraft owners and pilots association manual” and states that “this manual is published and given to every aircraft owner and every pilot who navigates the airways across Ohio.” This is not correct. The Aircraft Owners and

Pilots Association (AOPA) is an association involved in Washington lobbying efforts on behalf of general aviation pilots. While they are a very respectable and competent organization, providing pilot education and other services, they do not provide every pilot with a copy of their manual. Association members may obtain a copy from AOPA if desired. Unlike the FAA AF/D, this is, like AIRNAV.com, an unofficial publication.

Q.10 Does this conclude your direct testimony?

A.10 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, 6th Floor, Columbus, OH 43215 and via overnight mail upon the following persons listed below this 5th day of October 2011:

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