

From: [Butler, Matthew](#)
To: [Puco Docketing](#)
Subject: public comment for 17-2295-EL-BGN
Date: Thursday, November 12, 2020 1:52:17 PM
Attachments: [Emerson Creek Opponent Testimony - Chris Aichholz.pdf](#)

Please file this email, attachment and color photos in comments for case number 17-2295-EL-BGN.

From: chris aichholz <caichholz@yahoo.com>
Sent: Thursday, November 12, 2020 1:48 PM
To: Butler, Matthew <matthew.butler@puco.ohio.gov>
Cc: Randazzo, Samuel <Samuel.Randazzo@puco.ohio.gov>; Reineke, William <BILL.REINEKE@OHIOHOUSE.GOV>; State Senator Dave Burke <burke@ohiosenate.gov>; Mertz, Mary <Mary.Mertz@dnr.ohio.gov>; Gary Click <gary@garyclick.com>; Anthony Paradiso <aparadiso@senecacountyohio.gov>; Mike Kerschner <mkerschner@senecacountyohio.gov>; Tyler Shuff <shuffconsulting@gmail.com>
Subject: Bald Eagles - Republic Wind - Case Number: 17-2295-EL-BGN

To the Ohio Power Siting Board

After recent review of Republic Wind's Supplemental Initial Post-Hearing Brief (Re-Opened Hearing – Aviation and N&F Wildlife Nest) - Link Below, I am left very confused and conflicted.

<http://dis.puc.state.oh.us/DocumentRecord.aspx?DocID=a8f6f418-15c7-4cb7-80a3-6b0e962ac9ab>

The section that I find conflicting is this - Page 23 of the PDF or Page 20 of the actual document:

"On this note, it appears the ALJs may have understood that the half-mean inter-nest distance is some kind of regulatory "buffer" imposed by USFWS.⁶⁸ That is not the case. As Dr.

Farmer explained, the half-mean inter-nest distance is not intended, nor is it used in practice, as a

prohibition against turbines within this calculated distance; it is not a rule or standard that

mandates distances between project features and individual nests. (Id. at 6.) For the Republic

Project, USFWS had calculated the half-mean inter-nest distance to be 1.17 miles.

(Id.) But in

doing so, USFWS was not proposing a 1.17-mile turbine-free buffer zone. (Id. at 7.)

Instead, this

metric will be one of several indicators USFWS uses to assess potential risk to eagles in the

context of working with a developer should they decide to pursue an ECP and take permit. (Id.)"

In my review of this Republic Wind is claiming that the 1.17-mile is not used as a buffer but yet just the half-mean inter-nest distance. This seems to be highly confusing to me because when I attended Republic Wind's Public Open House (OPSB requirement) on December 11th 2018 their visual aid indicated that they would be adhering to a 1.18-mile "Eagle Nest Buffer" - see **attached** pictures. I took these pictures myself. These pictures are from visual aid posters that Republic Wind had available for their public meeting.

I can not stress enough that Republic Wind either lied or blatantly misled the public and local stakeholders when they showcased that they would be giving all Eagle Nest's 1.18 mile buffers. Was this because at that time all active eagles nests were outside the project area and did not directly impact their project? Now with the Weller Nest and the N&F Nest being right in the heart of the project Republic Wind has changed their tune. This was publicly available information and it can **NOT** be disputed!

Apex Clean Energy has a massive issue here in the Republic Wind Project and is quickly trying to cover their tracks (in my opinion). However, this is not a far stretch from their track record in other Eagle incidents as well. See my **attached** Emerson Creek Wind Testimony that I provided during the Emerson Creek Wind OPSB Public Hearing.

Thank You

Chris Aichholz

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Opponent Testimony to the Emerson Creek Wind Project

I am here today to ask that you deny a certificate to the Emerson Creek Wind Project. I am sure by now most of you have heard that this year the Ohio Department of Natural Resources has conducted a thorough Bald Eagle nest survey. The survey's results indicated huge growth in our Bald Eagle population. The ODNR was able to confirm 707 nests within the entire state of Ohio which is a 151% increase since 2012 when 281 nests were recorded. Results of this study have made nationwide headlines as this new study has been called one of greatest success stories for Bald Eagles across the Country.



This proposed Emerson Creek Wind project falls right in the heart of where the most Bald Eagles nests are found in the State of Ohio. Erie county ranks **THIRD** in the entire state of Ohio for having the most Bald Eagle nests (32) in their county. Huron county comes in at 12th on that list with 15 nests. Both areas have seen their numbers grow nicely due to protection and conservation methods. Unfortunately, we have seen in other proposed wind turbine projects where wind developers have submitted incomplete studies which have completely missed active Bald Eagle nests within project areas. Just last November APEX completely missed a Bald Eagles nest that fell within their proposed Republic Wind Project. Fast forward to today and it now appears they have missed two more active Bald Eagles nests that are both close to proposed turbines and one that falls squarely in the middle of the Republic Wind Project. These new active nests that residents located are directly impacted by the amount of proposed wind turbine near them. The first active nest would have as many as FIVE wind turbines within a 2.5 radius of it. **SEE FIGURE 1**

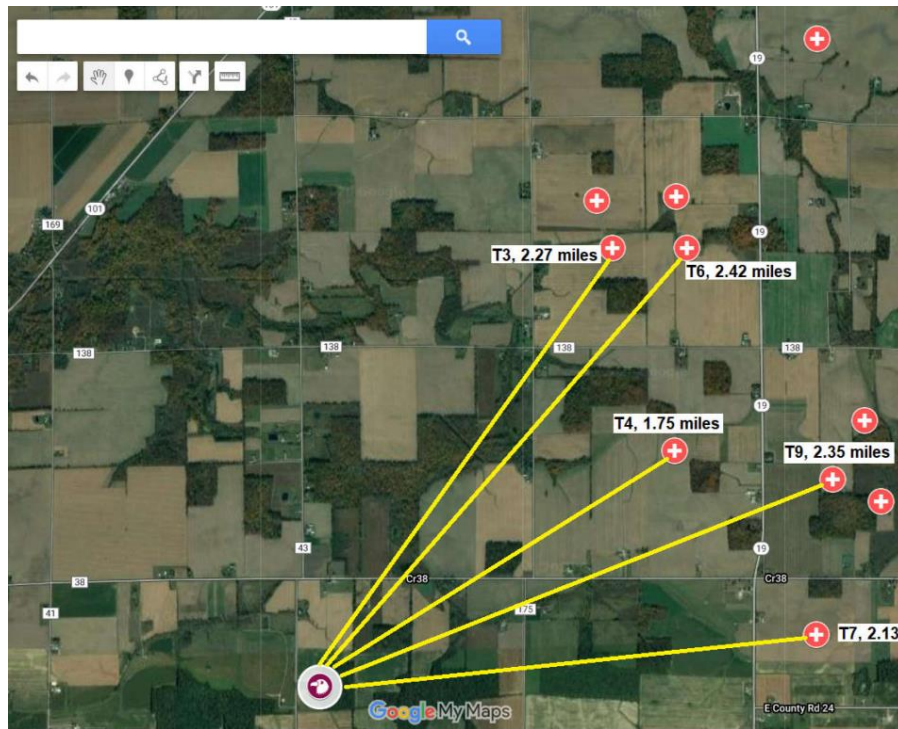


FIGURE 1 – Shows 5 wind turbines within a 2.5-mile radius of an active Bald Eagles nest

The second active Bald Eagle’s nest that APEX completely missed is located right in the heart of their proposed wind project. This active nest is slated to have as many as 15 wind turbines less than 2.5 miles from it, as many as six wind turbines less than 1 mile from it, and one being only a half mile from it. **SEE FIGURE 2**

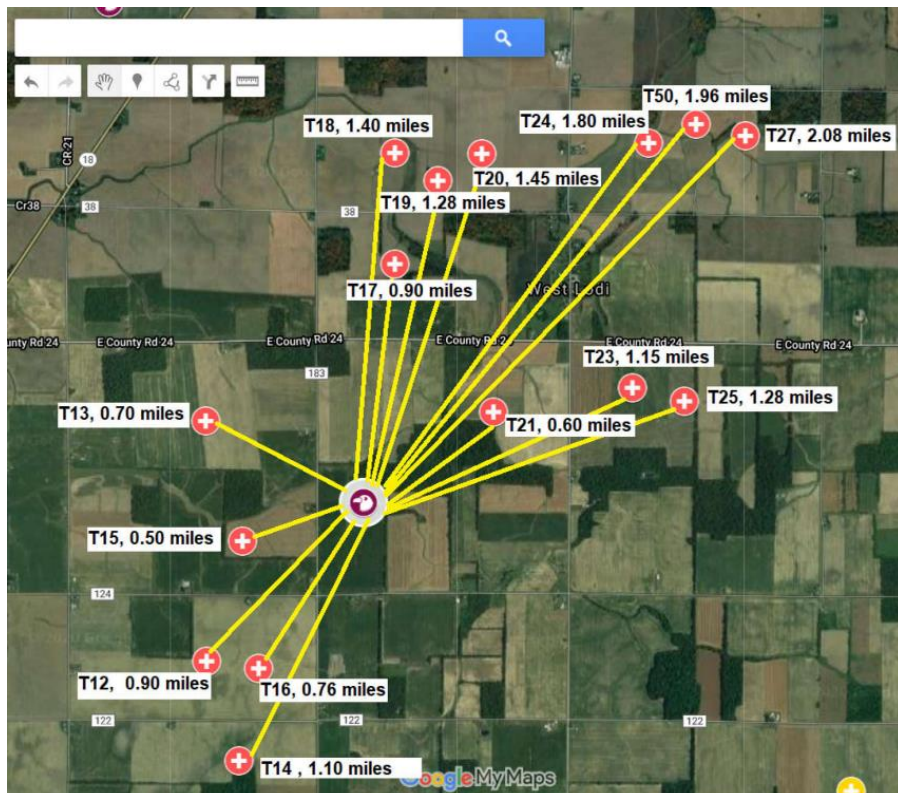


FIGURE 2 – Shows 15 wind turbines within a 2.5-mile radius of an active Bald Eagles nest

If you are keeping track that is a total of **THREE** active Bald Eagles nests that APEX Clean Energy completely and recklessly missed during their “extensive review and studies” for the Republic Wind Project. **SEE FIGURE 3**

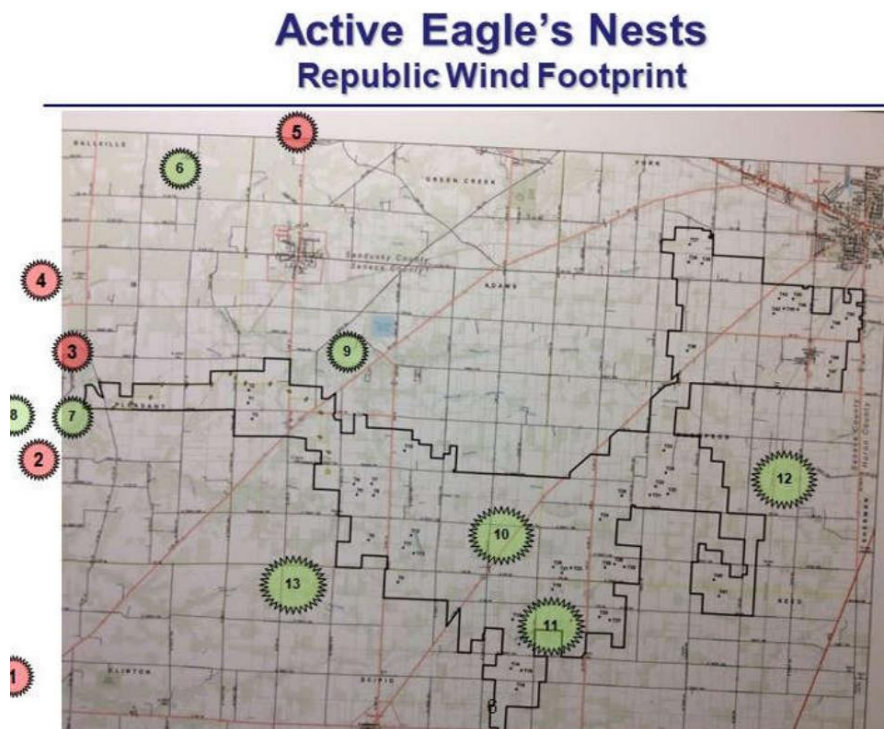


FIGURE 3 – Shows active Bald Eagle nests 10, 11 and 13 that were completely missed by APEX Clean Energy in the Republic Wind Project. Nests are overlaid onto APEX Republic Wind Project Map.

The New York Times ran a story last year on APEX Clean Energy and their controversial proposed Galoo Island Wind Project in New York. I would like to share a quick timeline of events surrounding an active Bald Eagles nest that played out in this wind project according to the NY Times:

NY Times Article Timeline

- **SPRING 2017**
 - “In spring 2017, Apex learned about the nest from the island’s caretaker, according to documents Apex filed later with the state.”
- **APRIL 2017**
 - “A consulting firm for Apex dispatched a biologist to the island in April 2017. The biologist found the nest with an adult eagle atop it, according to a document reviewed by The New York Times. Later that month, Apex commissioned a helicopter to inspect the nest, which appeared empty, Apex later said.”
- **LATE 2017**
 - “But when Apex submitted its application to the state in late 2017 to build the wind farm, it said there were no known bald eagle nests on the island, according to public documents reviewed by The Times.”

- **2017**

- “With their soaring majesty and fierce visages, bald eagles are not easily kept secret, even on a remote island. In 2017, a hunter had spotted the nest. He took photos, which eventually reached Clif Schneider, a retired biologist.”
- “Because state law requires energy developers to provide money to affected local communities, Mr. Schneider was able to hire avian experts to help challenge the project. He accused the company of lying about the eagle’s nest.

“It is really disconcerting,” Mr. Schneider said. “It just destroys trust. They should have reported it immediately. They should have been truthful in their application.””

- “Steve Bowers, a spokesman for Apex, acknowledged the company should have been open about the existence of the nest”
- ““We should have simply disclosed all relevant information,” Mr. Bowers said.”
- “One judge reviewing Apex’s application said the episode raised “serious questions about the applicant’s character and fitness.” State energy regulators said in December 2018 that “significant consequences appear to be warranted.””



The discovery of an eagle's nest led to accusations of lies and a cover-up and has stalled the proposed wind farm on Galloo Island. Clif Schneider and Kathy Muschell

- **SPRING 2019**

- “Concern over the eagles has continued. A couple of months ago, in April, Mr. Schneider and his partner checked on the nest. Through binoculars, they spotted two eagles there, they said. They grew excited about the possibilities of eaglets.

Apex, hoping to revive the project, had also been monitoring the nest and the local eagle population. The company planned several helicopter flyovers; state officials told Apex not to get within 500 feet of the nest.

Low-altitude flights can spook animals. In North Dakota, a family said that one Apex flight looking for eagles' nests there in March stirred panic among livestock that killed two calves, according to Tri-State Livestock News.

Not long after Apex conducted one of its latest flights over Galloo Island, Mr. Schneider returned with his boat for a visit. The eagles were not there, he said. Several more visits have failed to turn up any sign.

Gerald Smith, an ornithologist who aided Mr. Schneider's efforts to challenge the project, believes the helicopter scared the eagles away for good. "They destroyed an active eagle's nest," Mr. Smith said.

Mr. Smith said he wondered if Apex intended to drive off the eagles, clearing the way for another attempt to build.

Mr. Bowers, the Apex spokesman, said that was not the case. The flyover was conducted "to further clarify the potential environmental impact of the project," he said.

For the moment, there are neither wind turbines nor bald eagles on Galloo Island."

Republic Wind and Galoo Island Wind are two examples that not only should concern you about APEX Clean Energy and their "studies" but should draw much focus to this issue as you continue to review this ill sited project.

Sources:

■ Bald Eagles in Ohio:

- <https://www.nbc4i.com/news/local-news/ohio-department-of-natural-resources-reports-more-than-700-bald-eagle-nests/#:~:text=The%20Ohio%20Department%20of%20Natural,is%20a%20151%20percent%20increase.&text=Ohio%20Governor%20Mike%20DeWine%20says,of%20the%20bald%20eagle%20population.>
- <https://www.cleveland19.com/2020/04/23/survey-shows-significant-increase-bald-eagle-nests-throughout-ohio-map/>

■ Republic Wind Bald Eagle Information:




- <https://dis.puc.state.oh.us/TiffToPDF/A1001001A20F08B01341A00594.pdf>

■ New York Times Story:

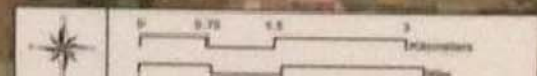
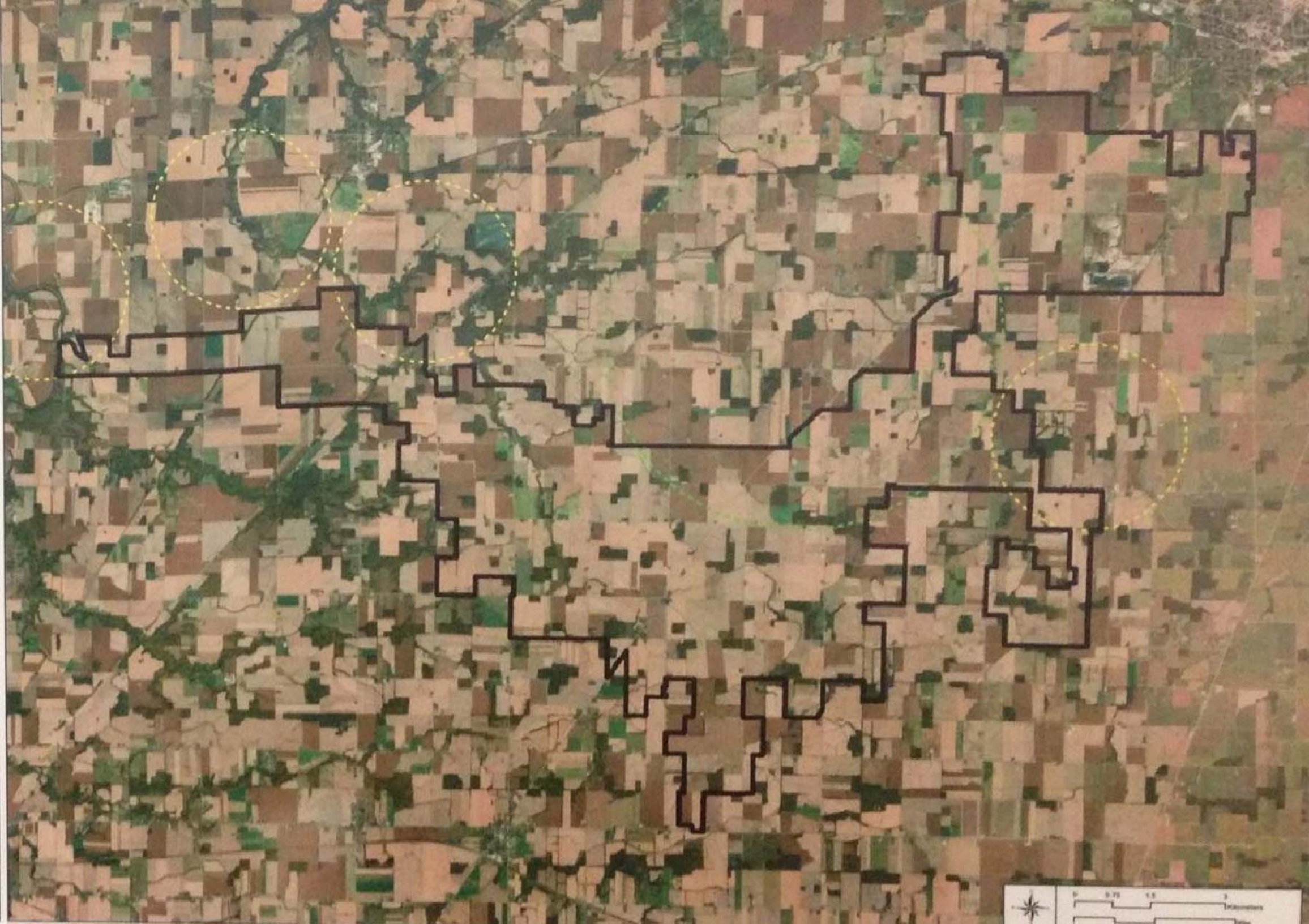
- <https://www.nytimes.com/2019/06/25/nyregion/ny-clean-energy-law-wind.html>



Republic Wind: Wildlife Setbacks




-  Project Boundary
 IBAT Roost Buffer (2.5 mi)
 Eagle Nest Buffer (1.18 mi)

(Date 12/00/04 Author GML) CONFIDENTIAL
 Approved: [Signature] Date 12/00/04
 Project: [Project Name]
 (Date 12/00/04 Author GML)





Republic Wind: Wildlife Setbacks

-  Project Boundary
-  IBAT Roost Buffer (2.5 mi)
-  Eagle Nest Buffer (1.18 mi)



This foregoing document was electronically filed with the Public Utilities

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Summary: Public Comment of Chris Aicholz, via website, electronically filed by Docketing Staff on behalf of Docketing