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Subject: public comment for 18-1607-EL-BGN
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From: Nathan Miller <nm_masonry@yahoo.com>
Sent: Friday, August 28, 2020 6:02 AM
To: Puco ContactOPSB <contactopsb@puco.ohio.gov>
Subject: Eagle population

Sent from my iPhone Testimony at OPSB Public Hearing OPPOSING siting of Case 18-1607-EL-BGN Firelands Wind LLC, Emerson Creek Wind I am Nathan Miller, I reside at 13531 East County Road 36 Republic, Ohio, Seneca County, Reed Township. I do have a vested interest in this Project. I grew up in the Project area, my parents live in the Project area, and my Grandparents' farm is in the project area, all in Sherman Township of Huron County.

Today I am going to speak to you about Eagles. In the last couple of years there has been a virtual explosion in the eagle population inside the project area. Just a few short years ago, spotting an Eagle might happen only a few times a year. Now, it is not uncommon to see multiple Eagles per day, at more than one location, multiple times a week. I highly doubt that the developer has any idea of this explosion since they completed their Eagle Study in 2018, according to the OPSB Staff Report.

According to the ODNR, in 1979 there were only 4 breeding pairs of Eagles in the whole state of Ohio which produced 4 fledglings. A slow resurgence began after that. There were 12 breeding pairs and 8 fledglings in 1989, 57 breeding pairs and 72 fledglings in 1999, 221 breeding pairs and 312 fledglings in 2017, 286 breeding pairs and 445 fledglings in 2018, and 346 breeding pairs that produced 445 fledglings in 2019. In the 2020 ODNR study there were 707 nest in Ohio. This is a 151 percent increase since 2012. This trend seems to right on par with the sightings in Huron and Erie Counties.

In a recent article in the Ohio Outdoor News, Mark Shieldcastle, research director at Black Swamp Bird Observatory in Oak Harbor, said: "I think they (Eagles) are just expanding rapidly in north-central Ohio. Along with the ongoing weakening of environmental laws, Eagles potentially are threatened by the proposed expansions of wind-power "farms" in some areas."

Researchers at the United States Fish and Wildlife Service have honed a mathematical model for predicting how many Eagles a planned wind facility will kill. It is supposed to play a crucial role in regulations meant to save Eagles, which are specially protected under the Federal Bald and Golden Eagle Protection Act. The idea behind the model is that if a developer wants a Fish and Wildlife Service permit before it builds a wind facility, it must submit a science-based estimate of how many Eagles it will kill each year. Based on the developers' Eagle kill estimate, the Fish and Wildlife Service will issue a permit for how many Eagles the wind facility can kill before it faces fines. In the OPSB Staff Report the developer states that the United States Fish and Wildlife Service used this formula to calculate that the Firelands Wind Project would kill 2.5 eagles per year. This was based on the Eagle population numbers submitted by APEX's 2018 Raptor survey. As was stated earlier there has been a significant increase in Eagle population since then so the number of Eagles killed would increase also. The OPSB Staff recommends the developer obtains a "take" or (kill) permit from USFWS prior to construction. A private company - such as APEX - can kill Bald Eagles without legal or criminal consequences. A private individual who kills or even disturbs an Eagle will go to Federal prison and pay a very large fine. According to the Fish and Wildlife Service," The U.S. regulations keeping wind turbines from killing too many Eagles depends highly on industry self-reporting. That's par for the course for a governmental department that doesn't employ enough people to regularly inspect the countries wind facilities." According to Michael Hutchins, director of the American Bird Conservancy's wind energy campaign, "We do have an issue with that because it is a conflict of interest. We've seen plenty of examples where the wind industry downplays the potential impact on birds or bats in order to try to get their projects approved."

Al Cecere, former President and Founder of the American Eagle Foundation states: “We cannot allow the progress we have made in restoring the Bald Eagle to the skies of America to be undone by the inappropriate siting of wind turbines in areas where Bald Eagles congregate in large numbers, such as the Great Lakes. It’s heart-breaking to think that we’ve spent more than 20 years releasing a total of 150 juvenile eaglets from our Hack Tower on Douglas Lake, many of which migrate to the most heavily populated Eagle areas in the US, and that all of our repopulation efforts could be undone in less than a year by a poorly sited, poorly designed wind-turbines, with the owners of that turbine not even batting an eye. We have to do something.”

On January 17, 2020 workers at a landfill near Bowling Green, Ohio witnessed a mature Bald Eagle being struck and killed by a blade from one of the four 257-foot-tall, 1.8 MW wind turbines. This incident was reported immediately to the ODNR and investigated by Officer Reid Van Cleve who turned the carcass and investigation over to the U.S. Fish and Wildlife Service. This incident was not made public until an article in the Toledo Blade on May 1, 2020. At the time of the article American Municipal Power, Inc., which operates the wind turbines, claimed they had not received a report of an eagle being killed by a turbine, so at that time they started an investigation. “The investigation provided no evidence of the claim,” Holly Karg director of media relations for AMP later stated. The lack of information disseminated about the incident does not surprise John Hagerman who serves on the conservation committee for the Black Swamp Bird Observatory. “We have these discussions all the time about how the turbine operators are being so secretive about the number of bird and bat kills that take place at these sites. They are absolutely petrified about the general public knowing how many eagles and bats are killed by wind turbines” he said. More than three months after the eagle was killed the USFWS still had not released any pictures or a written report. Here we have real proof, here, in Ohio, of how the wind companies and the USSWS operate to keep the public in the dark on eagle kills.

I strongly feel that this Application must be denied based on this serious impact to item number two of the OPSB’s criteria list for granting a Certificate of Construction. Item number two is: “The nature of probable environmental impact.” Due to the tremendous increase in the Bald Eagle population in the project area, the siting of all these Industrial Wind Turbines would most certainly all but eliminate the National Symbol of our great country from the Project area once again. Construction of this project would absolutely have an adverse impact on the environment. Just because it is legal for APEX to kill Eagles does not make it right. Please deny this certificate.

Thank you for allowing me to give this testimony today.

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Summary: Public Comment of Nathan Miller, via website, electronically filed by Docketing Staff on behalf of Docketing