

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Icebreaker)
Windpower Inc., for a Certificate to Construct)
a Wind-Powered Electric Generation Facility) Case No. 16-1871-EL-BGN
in Cuyahoga County, Ohio.)

**JOINT MOTION
TO EXCLUDE TESTIMONY AND REQUEST FOR EXPEDITED REPLIES**

Now comes Applicant Icebreaker Windpower, Inc. (“Applicant”), Indiana/Kentucky/Ohio Regional Council of Carpenters, and Business Network for Offshore Wind, Inc. (hereinafter jointly referred to as “Joint Movants”), through undersigned counsel and pursuant to Rule 4906-2-27 of the Ohio Administrative Code, who respectfully request that the Ohio Power Siting Board (“Board”) preclude Jeff Gosse, a witness identified by Intervenor W. Susan Dempsey and Robert M. Maloney (“Resident Intervenor”), from testifying in these proceedings. Given that the hearing in this matter is scheduled to commence on August 20, 2019, Joint Movants request the Board require that memorandum contra to this motion be due within five (5) business days of the service of this motion, and replies to any memorandum contra be due within two (2) business days. The reasons in support of this Joint Motion are set forth more fully in the accompanying Memorandum in Support.

Respectfully submitted,

**INDIANA/KENTUCKY/OHIO REGIONAL
COUNCIL OF CARPENTERS**

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MEMORANDUM IN SUPPORT

I. INTRODUCTION

Jeff Gosse (“Gosse”) was previously employed by the U.S. Fish and Wildlife Service (“USFWS”) as a Regional Energy Coordinator. Gosse was involved in these proceedings as a result of his employment with USFWS. Gosse’s substantial involvement included reviewing Applicant’s radar protocols, reviewing results of Applicant’s radar studies, providing comments on Applicant’s pre-construction and post-construction monitoring plans, and entering into discussions with Applicant regarding vessel-based radar and fixed platform radar studies. All of Gosse’s involvement with these proceedings and Applicant’s application was on behalf of USFWS.

In response to discovery requests seeking reports authored by Gosse that may relate to these proceedings, the Resident Intervenor identified two reports. Both reports were conducted by USFWS.

Federal regulations prohibit Gosse from testifying in these proceedings without the permission of the USFWS or the Department of the Interior (the “Department”). Even if federal regulations did not prohibit Gosse from testifying, he should be excluded on the basis that any testimony is unfairly prejudicial to Applicant. Gosse was involved in these proceedings and Applicant’s application as a regulator. The Board’s rules specifically require consultation with USFWS and Gosse was the team lead for USFWS. He was privy to confidential information and internal USFWS discussions both with Applicant and with the Ohio Department of Natural Resources (“ODNR”) and the Board that render any testimony he will give unfairly prejudicial to Applicant.

II. STATEMENT OF FACTS

From 2009-2018, Gosse was employed by the USFWS as a Regional Energy Coordinator for Region 3, which includes Ohio. *Resume, attached hereto as Exhibit 1.* Gosse's job duties included:

Focus on energy projects with potential impact to Service trust resources. [p]rimarily oil and gas pipelines and electrical transmission lines. Received a grant through the Great Lakes Restoration Initiative to study bird and bat migration along and across the Great Lakes. Purchased two avian radar units and multiple acoustic monitors to study avian and bat migration. Supervised a team of three to four technicians to conduct the study. Typically deployed both units for spring and fall migration beginning Spring 2011 and continuing to the present. Produced seasonal and other reports which were distributed and made available on our website (<https://www.fws.gov/radar/>). Supervised an assistant to help with energy projects. Our purpose was to avoid and minimize impacts of energy development on trust resources and to seek mitigation when impacts remained. Coordinated and provided support to Field Offices on these projects in addition to Endangered Species personnel.

Id. In his official capacity with the USFWS, Gosse conducted radar studies related to the Great Lakes. *See* Gosse, et al., 2016 Great Lakes avian radar technical report: Lake Erie Shoreline: Erie County, Ohio and Erie County, Pennsylvania, Spring 2012. USFWS, Region 3; Gosse, et al.; 2018 Draft Great Lakes Radar Technical Report Lake Erie, Fall 2017. Department of Interior, USFWS, Region 3.

Gosse had direct responsibility for managing USFWS's consultation and analysis of this project pursuant to the National Environmental Policy Act. Gosse, acting in his official capacity as an employee of the USFWS, was also involved in reviewing initial radar studies conducted by Applicant. *See* Gosse Review of Plan. Review of Spring-Fall 2010 Avian and Bat Studies Report Lake Erie Wind Power Study (prepared by TetraTech, A. Svedlow et al.). USFWS Region 3 Radar Team. Gosse was involved in this project and these proceedings as a regulator and in his capacity as an employee of the USFWS.

Gosse, on behalf of the USFWS, has had substantial involvement in Applicant's application related to bird and bat issues and these proceedings. For example, on August 17, 2016, Applicant met with ODNR and USFWS representatives from Minnesota and Columbus to discuss bird and bat issues; on September 1, 2016, USFWS representatives from Columbus and Minnesota participated in a conference call regarding the project; on October 20, 2016, USFWS/ODNR provided Applicant with pre-construction and post-construction criteria and recommendations; on February 17, 2017, USFWS outlined its response to options for pre-construction and post-construction monitoring during a telephone conference; on February 28, 2017, USFWS/ODNR provided Applicant with a response to options for pre-construction and post-construction monitoring; beginning in March 2017, USFWS worked with Applicant regarding a request for information to three vessel-based radar providers; and, in April 2017, Applicant began working with USFWS to engage Dr. Robb Diehl to assess vessel-based radar options. In his capacity as a USFWS regulator and consultant with ODNR, Gosse was a part of all of these interactions regarding these proceedings and the application currently before the Board.

III. LAW AND ARGUMENT

Federal agencies are authorized by 5 U.S.C. § 301 to create regulations governing the conditions under which their employees may testify concerning their work. *U.S. v. Soriano-Jarquin*, 492 F.3d 495, 504 (4th Cir.2007), citing *U.S. ex rel. Touhy v. Ragen*, 340 U.S. 462, 468, 71 S.Ct. 416, 95 L.Ed. 417 (1951). These regulations are commonly referred to as *Touhy* regulations. "Touhy regulations have the force of law." *Akal Sec., Inc. v. U.S. Immigration & Customs Enft*, Case No. 09-cv-2277, 2010 WL 2731649, *5 (S.D. Cal. July 9, 2010), citing *Swett v. Schenk*, 792 F.2d 1447, 1451 (9th Cir.1986).

The Department of Interior's *Touhy* regulations provide:

(a) This subpart describes how the Department of the Interior (including all its bureaus and offices) responds to requests or subpoenas for:

(1) Testimony by employees in State, territorial or Tribal judicial, legislative or administrative proceedings concerning information acquired while performing official duties or because of an employee's official status;

(2) Testimony by employees in Federal court civil proceedings in which the United States is not a party concerning information acquired while performing official duties or because of an employee's official status;

(3) Testimony by employees in any judicial or administrative proceeding in which the United States, while not a party, has a direct and substantial interest;

(4) Official records or certification of such records for use in Federal, State, territorial or Tribal judicial, legislative or administrative proceedings.

(b) In this subpart, "employee" means a current or former Department employee, including a contract or special government employee.

(c) This subpart does not apply to:

(1) Congressional requests or subpoenas for testimony or records;

(2) Federal court civil proceedings in which the United States is a party;

(3) Federal administrative proceedings;

(4) Federal, State and Tribal criminal court proceedings;

(5) Employees who voluntarily testify, while on their own time or in approved leave status, as private citizens as to facts or events that are not related to the official business of the Department. The employee must state for the record that the testimony represents the employee's own views and is not necessarily the official position of the Department. See 5 CFR §§ 2635.702(b), 2635.807 (b).

(6) Testimony by employees as expert witnesses on subjects outside their official duties, except that they must obtain prior approval if required by § 2.90.

43 C.F.R. § 2.280. These regulations apply to Gosse, as he falls under the definition of "employee." The regulations also apply because Gosse will testify concerning information

acquired while performing his official duties. Specifically, based on discovery responses, Movants believe Gosse intends to testify regarding radar studies he conducted on behalf of the USFWS and information he learned as a result of conducting these studies. In response to discovery requests propounded upon the Resident Intervenors, they produced the “Draft Great Lakes Radar Technical Report.” This document specifically states it was completed by “U.S. Fish and Wildlife Service, Region 3.” Also produced was the “Great Lakes Avian Radar Technical Report Lake Erie Shoreline: Erie County, Ohio and Erie County, Pennsylvania.” Again, the heading specifically states, “U.S. Fish & Wildlife Service.” Any testimony related to these documents is subject to the Department’s *Touhy* regulations as such testimony relates to information Gosse acquired while performing his official duties.

The Department’s *Touhy* regulations also apply because Gosse will testify at an “administrative proceeding in which the United States, while not a party, has a direct and substantial interest.” 43 C.F.R. § 2.280. Applicant is the recipient of a substantial grant from the Department of Energy. As such, the United States has a direct and substantial interest in these proceedings.

The Department’s *Touhy* regulations provide an exception for private citizens who testifies to facts or events that are not related to the official business of the Department. This exception does not apply because **any testimony Gosse provides in these proceedings is related to the official business of the Department.** The USFWS issued the “U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines.” https://www.fws.gov/ecological-services/es-library/pdfs/WEG_final.pdf, last visited July 19, 2019. “The mission of the U.S. Fish and Wildlife (Service) is working with others to conserve, protect, and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people.” *Id.* at p. 1. Gosse is not permitted to

testify regarding the interaction between wind energy and wildlife as any such testimony is related to the official business of the Department.

Not only are these proceedings related to the official business of the Department, but as set forth above, Gosse was involved in these proceedings in his official capacity as an employee of the USFWS. Gosse reviewed the results of a 2010 radar study completed by Applicant. *See Gosse Review of Plan. Review of Spring-Fall 2010 Avian and Bat Studies Report Lake Erie Wind Power Study (prepared by TetraTech, A. Svedlow et al.). USFWS Region 3 Radar Team.* Gosse was also involved in the development of radar protocols for this project. At the hearing in this matter, Ms. Erin Hazelton testified:

A: I believe we had discussions when we were discussing the radar protocol generally about what---what was known about vessel-based radar. As this is certainly a new field for DNR, we don't retain any radar experts or barge experts on staff, so we do rely again on our experts and folks that we reach out to, including the Applicant as well, for information.

Q: And when you say you rely on folks and experts you reach out to, who would those be?

A: Specifically for radar, as is mentioned here, the U.S. Fish and Wildlife Service radar team. Dr. Jeff Gosse was the team lead at that point....

Tr. Vol. VII, p. 1622, ll. 9-20.

Gosse also performed radar studies of bird migration over the Great Lakes in the performance of his duties on behalf of the Department. *See Gosse, et al., 2016 Great Lakes avian radar technical report: Lake Erie Shoreline: Erie County, Ohio and Erie County, Pennsylvania, Spring 2012. U.S. Fish and Wildlife Service, Region 3; Gosse, et al. 2018 Draft Great Lakes Radar Technical Report Lake Erie, Fall 2017. U.S. Department of Interior, Fish and Wildlife Service, Region 3.* Given that Gosse obtained information related to bird migration over Lake Erie as a result of his government employment, he should not be permitted to testify regarding this information.

Gosse is also not permitted to testify related to aspects of this project for which he was involved as an employee of the Department. Employees of the government “...are allowed to testify to information that they did not secure as a result of their government employment.” *LaBatte v. U.S.*, 899 F.3d 1373, 1380. (Fed. Cir. 2018). Any argument, however, that Gosse’s testimony could be considered outside his official duties strains credibility because his official duties included analysis of this project and the subjects on which he will testify. Even if such an argument was credible, Gosse is still required to obtain approval from the Department because the United States has a “direct and substantial” interest in these proceedings as a result of the \$50 million in funding Applicant received from the Department of Energy.

Moreover, 43 C.F.R. § 2.281 specifically provides “it is the Department’s general policy not to allow its employees to testify...upon request or subpoena.” The regulations further state, “No Department employee may testify or produce records in any proceeding to which this subpart applies unless authorized by the Department under §§ 2.80 through 2.90.” *Id.* The regulations set forth a process whereby a request may be made to the Department in writing to allow an employee to testify. In the absence of a proffer from the Resident Intervenor that such a request was made to the Department and the Department agreed to permit Gosse to testify, he should not be permitted to testify in contravention of the Department’s regulations.

Further, the Department’s regulations set forth a specific authorization process for an employee wishing to testify as an expert on behalf of anyone other than the United States. 43 C.F.R. § 2.290. Again, in the absence of a proffer from the Resident Intervenor that Gosse made such a request to the Department and the Department agreed to permit Gosse to testify, he should not be permitted to testify in contravention of the Department’s regulations.

IV. CONCLUSION

For the reasons set forth herein, the Board should exclude Gosse from testifying or providing any documentary evidence in these proceedings.

Joint Movants also note that a copy of this Joint Motion has been provided to the USFWS.

As the Board is aware, the hearing in this matter is scheduled to begin on August 20, 2019. Based upon the hearing date, and discovery that may occur prior to the hearing date, Joint Movants respectfully request the Board order expedited replies on this Joint Motion and require any opposition to this Joint Motion be filed within five (5) business days of the service of this motion and any reply within two (2) business days of the filing any opposition.

Respectfully submitted,

**INDIANA/KENTUCKY/OHIO REGIONAL ICEBREAKER WINDPOWER, INC.
COUNCIL OF CARPENTERS**

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CERTIFICATE OF SERVICE

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons listed below via electronic mail this 26th day of July, 2019.

/s/ Christine M.T. Pirik

Christine M.T. Pirik (0029759)

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Lakes Restoration Initiative to study bird and bat migration along and across the Great Lakes. Purchased two avian radar units and multiple acoustic monitors to study avian and bat migration. Supervised a team of three to four technicians to conduct the study. Typically deployed both units for spring and fall migration beginning in spring 2011 and continuing to the present. Produced seasonal and other reports which were distributed and made available on our website (<https://www.fws.gov/radar/>). Supervised an assistant to help with energy projects. Our purpose was to avoid and minimize impacts of energy development on trust resources and to seek mitigation when impacts remained. Coordinated and provided support to Field Offices on these projects in addition to Endangered Species personnel.

B Title: Regional Hydro and Wind Power Coordinator Grade: GS-482-13
Habitat Conservation Staff

Employer: U.S. Fish and Wildlife Service, 1 Federal Drive, Ft. Snelling, MN 55111

Supervisor: Robert Krska, 612-713-9436

Duration: October, 2005 - 2009

Hours/week: 40

Duties: Serve as Regional wind coordinator and assist eight field offices with review of wind projects. Lead Regional wind calls which include field offices and DNR personnel from seven states working on wind projects. Participate or lead wind calls with other FWS Regions, participate in review of national Federal Advisory Committee Act (FACA) guidelines for wind development. Regional lead for Programmatic EIS on wind development in Upper Great Plains. Received grant to update a decision support tool for linking bird species to habitat types in the Midwest to assist in review of wind projects. Received grant for supplemental bird fatality studies of wind facility near major bird concentration area. Participated in multiple meetings leading to formation of the Great Lakes Wind Collaborative and serve as FWS represent on Steering Committee, Advisory Committee, and as chair of Wind Atlas Workgroup. Serve as Regional Coordinator for all Federal Energy Regulatory Commission (FERC) actions, including hydropower, hydrokinetics, and gas pipeline projects. Served as lead on negotiations for four state gas pipeline, resulting in first mitigation payment (\$4.15 million) for loss of upland forest habitat. Review recommendations and mandatory conditions provided by field offices prior to sending on to Departmental environmental officer. Keep field stations informed of new directives from Washington Office and of pertinent developments in other Regions. Regional lead on review of transportation projects.

C Title: Regional Environmental Coordinator Grade: GS-482-13
Regional Hydropower Coordinator (from 2/2000 to 6/2001)

Employer: U.S. Fish and Wildlife Service, 1 Federal Drive, Ft. Snelling, MN 55111

Supervisor: T. J. Miller, 612-713-5334

Duration: February 27, 2000 - 9/2005

Hours/week: 40

Duties: Responsible for ensuring that all internal actions taken within the Region meet NEPA compliance. Concur on categorical exclusion decisions. Review and comment on development of Environmental Assessments and Environmental Impact Statements. Ensure

that NEPA documents are noticed in the Federal Register and arrange for posting on Service NEPA web site. Work with all Service divisions within the Region along with State, Tribal, and private groups when involved with Service projects, approval, or permits. Advise Regional Director on major actions which involve NEPA compliance and sign off on all final NEPA documents prior to decision by Regional Director. Serve as Regional Coordinator for all Federal Energy Regulatory Commission (FERC) actions regarding relicensing of hydropower projects. Review recommendations and mandatory conditions provided by field offices prior to sending on to Departmental environmental officer. Keep field stations informed of new directives from Washington Office and of pertinent developments in other Regions.

D Title: Fishery Biologist

Grade: GS-482-12

Employer: U.S. Fish and Wildlife Service, 1 Federal Drive, Ft. Snelling, MN 55111

Supervisor: Bradley Johnson, 612-713-5130

Duration: August, 1988 - January, 1994 and again from April, 1994 - February, 2000

Hours/week: 40

Duties: Responsible for processing Federal Aid fishery projects submitted by three to four states in our Region. Determine if projects meet Federal Aid requirements and ancillary compliance such as NEPA, Historic and Cultural Preservation, endangered species, and wetlands. Traveled routinely to states where I had direct responsibility for projects and to other regional states when problems arise. Gave presentations at three national meetings and at many regional and internal FA meetings. Lead the original effort to develop a Local Area Network (LAN) in Federal Aid and facilitated the merger with Ecological Services. Played a key role in recommending establishment of a Wide Area Network (WAN) with the States and assisted in selecting a technical expert to lead this effort. Served on two inter-agency teams which were responsible for improving the distribution and efficiency of FA document processing in the Region (Wolves) and for enhancing our use of the WAN along with improving our use of electronic technology (COGs). Participated in the Region 3 Management Training Program in 1993. Was responsible for working with all Regional States on the Clean Vessel Act grant program and served as the Regional program administrator. Served as Federal Aid representative to the Service's Ohio River Valley Ecosystem Team and provided funding for special GIS workshop for the group, including state participants.

E Title: Fishery Biologist

Grade: GS-482-13

Employer: U.S. Fish and Wildlife Service, 1 Federal Drive, Ft. Snelling, MN 55111

Supervisor: Robert Lange, 202-205-0931

Duration: January, 1994 - April, 1994

Hours/week: 40

Duties: Served as the Fish Team leader on a temporary assignment while the selection process was conducted for a permanent replacement. Supervised four other fishery biologists at the GS 11/12 level. Represented the Fish Team needs to the Federal Aid Management team and to upper management. Served on the FA Management team to help provide guidance for the overall concerns of Federal Aid. Served as acting Deputy Assistant

Regional Director - FA on a rotational basis when needed. Reviewed fish Team documents for completeness, consistency, appropriate tone, and provided official approval. Supported and assisted Fish Team members with problems. Called and facilitated regular Fish Team meetings to address mutual concerns and to facilitate exchange of information. Worked closely with individual who alternated as temporary Team leader to ensure that he would be fully knowledgeable and that our process would be consistent over these transitions.

- F Title:** Fishery Biologist **Grade:** GS-482-11
Employer: U.S. Fish and Wildlife Service, 1 Federal Drive, Ft. Snelling, MN 55111
Supervisor: Michael Vanderford, 612-713-5148
Duration: October, 1987 to August, 1988
Hours/week: 40
Duties: Responsible for reviewing fishery development projects submitted for approval or closure by half of the states in the Region. Also assisted with fishery research projects during peak periods. Determined if projects met FA requirements and ancillary compliance requirements. Interacted with state coordinators when questions or problems arose. Recommended action on projects and wrote conditions for projects, when necessary, to ensure compliance. Determined if completed projects met the original grant objectives of a project agreement. Wrote relevant correspondence regarding projects, trip reports, and position papers. Participated in team and solo reviews of states, including close-out meetings. Assisted in setting up microcomputers, installing and modifying necessary software, instructing staff personnel on computer use, and changing data base from mainframe to microcomputer.
- G Title:** Biologist II **Grade:** NA
Employer: Texas Parks and Wildlife, Inland Fisheries Division, 4200 Smith School Road, Austin, TX 78744
Supervisor: Tim Schlagenhaft, 651-345-3365
Duration: February, 1987 - September, 1987
Hours/week: 40
Duties: Assisted in writing annual Federal Aid reports on survey lakes, special project lakes, and on fish kill investigations. Assisted in data analysis, producing computer graphics, and tables. Assisted in collecting field data from electrofishing, gill netting, and trawling and in conducting creel surveys. Work was primarily with reservoirs and with warm and cool water species. Had primary responsibility for installing microcomputer, printers, and software and instructing other district personnel on use. Was also responsible for designing and implementing district data base. Assisted in completing special projects on restricting certain fishing gear and on writing a pre-impoundment plan. The latter included recommending instream flow requirements, impacts on a downstream lake, and a recreational facility plan. Attended public hearings, sport shows, and responded to information requests from the public.
- H Title:** Owner **Grade:** NA
Employer: Aqua-Tech Biological Consulting Firm, P.O. Box 742, Logan, Utah 84321

Hours/week: 55

Duties: Established and directed a biological consulting firm. Research emphasis was on providing microhabitat information for evaluation of stream flow alterations and for use in various habitat models. responsible for administration duties including personnel selection and supervision, writing and submitting cost and technical proposals, contract negotiations, and for supervising budget and bookkeeping system. Was also responsible for supervising and conducting field collections, performing data and statistical analysis including writing all computer programs. Was responsible for writing technical reports and maintaining communications with concerned agencies. Have worked in conjunction with U.S. Bureau of Reclamation and U.S. Fish and Wildlife Service along with five western State wildlife agencies. Work was conducted in the tailwaters of dams located in five states and dealt primarily with four species of trout along with some benthic and macrophyte data. Research data was collected on four rivers which were all components of the Colorado River system, including the Green River in Wyoming and Utah, the Gunnison River in Colorado, the San Juan River in New Mexico, and the Colorado River below Glen Canyon Dam. The firm employed up to five full-time employees (MS and BS) and several part-time employees.

I Title: Graduate Research Assistant **Grade:** NA

Employer: Dept. of Fisheries and Wildlife, Utah State University, Logan, Utah 84322

Supervisor: Dr. William Helm, deceased

Duration: May, 1978 - June, 1979

Hours/week: 40

Duties: Studied the effects of altered stream flows on brown trout microhabitat in the Provo River, Utah... Wrote the initial technical and cost proposals along with developing the required safety plan. Participated in all contract negotiations with the funding agency: U.S. Bureau of Reclamation. Responsible for monitoring contract budget (cost reimbursable) and for making all major expenditures (personnel, travel, per diem, equipment). selected, supervised, and trained all personnel. Selected study sites, conducted field work, wrote required computer programs, performed data and statistical analysis. Redesigned previous computer programs to provide statistical analysis for T-tests, analysis of variance, and chi-square distributions. Wrote interim reports and was principle author of the final report. Negotiated contract extension. Supervised three full-time technicians (BS) and four part-time undergraduate employees.

J Title: Graduate Research Assistant **Grade:** NA

Employer: Dept. of Fisheries and Wildlife, Utah State University, Logan, Utah 84322

Supervisor: Dr. William Helm, deceased

Duration: July, 1977 - March, 1978

Hours/week: 40

Duties: Conducted a study to determine microhabitat of brown trout, mountain whitefish, and mottled sculpin in rivers. Developed an original technique for determining microhabitat in the field. Funding was obtained from the U.S. Fish and Wildlife Service as a direct result of

the initial development of this technique. Participated in designing budget and study plan and participated in the meeting for obtaining funding. Responsible for selecting and training technicians, selecting study sites, conducting field collections, data analysis, developing necessary computer programs and producing the final report. Supervised two full-time technicians (BS or MS) and four part-time undergraduate employees.

- K Title:** Graduate Research Assistant **Grade:** NA
Employer: Dept. of Fisheries and Wildlife, Utah State University, Logan, Utah 84322
Supervisor: Dr. William Helm, deceased
Duration: September, 1974 - June, 1977
Hours/week: 50
Duties: Determined the effects of various stream channel alterations on salmonid populations and production. Developed fishery portion of the study design. Organized and conducted a meeting of riparian landowners in order to gain access to study sites. Obtained necessary equipment including vehicles from DOD surplus property. Selected study sites and was responsible for field collections. Supervised up to twelve undergraduate students and three technicians. Initiated safety training program for electrofishing. Participated in obtaining contract extension with funding agency: U.S. Fish and Wildlife Service. Developed analytical methods including a modified population estimator, wrote necessary computer programs, performed data and statistical analysis. Wrote chapter on trout for final report.
- L Title:** Graduate Teaching Assistant **Grade:** NA
Employer: Dept. of Fisheries and Wildlife, Utah State University, Logan, Utah 84322
Supervisor: Dr. John Kadlec, 801-750-2460
Duration: March, 1975 - December, 1979
Hours/week: 25
Duties: Assisted in teaching Fishery Techniques course for three quarters (Fall 75, 76, and 77). Also assisted with Limnology lab (Spring 75) and with limnology lecture (Fall 79). For Fishery Techniques, assisted in restructuring class design and grading system. Initiated and gave a lecture series as part of the class. Initiated a survival swimming session. Instructed students in backpack and boat electrofishing, use of seines, frame nets, vertical and horizontal gill nets, trammel nets, and trawls. Also taught stream habitat surveys and several population estimates. Taught use of computers for data analysis and wrote or modified necessary programs for class use. For Limnology Lab, was responsible for demonstrating and supervising proper method of conducting standard water quality tests. Was also responsible for assisting students in designing, implementing, and writing special laboratory projects. For Limnology Lecture, was responsible for grading test papers and for grading the term paper, which was graded for scientific accuracy and style, and for proper grammar.

PUBLICATIONS:

Heist, Kevin W., Tim S. Bowden , Jake Ferguson , Nathan A. Rathbun , Erik C. Olson , Daniel C. Nolfi , Rebecca Horton , Jeffrey C. Gosse , Douglas H. Johnson and Michael T. Wells. 2018. Radar quantifies migrant concentration and Dawn reorientation at a Great Lakes shoreline. Heist et al. Movement Ecology (2018) 6:15.

Wells, M.T., T. S. Bowden, K.W. Heist, R. L. Horton, D. C. Nolfi, E. C. Olson, Rathbun N. A., and J. C. Gosse. 2018. Great Lakes Avian Radar Technical Report Lake Huron Lakeshore: Alcona and Presque Isle, MI, Fall 2015 and Spring 2016. U.S. Department of Interior, Fish and Wildlife Service, Biological Technical Publication FWS/BTP-XXXXX-2018

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