

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application)

Of South Branch LLC, for a)

Certificate of Environmental) Case No. 21-0669-EL-BGN

Compatibility and Public Need)

To Construct a Solar-Powered)

Electric Generation Facility in)

Hancock County, Ohio)

DIRECT TESTIMONY OF

MARY JO BOES

19694 Township Road 218

Fostoria, Ohio 44830

On behalf of

Travis Bohn – Intervenor

May 24, 2022

Q-1. Please state your name and address.

A-1. My name is Mary Jo Boes. I am an Adjacent landowner and witness residing at 19694 Township Road 218, Fostoria, Ohio, which sits in Hancock County and Washington Township.

Q-2. How long have you lived on a farm and what did you do?

A-2. In Sept. of this year, I will be married to my farmer husband, Lanny for 55 years. I worked the ground and hauled the crops to the elevator. Helped manage our strawberry business, and picked and sold tomatoes. I still keep the financial books for the farming business & in the past for Boes Quality Drainage. In the early years, I helped my husband put in grade stakes, for tiling.

Q-3. How are you affected by the solar panels?

A-3. Our land will but up to the South side by the Good farm and to the West by the Gano farm. On the West side of the Gano farm is our new farmland. Therefore, the Gano farm is sandwiched between two of our parcels of farmhand.

Q-4. Are there concerns with the Gano farm between your two parcels of farmland?

A-4. Yes. During the afternoon on Gano's west side, our trees along the fence line and woods produce a shadow that will affect the panels from not getting the full sun. In the north-west side corner there is a big section that looks like a lake after a hard rain and the crops get drowned out for the season. In the

back of Gano's farm on the south-east side is our other woods and it casts a shadow that will affect the panels in the morning from the sun. There is also an open oil well back of the farm and also a wetland. See Exhibit 1 ODNR Recommended Requirements #A-3 & A-5 & A-6. 3. Developers should be conscious of oil, gas, and water wells to avoid impeding the extraction of other natural resources.

5. Conduct environmental resource surveys as described in the ODNR Environmental Review process. Delineate wetlands and streams, prior to OPSB application submission. Impacts to these resources should be minimized or avoided. Avoid existing wetlands and adjacent woodlands. A minimum 120-foot buffer should be maintained on Category 1 and 2 wetlands. A minimum 300-foot buffer should be maintained on Category 3 wetlands to preserve ecological integrity. This recommendation is based on research by Semlitsch and Bodie.

Q-5. What about the 24 inch outlet on the Gano farm and the setback?

A-5. There is a 24 inch outlet tile that was just replaced last year which concerns me because the heavy equipment might crush the outlet and tunneling under the outlet would cause the ground to settle and break down the tile which will backup the water and flood many of the farmers fields that run into that 24 inch outlet. Also there is a security fence going over it and there will be no way for us to get in and fix the outlet right away.

Q-6. What about the lateral tile on the Gano farm?

A-6. Another concern on the Gano farm is that the lateral tile will be cut when pounding in the posts into the ground which will produce flooding on his farm and run over onto our farm and Dave & Mary Tong's farm.

Especially in the front section where our water goes to the west along the north side in the ditch and if flooded, our water won't be able to get away and back up into our field to the east of Gano's farm. Therefore, that farm will cause flooding and crop damage to our fields and other farmers' fields.

Q-7. What about the Gano farm upsetting the ecosystem of the wildlife?

A-7. Another concern that Gano's farm should not have solar panels put on it is because the deer and other wildlife go from our west new farm woods to the east across Gano's farm and into our east woods, back into Good's woods and into Rex's woods. They get their water in the ditch of Rex's fields. They stay off the roads by going in all the woods. See Exhibit 1 ODNR Recommended Requirements #A-8. 8. A layout that maintains riparian/corridor access and connectivity for wildlife is preferred. Therefore, the solar panels will mess up their natural habitat and channel the deer to go from our east woods, go north onto a heavily traveled Township Road 218 around Gano's farm to the west and then south back to our west woods. There will be more deer traveling onto the roads and being killed because of Leeward putting solar panels on Gano's farm and Rex's. We have seen 16 to 32 deer at a time back in that area. Gano's farm will be cutting off their habitual route and causing more death to the deer and vehicles damaged.

Q-8. What are the other concerns about the deer?

A-8. A male white tailed deer during mating season or if the deer sees a tasty meal in there can run and jump right over the seven foot high solar fences and get inside with the panels. When inside the fenced area, what will the deer do to the panels, maybe crack the panels up, like hail would crack and put holes in the panels. Then the toxic chemicals will leak out of the panels, run on the ground and get into the streams and water wells.

Q-9. What did you do after hearing about the solar panels?

A-9. After hearing about solar panels coming into our area, I asked the neighbors if they knew anything about that and their answer was no. We went and saw other solar panels which we didn't like. We co-founded the Promote Wise Land Use group and acquired more information about the project and had our first meeting to educate the neighbors and other area people. Couple days later, Leeward's meeting wasn't a sit down meeting so all the people couldn't hear the same thing at the same time. People felt like they didn't learn anything. Some people's health prevented them from going around to each station. When they tried, they couldn't hear what the Leeward person was saying.

Q-10. What happens when prime farmland is being taken out of production?

A-10. Land being taken out of production will cause food shortages for probably the next generation. You can see that is apparent now with empty shelves in the grocery stores. Our ancestors worked hard to make it a better place for us and we are taking our history away and discrediting all the hard work they did for us. That is a shame. Also there are good Ag jobs being affected.

Q-11. What is it doing to the state of Ohio?

A-11. Ohio was a leading state in Agriculture next to Texas, but now it is losing the land to renewable energy with taking the land away for solar panels and wind. It is depriving the people of having food to eat and raising our electric bills. No one can see this coming!

Q-12. What is it doing to our next generation of Ag people?

Q-12. Just think long and hard at this. You greedy landowners only care about yourself and the big green bucks in your pocket. You are destroying their future of being a farmer, a supplier of food to feed the nation. Leeward and Rob comes in quietly and smooth talks the elder farmer who is ready to retire and the absentee landowner who isn't around to see what's going on his farmland, offers them good money to buy or lease their ground and says in 30 years when they leave, everything over three feet will be taken out and it will be farm able just like when they leased it. You must think we are pretty stupid out here.

Q-13. Any further comments?

A-13. Yes. We are a great, loving, caring community and the Leeward solar company is just the opposite of our community. They lie, are greedy and don't really care about us the people who will have to live next to those obtrusive panels. They will cause us more grief by their lies and upset us even more by constantly seeing those ugly panels for 30 plus years in God's green countryside. Therefore, they are not the kind of people we want in our community or as neighbors. They are like thorns in our side. We do not want them here at all. Please don't saddle us in our dying years with that despicable company. Thank you.

Q-14. Does this conclude your direct testimony?

A-14. Yes it does. However, I reserve the right to offer supplemental testimony if necessary.

Respectfully submitted,

Mary Jo Boes

Exhibit 1 ODNR

Ohio Department of Natural Resources (ODNR) Recommended Requirements for Proposed Solar Energy Facilities in Ohio (updated 3/7/22)

A. Design Requirements

1. Construction of utility-scale installations on ODNR owned or managed lands will not be permitted.
2. Avoid unstable land surfaces such as karst features and hillslopes in landslide-prone formations. Projects located in areas with a history of mining (both surface and underground mining) should not be advanced unless geotechnical, engineering, and constructability evaluations and reports demonstrate the project is suitable for the area being considered. Developers should be cautious of unstable slopes, surface settling, and rapid erosion when constructing and managing solar facilities on reclaimed mine lands.

3. Developers should be conscious of oil, gas, and water wells to avoid impeding the extraction of other natural resources.
4. Permanent security lighting should be designed to minimize light pollution and take into consideration lighting initiatives that aim to reduce impacts to wildlife (shielded, motion triggered, and directed lighting).
5. Conduct environmental resource surveys as described in the ODNR Environmental Review process. Delineate wetlands and streams, prior to OPSB application submission. Impacts to these resources should be minimized or avoided.
6. Avoid existing wetlands and adjacent woodlands. A minimum 120-foot buffer should be maintained on Category 1 and 2 wetlands. A minimum 300-foot buffer should be maintained on Category 3 wetlands to preserve ecological integrity. This recommendation is based on research by Semlitsch and Bodie (Semlitsch, R. D., and J. R. Bodie. 2003. Biological Criteria for Buffer Zones around Wetlands and Riparian Habitats for Amphibians and Reptiles. *Conservation Biology* 17(5): 1219-1228) and further utilized by New Jersey (Landscape Project Version 3.3 methodology – <https://www.state.nj.us/dep/fgw/ensp/landscape/>). Buffer distances for wetlands should be measured from delineated and verified wetland boundaries.
7. Maintain a minimum 120-foot buffer along streams (including ephemeral and intermittent streams), retaining existing, non-invasive trees or shrubs. Buffer distances for streams should be measured from delineated and verified stream boundaries.
8. A layout that maintains riparian/corridor access and connectivity for wildlife is preferred.

B. Construction Best Management Practices (BMPs)

1. Fencing around panels should incorporate gaps or spaces of at least 6 inches x 6 inches to allow passage of small mammals.
2. Efforts should be taken to avoid entrapping wildlife within the facility during construction of the fence and that the solar facility be checked regularly or structures installed to allow animals to escape.
3. ODNR recommends that the construction plan minimize the amount of exposed or open trenches. If spans of trenching will be open for extended periods of time ODNR recommends the installation of trench plugs, earthen ramps, or other means as necessary to ensure that open trenches do not trap wildlife or impair wildlife movement.
4. Developers should avoid installing new drain tile systems that may drain or impede replenishment of nearby wetlands or significantly increase drainage into adjacent waterways during precipitation events.

C. Post-construction/operational requirements

1. Solar development sites are required to plant a minimum of 70% of the project area in beneficial vegetation, utilizing plant species as described in Attachment A (or other suitable species as approved) and follow the Ohio Solar Site Pollinator Habitat Planning

and Assessment Form with a minimum score of 80 points. Routine mowing will be limited to fall/spring seasons, as needed, to allow for natural reseeding of plantings and reduce impacts to ground-nesting birds. These requirements are intended to provide wildlife habitat, encourage water infiltration, and reduce erosion. This requirement not applicable to sites committed to alternative agricultural uses to control vegetation, as described in the vegetation management plan.

2. Should solar facilities be proposed adjacent to environmentally sensitive sites such as State Scenic Rivers or State Nature Preserves with significant and unique plant and/or animal communities, additional species or seed mixes may be recommended.

3. The Applicant shall contact OPSB staff, ODNR DOW, and USFWS within 24 hours if state or federal listed species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be immediately halted until an appropriate course of action has been agreed upon by the Applicant, OPSB staff, and the appropriate agencies. The Applicant shall also notify OPSB staff, ODNR DOW, and USFWS within 24 hours if any mortality, injury, or entrapment of a state or federal threatened and endangered listed species is discovered in the facility during operation. For wildlife not categorized as state or federal threatened or endangered, the Applicant shall also notify OPSB Staff, ODNR DOW, and USFWS at annual intervals if any mortality, injury, or entrapment of wildlife is discovered in the facility during operation for the purpose of general data collection.

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Summary: Testimony Witness Testimony electronically filed by Mr. Travis Bohn on
behalf of Bohn, Travis David Mr.