

BEFORE
THE OHIO POWER SITING BOARD

In the Matter of the Application)
of Harvey Solar I, LLC, for a)
Certificate of Environmental) Case No. 21-164-EL-BGN
Compatibility and Public Need)
to Construct a Solar-Powered)
Electric Generation Facility in)
Licking County, Ohio)

**DIRECT TESTIMONY OF RICHARD BERNARD ON BEHALF OF SAVE
HARTFORD TWP., LLC, JANEEN BALDRIDGE, EDWARD AND MARY BAUMAN,
JULIE AND RICHARD BERNARD, ANTHONY CAITO, JOHN JOHNSON, DANIEL
ADAM LANTHORN, NANCY AND PAUL MARTIN, AND GARY O'NEIL, JR.**

Q.1. Please state your name and address.

A.1. Richard Bernard. I live at 15404 Clover Valley Road, Centerburg, OH 43011 with my
wife Julie Bernard and our daughter, Juliet Lynn Bernard.

Q.2. On whose behalf are you offering testimony in this case?

A.2. I am offering testimony on behalf of Intervenors Save Hartford Twp., LLC, Janeen
Baldrige, Edward Bauman, Mary Bauman, Julie Bernard, Richard Bernard, Anthony
Caito, John Johnson, Daniel Adam Lanthorn, Nancy Martin, Paul Martin, and Gary
O'Neil, Jr. My testimony will refer to Save Hartford Twp., LLC as "Save Hartford."

Q.3. What is your educational background?

A.3. I have a Bachelor of Science degree in Natural Resources Management from Slippery
Rock University. The coursework in my major at this university was offered through its
College of Health, Engineering, and Sciences-Department of Parks and Conservation. I
completed all of the studies at The Ohio State University necessary to obtain a Masters
Degree in Landscape Architecture, except for submitting a Masters Thesis.

1 **Q.4. What is your occupation.**

2 A.4. I have been a landscape designer – contractor since 1986.

3 **Q.5. Who is your current employer?**

4 A.5. I have operated my own landscape design/build firm since 1992.

5 **Q.6. Describe your business.**

6 A.6. My business designs and installs landscapes, primarily for higher-end residential
7 properties. I also perform these tasks for homeowners' associations and commercial
8 properties.

9 **Q.7. Are you or anyone in your immediate family an intervenor in this case?**

10 A.7. Yes, Julie Bernard and I are intervenors in our personal capacity and in our capacity as
11 trustees for the Richard J. Bernard and Julie A. Bernard Family Trust.

12 **Q.8. Are you or anyone in your immediate family a member of Save Hartford?**

13 A.8. Yes. Julie Bernard and I are members, as well as our daughter, Juliet Lynn Bernard.

14 **Q.9. Do you or Julie Bernard have any leadership roles in Save Hartford?**

15
16 A.9. Yes. Julie Bernard is the Treasurer of Save Hartford. She and I are trustees for Save
17 Hartford. Trustees are authorized to vote on Save Hartford's decisions.

18 **Q.10. Are you familiar with the locations that have been proposed for the Harvey Solar**
19 **project?**

20 A.10. Yes. I have become familiar with the locations of the proposed project area by reviewing
21 maps of the project area in the application filed with the Ohio Power Siting Board. In my
22 testimony, I will refer to the Harvey Solar project as the "Project" and the land proposed
23 for the site of the Project as the "Project Area."

1 **Q.11. Do you or any members of your immediate family own property adjacent to the**
2 **Project Area?**

3 A.11. Yes. My wife and I are the trustees and beneficiaries of the Richard J. Bernard and Julie
4 A. Bernard Family Trust, which owns land and a house on a parcel of about 3.3 acres
5 located at 15404 Clover Valley Road in Centerburg, Ohio. The Project Area is adjacent
6 to the north and east sides of our parcel.

7 **Q.12. Can you see any of the Project Area from your house or land, and if so, describe**
8 **those views.**

9 A.12. Yes. I can see acreage in the Project Area labeled as “restricted area” on Harvey Solar’s
10 maps that is located immediately beside the north and east sides of our property. I also
11 can easily see areas labeled on Harvey Solar’s maps as “solar arrays” that are on the other
12 side of the “restricted area” to the east and northeast of my property and that are across a
13 field west of my property. I also can easily see the proposed location for the Project
14 substation north of my property and a proposed laydown area northeast of my property.
15 The proposed substation site is only about 600 feet from my property. I can see the area
16 proposed for the gen-tie line, which is located only about 125 feet from my house. I can
17 see all of these areas of the Project Area from my yard and from the windows on the first
18 and second floors of my house.

19 **Q.13. What if any activities are conducted in your yard?**

20 A.13. My family and I spend considerable time on activities in our yard, including relaxing and
21 entertaining guests on the front porch and a backyard patio. In our yard, we tend a
22 vegetation garden, raise goats for show, host 4-H children, feed birds, teach kids about
23 how to care for farm animals, family gatherings, and outdoor movies using the side of the

barn as screen, These activities occur in areas from which the Project Area can be easily seen.

Q.14. What if any species of birds have you seen while you were at your property?

A.14. While present in our yard or house, we have seen the species of birds marked on the checklist attached as Exhibit A that were located in our yard, on nearby properties, or in the sky.

Q.15. Based on your education and experience with landscaping, do you have any comments on the landscaping that Harvey Solar’s Application proposes to install as screening between the Project and the properties of nonparticipating adjacent landowners?

A.15. Yes. This landscaping is deficient for at least the following reasons:

First, the Application provides only a preliminary landscape plan that is subject to change after a certificate is issued for the Project. This means that nonparticipating landowners will not know what the landscaping will actually look like until after a certificate is issued.

Second, the Preliminary Landscape Plan is inadequate on two fronts. First the plan does not state the percent of screening or how opaque it will be. The Preliminary Landscape Plan contained in Exhibit X of the application for the Low Density Planting module states, “Low-Density native plantings consist of pollinator seed mixes that range in height from 2-4 feet tall with a mix of warm and cool season grasses, perennial wildflowers and help to diffuse views of the arrays from vehicular and pedestrian vantage points.” These perennials die back to the ground in the fall, so any 2-4-foot tall screening

1 that they may provide will be dependent upon the time of year. Furthermore, after the
2 first heavy snowfall they will provide no screening effect.

3 Exhibit X for Low Density further states, “Woody shrub masses are interspersed
4 throughout the pollinator mix to provide additional screening and food and cover for
5 wildlife.” How many shrubs constitute a mass? Three shrubs, five shrubs, a dozen
6 shrubs, it is not stated. Nor, is the distance between the shrub masses, or the number of
7 shrub masses stated.

8 Exhibit X for the Medium-Low Density planting module states, “Medium density
9 planting combines the plants in the Low Density module with small trees to give more
10 height and density. The small trees are multi-stemmed and provide additional
11 texture/screening capability and range in height from 15 to 25 feet tall and wide at
12 maturity. Additionally, the small trees provide forage (in the form of berries) and cover
13 for native bird species.”

14 Two of the species of small trees recommended for installation (per Exhibit X)
15 are “Shadblow Serviceberry” (*Amelanchier canadensis*) and “Redbud” (*Cercis*
16 *canadensis*), which will be in 5# containers and be 36-48 inches tall at installation. The
17 “Gray Dogwood” (*Cornus racemose*), another Exhibit X small tree, will be 18-24 inches
18 tall at installation. These “small trees” are at an optimum size to become browsing food
19 for the abundant resident Whitetail Deer population. See attached Exhibit B, a
20 photograph I took on March 3, 2022, at 4:30 pm, looking east from our property of a herd
21 of thirteen deer. The photo shows the deer in an area that would be covered with solar
22 arrays in Area B of the applicant’s map, Exhibit X, if a certificate is approved.

1 Furthermore, these three types of trees are understory or woods edge (shaded and
2 protected area) species that will not tolerate heat or the baking sun in the fields. Still, the
3 “small trees” that survive these hot conditions and avoid being eaten by deer and/or
4 rabbits will take approximately 10-15 years to reach 15 feet tall, the proposed maximum
5 height of the solar panels. Michael A. Dirr’s book “Manual of Woody Landscape Plants”,
6 a book used in college curriculums confirms these growth rates. For *Cercis canadensis*,
7 Dirr states, “Rate: medium 7 to 10’ in 5 to 6 years.” For *Amelanchier canadensis* Dirr
8 states, “Rate: medium 9 to 10’ in 5 to 8 year period.” Again there is no mention in the
9 application as to the number of small trees to be installed or to the spacing between these
10 trees.

11 Application Exhibit X states: “The Medium-High Density planting module
12 provides everything in the Medium-Low Density module, with the addition of shade trees
13 for additional screening capability in areas that call for more screening. Shade trees will
14 provide long-term density and height to help screen views from higher vantage points.”
15 Exhibit X also states: “The High Density planting module will provide the highest degree
16 of view filtering where the arrays are closest to residential property boundaries and roads
17 and additional height and mass are needed to help diffuse the views of the arrays. The
18 High Density module builds on the Medium-High Density module by adding higher
19 quantities of small trees and shade trees to the planting mix.” I have already covered the
20 inadequate sizes of the “small trees” in previous modules, and the poor choice for their
21 selection in a micro-climate which will not let them thrive, or even survive.

22 Now we focus on the proposed “Large Trees”. All of the “Large Trees” proposed
23 in Exhibit X are listed as 3-4’ tall at time of installation. Trees of this size will not only

1 become browsing food for deer, but they are of a good size that bucks may use to remove
2 the velvet from their antlers. This rubbing removes bark from the trunk of the tree, which
3 leads to the tree's demise.

4 All of these planting modules are proposed to be installed outside the fences
5 surrounding the solar arrays and associated facilities. These large fenced-in areas will
6 drastically change the migration patterns of the abundant local deer population. These
7 fences will channel the deer right to the planting modules, which will become giant feed
8 plots, where the deer can browse. Exhibit X also states, "The fences around the
9 perimeter of the buildable area will be a type to allow small wildlife to move freely
10 through the planting modules and into secured array area to maximize their ability to
11 secure food and cover." Cottontail rabbits would probably fall into the "small wildlife"
12 category, as would groundhogs. Giving these animals escape routes through the fence
13 and into the protected arrays would give help protect them from predators, such as
14 coyotes and fox. This would likely lead to an increase in the rabbit and groundhog
15 populations. These increased numbers of "small wildlife" will have a direct negative
16 effect on the forbs used in the pollinator mix used in each of the planting modules.
17 Rabbits and groundhogs can be devastating as they feed upon Coneflowers (Echinacea),
18 Black-eyed Susans (Rudbeckia), Blazing Star (Liatris), and many of the other perennials
19 purported to "range in height from 2-4 feet tall", and to "help to diffuse the views of the
20 arrays from vehicular and pedestrian vantage points", as stated in Exhibit X. These
21 perennials will not diffuse anything if they are eaten to the ground.

22 Exhibit X also references "A High Opacity module, utilizing evergreen plant
23 material, will be available in select locations necessitating a higher level of view

mitigation. This module is not proposed for a specific area; it will be deployed on a case-by-case basis.” The evergreen tree proposed for this module is the “White” Pine (*Pinus strobus*), which will be 4-5’ tall at installation.

The Ohio Department of Natural Resources says this about “White Pine” on the ohiodnr.gov website: “White pine performs best in evenly moist, rich, well-drained soils in full sun. It is often intolerant of soils that are alkaline in pH and poorly drained; therefore, the heavy clay soils of much of central and western Ohio cause it to struggle in parts of this region....” It also states, “Young transplant and saplings are also subject to deer and rabbit browsing in any setting.” See <https://ohiodnr.gov/discover-and-learn/plants-trees/needle-like-leaves/white-Pine-Pinus-strobus>.

To provide an effective screen as soon as practical, the large trees should be of a minimum caliper size (the trunk’s width at four feet above the ground) of 1 ½ to 2 ½ inches, and some physical trunk protection should be supplied to prevent deer damage. See attached Exhibits C and D, two photographs of one type of corrugated ABS plastic pipe trunk protection used to prevent deer damage. The small trees should be a minimum size of 7-8’ tall at time of installation. The openings in the fence should be large enough that predators such as foxes and coyotes also can enter the array areas to keep the small wildlife populations under control. Also, the fence should run down the center of the planting modules, with the small and large trees being planted inside the fence, thus protecting them from deer damage. Some small trees, shrub masses, and the pollinator mix can be installed outside the fence to soften the view of the fence and blend with the plantings inside the fence.

1 In conclusion, the plan supplied to the Ohio Power Siting Board by the applicant
2 is inadequate based upon the small sizes of the proposed plant material at time of
3 installation, the selection of inappropriate plant material not suited for the site's micro-
4 climate conditions, the likely negative impacts upon the proposed plant material from
5 resident wildlife (ie. deer, rabbits, and groundhogs), and lastly the unknown quantities of
6 the proposed plant material and the unknown spacing.

7 I think written testimony for the local public hearing in this case submitted by
8 Tracy DiSabato-Aust uploaded to the Ohio Power Siting Board website on March 16,
9 2022 sums it up. The author states, "Don't be fooled by the romantic schematic design
10 plans on paper showing proposed screenings of the solar atrocities and the glamorous
11 terms 'native' and 'pollinator mix'. These designs are impractical and not doable." "And
12 to act like the proposed poorly executed landscape plans will effectively replace
13 pollinators as we hide the panels is ridiculous. It's smoke and mirrors designed by
14 someone sitting at a drafting table who has selected native plants from a pre-fab list and
15 has never actually grown anything in open, deer, drought, weed ridden and windswept
16 fields." See the letter at
17 <https://dis.puc.state.oh.us/ViewImage.aspx?CMID=A1001001A22C16B23905J02448>. I
18 agree with these observations.

19 **Q.16. Does this conclude your direct testimony?**

20 A.16. Yes.

1
2 **CERTIFICATE OF SERVICE**
3

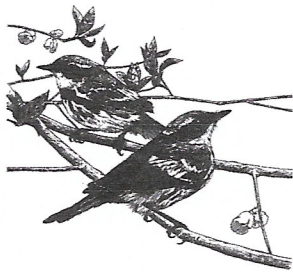
4 The Ohio Power Siting Board's e-filing system will electronically serve notice of the
5 filing of this document on the parties referenced in the service list of the docket card who have
6 electronically subscribed to this case. In addition, I hereby certify that, on March 28, 2022, a
7 copy of the foregoing testimony was served by electronic mail on the following:

8 cpirik@dickinsonwright.com
9 mmcdonnell@dickinsonwright.com
10 jsecrest@dickinsonwright.com
11 dlockshaw@dickinsonwright.com
12 thomas.lindgren@ohioAGO.gov
13 ccarnes@lcounty.com
14 mrmoran@mrmoran.com
15 rdove@keglerbrown.com
16 cendsley@ofbf.org
17 lcurtis@ofbf.org
18 amilam@ofbf.org
19 mstewart@lcounty.com
20

21 /s/ Jack A. Van Kley
22 Jack A. Van Kley
23

EXHIBIT A

BIRDS of OHIO



Date(s): OCT. 1999 - Present

Locations: FARM-15404 CLOVER VALLEY

Observers: R. J. BERNARD

Time Afield: _____

Weather: _____

Number of Species: _____

Field Notes: (N) = NEST @ FARM

NO DATE FOR ENTRY =

OBSERVED PRIOR TO 8/2008

Division of Wildlife

Ohio Department of Natural Resources

2045 Morse Road, Bldg. G

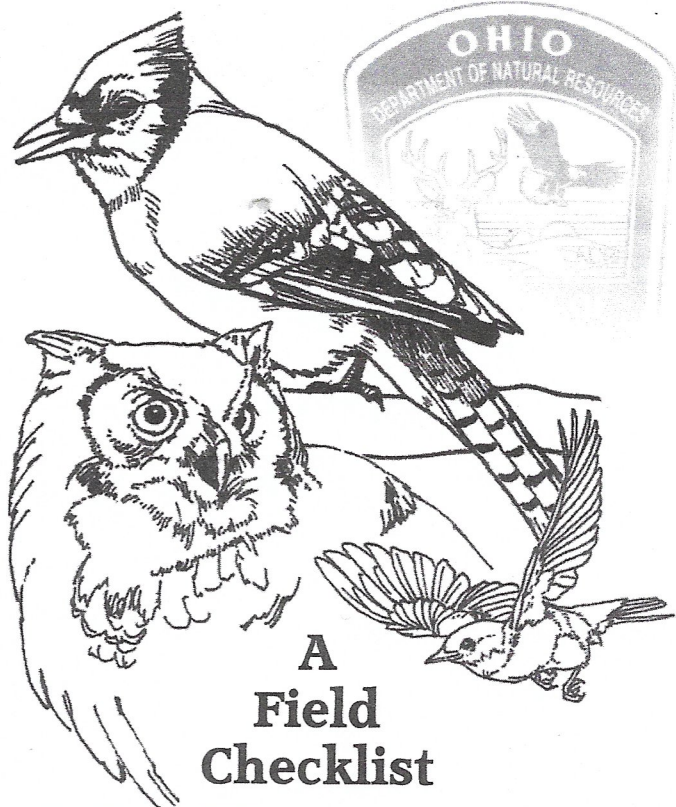
Columbus, Ohio 43229-6693

1-800-WILDLIFE • www.WildOhio.com

Ted Strickland, Governor • Sean D. Logan, Director
Steven A. Gray, Chief

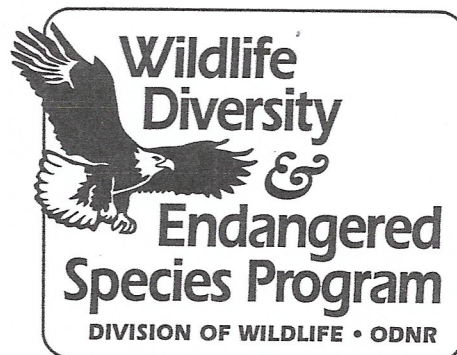
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A
Field
Checklist

BIRDS of OHIO



DIVISION OF WILDLIFE

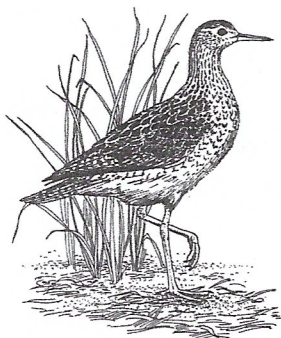
Ohio Department of Natural Resources



The sport of birding is becoming increasingly popular throughout the world and Ohio is no exception. Birding is simply fun, and it arouses scientific curiosity and aesthetic appreciation in those who practice it. The varied habitats of Ohio offer many splendid opportunities for bird observation. Ohio's Watchable Wildlife areas are dispersed across the state and collectively contain on a regular basis the majority of the bird species represented in this list.

Birds are listed by their common names. This list includes those bird species which are usually observed annually in Ohio, as well as rare and accidental species. Many of Ohio's rare birds are in danger of at least local extinction and they and their habitats deserve vigilant protection. The list of accidentals (those species out of their normal range) here is certainly incomplete; given enough time, almost anything from anywhere could show up in Ohio.

The species in this list are grouped taxonomically, separated by order (solid line) and then by family (space). Bird species included in a family show structural and behavioral similarities. Related or similar families of birds are grouped together within an order.



WARBLERS *to* SPARROWS

NIGHTJARS *to* WAXWING

FALCONS *to* OWLS

HERONS *to* HAWKS

LOONS *to* CORMORANT



	Date	Location
Red-throated Loon	___/___/___	_____
Common Loon	___/___/___	_____
Western Grebe	___/___/___	_____
Pied-billed Grebe	___/___/___	_____
Horned Grebe	___/___/___	_____
Red-necked Grebe	___/___/___	_____
Eared Grebe	___/___/___	_____
Northern Gannet	___/___/___	_____
American White Pelican	___/___/___	_____
Double-crested Cormorant	___/___/___	_____
Magnificent Frigatebird	___/___/___	_____

DIVISION OF WILDLIFE

Ohio Department of Natural Resources



WARBLERS *to* SPARROWS

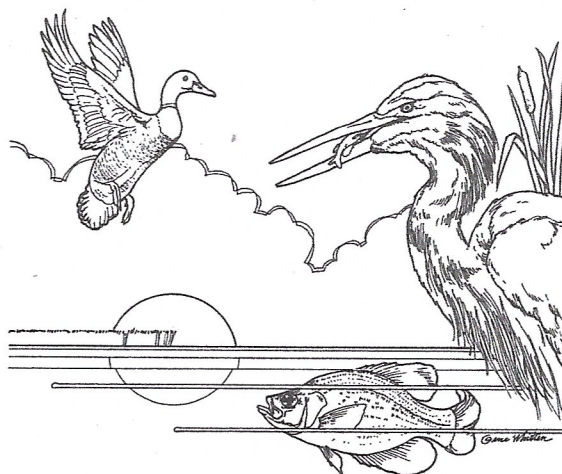
NIGHTJARS *to* WAXWING

FALCONS *to* OWLS

HERONS *to* HAWKS

	Date	Location
☐ American Bittern	/ /	
☐ Least Bittern	/ /	
☒ Great Blue Heron	/ /	FLY OVER
☐ Great Egret	/ /	
☐ Snowy Egret	/ /	
☐ Little Blue Heron	/ /	
☐ Tricolored Heron	/ /	
☐ Cattle Egret	/ /	
☐ Green Heron	/ /	
☐ Black-crowned Night-Heron	/ /	
☐ Yellow-crowned Night-Heron	/ /	
☐ Glossy Ibis	/ /	
☐ White-faced Ibis	/ /	
☒ Black Vulture	5/15/20	ACROSS ROAD
☒ Turkey Vulture	/ /	FENCE
☐ Fulvous Whistling Duck	/ /	
☒ Trumpeter Swan	1/16/14	BEAN FIELD
☐ Tundra Swan	/ /	
☐ Mute Swan	/ /	
☐ Greater White-fronted Goose	/ /	
☐ Snow (and blue phase) Goose	/ /	
☐ Brant	/ /	
☒ Canada Goose	/ /	FIELD
☐ Wood Duck	/ /	
☐ Green-winged Teal	/ /	CORN FIELD
☒ American Black Duck	/ /	CORN FIELD
☒ Mallard	/ /	
☐ Northern Pintail	/ /	
☐ Cinnamon Teal	/ /	
☐ Blue-winged Teal	/ /	
☐ Northern Shoveler	/ /	
☐ Gadwall	/ /	
☐ Eurasian Wigeon	/ /	
☐ American Wigeon	/ /	
☐ Canvasback	/ /	
☐ Redhead	/ /	
☐ Ring-necked Duck	/ /	
☐ Greater Scaup	/ /	
☐ Lesser Scaup	/ /	
☐ King Eider	/ /	

	Date	Location
☐ Long-tailed Duck	/ /	
☐ Black Scoter	/ /	
☐ Surf Scoter	/ /	
☐ Harlequin Duck	/ /	
☐ White-winged Scoter	/ /	
☐ Common Goldeneye	/ /	
☐ Bufflehead	/ /	
☐ Hooded Merganser	/ /	
☐ Common Merganser	/ /	
☐ Red-breasted Merganser	/ /	
☐ Ruddy Duck	/ /	
☐ Swallow-tailed Kite	/ /	
☐ Mississippi Kite	/ /	
☐ Osprey	/ /	
☒ Bald Eagle - LEAVING GREEN HOG	4/4/12	(W) OF ROAD
☒ Northern Harrier	/ /	FENCE
☐ Sharp-shinned Hawk	/ /	
☒ Cooper's Hawk	10/1/09	C FINDER
☐ Northern Goshawk	/ /	
☐ Red-shouldered Hawk	/ /	
☒ Broad-winged Hawk	10/26/08	POSTHOLE FENCE
☒ Red-tailed Hawk	/ /	FLY OVER
☐ Rough-legged Hawk	/ /	
☐ Golden Eagle	/ /	



DIVISION OF WILDLIFE

Ohio Department of Natural Resources



Ohio's
watchable
wildlife

	Date	Location
☒ American Kestrel	/ /	WINE ROAD
☐ Merlin	/ /	
☐ Peregrine Falcon	/ /	
☐ Gyrfalcon	/ /	
☒ Ring-necked Pheasant	/ /	CORN/PASTURE
☐ Ruffed Grouse	/ /	
☒ Wild Turkey	12/ 1/9	BIG BARN FIELD
☒ Northern Bobwhite	12/ 10/6	PASTO
☐ Yellow Rail	/ /	
☐ Black Rail	/ /	
☐ King Rail	/ /	
☐ Virginia Rail	/ /	
☐ Sora	/ /	
☐ Common Moorhen	/ /	
☐ Purple Gallinule	/ /	
☐ American Coot	/ /	
☐ Sandhill Crane	/ /	
☐ Black-bellied Plover	/ /	
☐ American Golden-Plover	/ /	
☐ Semipalmated Plover	/ /	
☐ Piping Plover	/ /	
☒ Killdeer	/ /	(N) DRIVE
☐ American Avocet	/ /	
☐ Greater Yellowlegs	/ /	
☐ Lesser Yellowlegs	/ /	
☐ Solitary Sandpiper	/ /	
☐ Willet	/ /	
☐ Spotted Sandpiper	/ /	
☐ Upland Sandpiper	/ /	
☐ Whimbrel	/ /	
☐ Hudsonian Godwit	/ /	
☐ Marbled Godwit	/ /	
☐ Ruddy Turnstone	/ /	
☐ Red Knot	/ /	
☐ Sanderling	/ /	
☐ Semipalmated Sandpiper	/ /	
☐ Western Sandpiper	/ /	
☐ Least Sandpiper	/ /	
☐ White-rumped Sandpiper	/ /	
☐ Baird's Sandpiper	/ /	

WARBLERS to SPARROWS

NIGHTJARS to WAXWING

FALCONS to OWLS

	Date	Location
☐ Pectoral Sandpiper	/ /	
☐ Purple Sandpiper	/ /	
☐ Dunlin	/ /	
☐ Stilt Sandpiper	/ /	
☐ Buff-breasted Sandpiper	/ /	
☐ Ruff	/ /	
☐ Short-billed Dowitcher	/ /	
☐ Long-billed Dowitcher	/ /	
☐ Common Snipe	/ /	
☐ American Woodcock	/ /	
☐ Wilson's Phalarope	/ /	
☐ Red-necked Phalarope	/ /	
☐ Red Phalarope	/ /	
☐ Pomerine Jaeger	/ /	
☐ Parasitic Jaeger	/ /	
☐ Long-tailed Jaeger	/ /	
☐ Laughing Gull	/ /	
☐ Franklin's Gull	/ /	
☐ Bonaparte's Gull	/ /	
☐ Little Gull	/ /	
☐ Ring-billed Gull	/ /	
☐ Herring Gull	/ /	
☐ Thayer's Gull	/ /	
☐ Iceland Gull	/ /	
☐ Lesser Black-backed Gull	/ /	
☐ Glaucous Gull	/ /	
☐ Great Black-backed Gull	/ /	
☐ Black-legged Kittiwake	/ /	
☐ Caspian Tern	/ /	
☐ Common Tern	/ /	
☐ Forster's Tern	/ /	
☐ Least Tern	/ /	
☐ Black Tern	/ /	
☒ Rock Dove	/ /	BIG BARN
☒ Mourning Dove	/ /	(N) FEEDER
☐ Black-billed Cuckoo	/ /	
☐ Yellow-billed Cuckoo	/ /	
☐ Barn Owl	/ /	
☐ Eastern Screech-Owl	/ /	
☒ Great Horned Owl	6/2/10	SICK-APPLE TREE
☐ Snowy Owl	/ /	
☐ Barred Owl	/ /	

DIVISION OF WILDLIFE

Ohio Department of Natural Resources

	Date	Location
☐ Long-eared Owl	/ /	
☐ Short-eared Owl	/ /	
☐ Northern Saw-whet Owl	/ /	
☐ Common Nighthawk	/ /	
☐ Chuck-will's-widow	/ /	
☐ Whip-poor-will	/ /	
☐ Chimney Swift	/ /	
☒ Ruby-throated Hummingbird	/ /	GARDEN
☐ Rufous Hummingbird	/ /	
☐ Belted Kingfisher	/ /	
☐ Red-headed Woodpecker	/ /	
☒ Red-bellied Woodpecker	1/16/09	NORWAY TABLE
☐ Yellow-bellied Sapsucker	/ /	
☒ Downy Woodpecker	/ /	FEEDER
☐ Hairy Woodpecker	/ /	
☐ Northern Flicker	/ /	
☒ Pileated Woodpecker	/ /	ASH TREE
☐ Olive-sided Flycatcher	/ /	
☐ Eastern Wood-Pewee	/ /	
☐ Yellow-bellied Flycatcher	/ /	
☐ Acadian Flycatcher	/ /	
☐ Alder Flycatcher	/ /	
☐ Willow Flycatcher	/ /	
☐ Least Flycatcher	/ /	
☐ Eastern Phoebe	/ /	
☐ Great Crested Flycatcher	/ /	
☒ Eastern Kingbird	/ /	BACKYARD
☐ Northern Shrike	/ /	
☐ Loggerhead Shrike	/ /	
☐ White-eyed Vireo	/ /	
☐ Bell's Vireo	/ /	
☐ Blue-headed Vireo	/ /	
☐ Yellow-throated Vireo	/ /	
☐ Warbling Vireo	/ /	
☐ Philadelphia Vireo	/ /	
☐ Red-eyed Vireo	/ /	
☒ Blue Jay	10/19/08	BACK APPLE
☒ American Crow	/ /	BACKYARD

WARBLERS to SPARROWS

NIGHTJARS to WAXWING

	Date	Location
☒ Horned Lark	2/10/10	FEEDER
☒ Purple Martin	5/27/11	MARTIN HOUSE
☒ Tree Swallow	/ /	SCULPTS?
☐ Northern Rough-winged Swallow	/ /	MARTIN HOUSE
☐ Bank Swallow	/ /	
☐ Cliff Swallow	/ /	
☒ Barn Swallow	/ /	(N) BARN
☐ Black-capped Chickadee	/ /	
☐ Carolina Chickadee	/ /	
☐ Tufted Titmouse	/ /	
☐ Red-breasted Nuthatch	/ /	
☒ White-breasted Nuthatch	9/9/08	FEEDER
☐ Brown Creeper	/ /	SWEET OAK
☐ Carolina Wren	/ /	
☐ Bewick's Wren	/ /	
☐ House Wren	/ /	
☐ Winter Wren	/ /	
☐ Sedge Wren	/ /	
☐ Marsh Wren	/ /	
☐ Golden-crowned Kinglet	/ /	
☐ Ruby-crowned Kinglet	/ /	
☐ Blue-gray Gnatcatcher	/ /	
☒ Eastern Bluebird	/ /	(N) BOX / ASH
☐ Veery	/ /	
☐ Gray-cheeked Thrush	/ /	
☐ Swainson's Thrush	/ /	
☐ Hermit Thrush	/ /	
☐ Wood Thrush	/ /	
☒ American Robin	/ /	(N) BACKYARD
☒ Gray Catbird	5/16/09	PATIO CHAIR
☒ Northern Mockingbird	/ /	BARN ROOF
☐ Brown Thrasher	/ /	
☒ European Starling	/ /	FEEDER
☐ American Pipit	/ /	
☒ Cedar Waxwing	3/6/14	LOUISIANA CRAB APPLE

DIVISION OF WILDLIFE

WARBLERS to SPARROWS

	Date	Location
Blue-winged Warbler	/ /	
Golden-winged Warbler	/ /	
Tennessee Warbler	/ /	
Orange-crowned Warbler	/ /	
Nashville Warbler	/ /	
Northern Parula	/ /	
Yellow Warbler	/ /	
Chestnut-sided Warbler	/ /	
Magnolia Warbler	/ /	
Cape May Warbler	/ /	
Black-throated Blue Warbler	/ /	
Yellow-rumped Warbler	/ /	
Black-throated Gray Warbler	/ /	
Black-throated Green Warbler	/ /	
Blackburnian Warbler	/ /	
Yellow-throated Warbler	/ /	
Pine Warbler	/ /	
Kirtland's Warbler	/ /	
Prairie Warbler	/ /	
Palm Warbler	/ /	
Bay-breasted Warbler	/ /	
Blackpoll Warbler	/ /	
Cerulean Warbler	/ /	
Black-and-white Warbler	/ /	
American Redstart	/ /	
Prothonotary Warbler	/ /	
Worm-eating Warbler	/ /	
Swainson's Warbler	/ /	
Ovenbird	/ /	
Northern Waterthrush	/ /	
Louisiana Waterthrush	/ /	
Kentucky Warbler	/ /	
Connecticut Warbler	/ /	
Mourning Warbler	/ /	
Common Yellowthroat	/ /	
Hooded Warbler	/ /	
Wilson's Warbler	/ /	
Canada Warbler	/ /	
Yellow-breasted Chat	/ /	
Summer Tanager	/ /	
Scarlet Tanager	/ /	
✓ Northern Cardinal	/ /	(N) PASTURE
Rose-breasted Grosbeak	/ /	
Blue Grosbeak	/ /	
✓ Indigo Bunting	/ /	MENK ROAD
Dickcissel	/ /	
Eastern Towhee	/ /	
Bachman's Sparrow	/ /	
American Tree Sparrow	/ /	
✓ Chipping Sparrow	/ /	(N) PASTURE
✓ LARK BUNTING	7/23/12	PASTURE

	Date	Location
Clay-colored Sparrow	/ /	
Field Sparrow	/ /	
Vesper Sparrow	/ /	
Lark Sparrow	/ /	
Savannah Sparrow	/ /	
Grasshopper Sparrow	/ /	
Henslow's Sparrow	/ /	
Nelson's Sharp-tailed Sparrow	/ /	
Fox Sparrow	/ /	
✓ Song Sparrow	/ /	PASTURE
Lincoln's Sparrow	/ /	
Swamp Sparrow	/ /	
White-throated Sparrow	/ /	
White-crowned Sparrow	/ /	
Dark-eyed Junco	/ /	
Lapland Longspur	/ /	
Smith's Longspur	/ /	
Snow Bunting	/ /	
Bobolink	/ /	
✓ Red-winged Blackbird	/ /	(N) PASTURE
✓ Eastern Meadowlark	/ /	FIELD
Western Meadowlark	/ /	
Yellow-headed Blackbird	/ /	
Rusty Blackbird	/ /	
Brewer's Blackbird	/ /	
Common Grackle	/ /	
✓ Brown-headed Cowbird	/ /	PASTURE
Orchard Oriole	/ /	
Baltimore Oriole	/ /	
Pine Grosbeak	/ /	
✓ Purple Finch	/ /	(N) PASTURE
✓ House Finch	/ /	(N) PASTURE
Red Crossbill	/ /	
White-winged Crossbill	/ /	
Common Redpoll	/ /	
Hoary Redpoll	/ /	
Pine Siskin	/ /	
✓ American Goldfinch	/ /	PASTURE
Evening Grosbeak	/ /	
✓ House Sparrow	/ /	(N) PASTURE

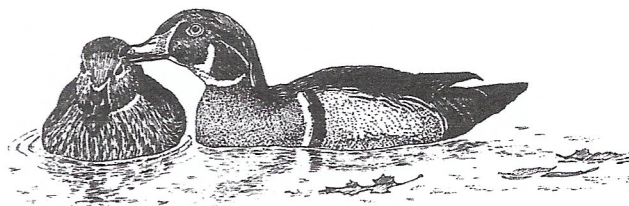


EXHIBIT B



EXHIBIT C

5:27



Done

1 of 2



EXHIBIT D

5:26



Done

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in

Case No(s). 21-0164-EL-BGN

Summary: Testimony of Richard Bernard electronically filed by Mr. Jack A. Van Kley
on behalf of Save Hartford Twp. and Member Intervenors