

# **CONSTRUCTION NOTICE FOR THE**

**Duke Energy Ohio, Inc.  
5781 GLT Transmission Project  
(Nilles Road Pole Replacements)**

**OPSB Case No. 21-795-EL-BNR**

**Submitted to:**

**The Ohio Power Siting Board**

**Pursuant to OAC 4906-06**

**Submitted by:**

**Duke Energy Ohio, Inc.**

**August 2021**



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## ATTACHMENTS

Attachment A – Figures  
Attachment B – Rare, Threatened and Endangered Species Correspondence  
Attachment C – Regulated Waters Assessment  
Attachment D – Cultural Resources Desktop Review

## CONSTRUCTION NOTICE

This Construction Notice has been prepared by Duke Energy Ohio, Inc. (hereafter "Duke Energy Ohio") in accordance with Ohio Administrative Code (OAC) Section 4906-6-05 for the review of Accelerated Certificate Applications for the Duke Energy Ohio 5781 GLT Transmission Project (Nilles Road Pole Replacements) (Project). The following section corresponds to the administrative code sections for the requirements of a Construction Notice.

### **4906-6-05(B) GENERAL INFORMATION**

#### **4906-6-05(B)(1) Project Description**

**The name of the project and applicant's reference number, names and reference number(s) of resulting circuits, a brief description of the project, and why the project meets the requirements for a Construction Notice application.**

Name of Project:

Duke Energy 5781 GLT Transmission Project (Nilles Road Pole Replacements) (Project)

Reference Numbers:

OPSB Filing Number: The Project has been assigned Ohio Power Siting Board (OPSB) Case Number 21-795-EL-BNR.

2021 LTFR The Project was included in the 2021 Long-Term Forecast Report, at FE-T9, page 84.

PJM Number: Construction of the Project will not change the model significantly. It therefore does not need to be reported.

Circuit Reference: This Project is part of the 5781 Circuit.

Brief Description of the Project:

Duke Energy Ohio requires the removal of the transmission line from a single structure, the replacement of one structure and two new single pole structures. This Project is needed to remove deficient wood pole structures and to improve service and reliability to future and existing utility customers. The Project location is in the City of Fairfield, along Nilles Road in Butler County.

Construction Notice Requirement:

This Project qualifies as a Construction Notice filing because it meets the requirements of OAC 4906-1-01, Appendix A, item (4)(a), *Application Requirement Matrix for Electric Power Transmission Lines*:

*1. New construction, extension, or relocation of single or multiple circuit electric power transmission line(s), or upgrading existing transmission or distribution line(s) for operation at a higher transmission voltage, as follows:*

*(a) Line(s) not greater than 0.2 miles in length.*

**4906-6-05(B)(2) Statement of Need**

**If the proposed project is an electric power transmission line or gas pipeline, a statement explaining the need for the proposed facility.**

The proposed Project will allow for the installation of two new single pole structures, the replacement of one single pole structure and removal of transmission line from one single pole structure along the 5781 transmission line. This transmission line pole replacement project is needed to remove deficient wood pole structures and to improve service and reliability to future and existing utility customers, to help increase the reliability of the energy network, as well as meet regulatory standards to serve electricity to homes, schools, hospitals and businesses in the area. The two new structures are needed to address clearance issues in the area with crowded utilities, sidewalk and road.

**4906-6-05(B)(3) Project Location**

**The applicant shall provide the location of the project in relation to existing or proposed lines and substations shown on an area system map of sufficient scale and size to show existing and proposed transmission facilities in the Project area.**

The location of the Project is depicted in Attachment A – Project Details. Figure 1 shows the general project vicinity depicted on a USGS quadrangle topographic map. Figure 2 depicts the planned transmission line location, compared to existing transmission lines in the Project vicinity and additional details depicted on an aerial imagery map.

**4906-6-05(B)(4) Alternatives Considered**

**The applicant shall describe the alternatives considered and reasons why the proposed location or route is best suited for the proposed facility. The discussion shall include, but not be limited to, impacts associated with socioeconomic, ecological, construction, or engineering aspects of the project.**

The proposed Project will occur entirely within existing Duke Energy Ohio or Road right-of-way (ROW). No additional long-term impacts to adjacent properties are anticipated as a result of the Project. Therefore, the current planned alignment is the only reasonable alternative available and no alternatives were considered.

**4906-6-05(B)(5) Public Information Program**

**The applicant shall describe its public information program to inform affected property owners and tenants of the nature of the project and the proposed timeframe for project construction and restoration activities.**

Information on the ongoing status of this Project can be found at the following website:  
<http://www.duke-energy.com/Nilles>.

**4906-6-05(B)(6) Construction Schedule**

**The applicant shall provide an anticipated construction schedule and proposed in-service date of the project.**

The Project is anticipated to begin in November 15, 2021 and to be completed by December 17, 2021.

**4906-6-05(B)(7) Area Map**

**The applicant shall provide a map of at least 1:24,000 scale clearly depicting the facility with clearly marked streets, roads, and highways, and an aerial image.**

Attachment A – Project Details depicts the general location of the Project. Figure 1 shows the general Project vicinity depicted on a USGS quadrangle topographic map. Figure 2 shows the planned transmission line location and additional details depicted on an aerial imagery map.

**4906-6-05(B)(8) Property Agreements**

**The applicant shall provide a list of properties for which the applicant has obtained easements, options, and/or land use agreements necessary to construct and operate the facility and a list of the additional properties for which such agreements have not been obtained.**

This Project is located within existing Duke Energy Ohio right-of-way in the City of Fairfield, Butler County, Ohio. No new easements were obtained for this project. Parcel IDs associated with this project are A0700012000086 and A0700012000085.

**4906-6-05(B)(9) Technical Features**

**The applicant shall describe the following information regarding the technical features of the project:**

Duke Energy Ohio proposes to install two new single pole structures, replace one single pole structure and remove transmission from one single pole structure along the 5781 transmission line.

**4906-6-05(B)(9)(a) Operating Characteristics**

**Operating characteristics, estimated number and types of structures required, and right-of-way and/or land requirements.**

This project consists of installing two new single pole structure, replacing one single pole structure, and removing transmission line from one single pole structure in Duke Energy Ohio ROW.

|                 |                                                                                             |
|-----------------|---------------------------------------------------------------------------------------------|
| Voltage:        | 138 kV                                                                                      |
| Structure Type: | Three direct embed steel monopole structures.                                               |
| Conductors:     | 954 AAC B37                                                                                 |
| Insulators:     | Polymer Post insulators                                                                     |
| Height:         | BT119-73 HL-88 and BTO-21355 HL-89 will be 72.5 ft, and<br>BTO-20527 HL-89A will be 63.5 ft |
| ROW:            | Within existing Duke Energy Ohio and Road ROW.                                              |

**4906-6-05(B)(9)(b) Electric and Magnetic Fields**

**For electric power transmission lines that are within one hundred feet of an occupied residence or institution, the production of electric and magnetic fields during the operation of the proposed electric power transmission line.**

**4906-6-05(B)(9)(b)(i) Calculated Electric and Magnetic Field Levels**

**Calculated electric and magnetic field strength levels at one meter above ground under the lowest conductors and at the edge of the right-of-way.**

No residences or institutions are located within 100 feet of the proposed Project; therefore, Electric and Magnetic Field (EMF) calculations are not required by this rule.

**4906-6-05(B)(9)(b)(ii) Design Alternatives for EMF**

**A discussion of the applicant's consideration of design alternatives with respect to electric and magnetic fields and their strength levels, including alternate conductor configuration and phasing, tower height, corridor location, and right-of-way width.**

No residences or institutions are located within 100 feet of the proposed Project and the Project is designed to take place within existing Duke Energy ROW. Therefore, no design alternatives were considered for the Project with respect to EMF.

**4906-6-05(B)(9)(c) Project Cost**

**The estimated capital cost of the project.**

The estimated capital cost of the Project is \$250,000. This estimate includes the installation of the new structures and associated conductor/linework.

**4906-6-05(B)(10) Social and Ecological Impacts**

**The applicant shall describe the social and ecological impacts of the project:**

**4906-6-05(B)(10)(a) Land Use Characteristics**

**Provide a brief, general description of land use within the vicinity of the proposed project, including a list of municipalities, townships, and counties affected.**

The Project is located within the City of Fairfield within Butler County. Within the Project area, land use is urban and commercial.

**4906-6-05(B)(10)(b) Agricultural Land Information**

**Provide the acreage and a general description of all agricultural land, and separately all agricultural district land, existing at least sixty days prior to submission of the application within the potential disturbance area of the project.**

None of the Project area has been used for agricultural purposes. There will be no anticipated impacts to agricultural land as a result of the Project.

**4906-6-05(B)(10)(c) Archaeological and Cultural Resources**

**Provide a description of the applicant's investigation concerning the presence or absence of significant archaeological or cultural resources that may be located within the potential disturbance area of the project, a statement of the findings of the investigation, and a copy of any document produced as a result of the investigation.**

The Ohio History Connection, Ohio's Historic Preservation Office (OHPO) online mapping system, was consulted to identify previously recorded cultural resources within 0.8 kilometer (0.5 mile) of the Project Area (the Study Area). This preliminary records check revealed fifteen historic structures (BUT0138012, BUT0138112, BUT0141312, BUT0142312, BUT0142412, BUT0142512, BUT0142612, BUT0142712, BUT0142812, BUT0144912, BUT0145012, BUT0145512, BUT0147712, BUT0147912, BUT0152312), one historic cemetery (OGSD 1267 – Symmes), and four previously recorded archaeological sites (33BU0056, 33BU0086, 33BU0140, and 33BU0634) within the Project's review area. In addition, there have been two Phase I archaeological surveys (BU13237 and BU13880) conducted within the Project Area. None of the above resources are listed on the National Register of Historic Places (NRHP). The exception occurs with the Symmes Mission Chapel (80002946) which is located within the approximate center of the proposed area of interest and is listed in the National Register of Historic Places (NRHP).

Based on this review, the NRHP-identified resources will not be affected as the resources do not intersect the current project alignment and no viewshed issues will occur. All identified historic structures, cemeteries, and previously identified archaeological sites will be unaffected by the Project. No additional coordination with the OHPO is anticipated for the Project due to previous disturbance and development within the Project area. Refer to Attachment D – Cultural Resources Desktop Review.

**4906-6-05(B)(10)(d) Local, State, and Federal Agency Correspondence**

**Provide a list of the local, state, and federal governmental agencies known to have requirements that must be met in connection with the construction of the project, and a list of documents that have been or are being filed with those agencies in connection with**

**siting and constructing the project.**

As the Project is not expected to disturb greater than one acre, no permits from or correspondence with local, state, or federal agencies is required.

**4906-6-05(B)(10)(e) Rare, Threatened, and Endangered Species**

**Provide a description of the applicant's investigation concerning the presence or absence of federal and state designated species (including endangered species, threatened species, rare species, species proposed for listing, species under review for listing, and species of special interest) that may be located within the potential disturbance area of the project, a statement of the findings of the investigation, and a copy of any document produced as a result of the investigation.**

Coordination with the U.S. Fish and Wildlife Service (USFWS) was initiated on March 22, 2021, in an effort to identify the Project's potential effect on any federally listed threatened or endangered species or critical habitat within a one-mile radius of the Study Area. A response from the USFWS was received March 24, 2021, regarding rare, threatened, and endangered (RTE) species located within the Study Area vicinity. The response from the USFWS indicated the federally listed endangered Indiana bat (*Myotis sodalis*) and threatened northern long-eared bat (*Myotis septentrionalis*) are found within the state of Ohio. However, due to the project type, size, location, and the proposed implementation of seasonal tree cutting (clearing of trees  $\geq 3$  inches diameter at breast height between October 1 and March 31) to avoid impacts to the federally listed bat species, no adverse effects to any federally endangered, threatened, proposed or candidate species are expected to occur. A copy of the USFWS response can be found in Attachment B – Rare, Threatened, and Endangered Species Correspondence and is summarized below.

**4906-6-05(B)(10)(f) Areas of Ecological Concern**

**Provide a description of the applicant's investigation concerning the presence or absence of areas of ecological concern (including national and state forests and parks, floodplains, wetlands, designated or proposed wilderness areas, national and state wild and scenic rivers, wildlife areas, wildlife refuges, wildlife management areas, and wildlife sanctuaries) that may be located within the potential disturbance area of the project, a statement of the findings of the investigation, and a copy of any document produced as a result of the investigation.**

As a part of the investigation, GAI also conducted an investigation for areas of ecological concern. As a part of GAI's investigation, a request was submitted to the Ohio Department of Natural Resources (ODNR) Natural Heritage Program on March 22, 2021, to research the presence of any unique ecological sites, geological features, animal assemblages, scenic rivers, state wildlife areas, nature preserves, parks or forest, national wildlife refuges, or other protected areas within one mile of the Project area, using the ODNR Natural Heritage Database. A response from the ODNR – Office of Real Estate was received on May 19, 2021, and indicated no records of endangered or threatened plants or animals within the project area.

As a part of the field investigation and ecological assessment, GAI conducted a Regulated Waters Assessment of the Project Area. GAI's investigation included approximately a one-acre Study Area around two existing and one proposed structure and workspace areas. During the investigation, GAI did not identify any jurisdictional waters within the Project's Study Area. Results from GAI's field investigation can be found in Attachment C – Regulated Waters Assessment (RWA). A review of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) revealed that no portion of the Project Area lies within a 100-year floodplain and/or floodway.

**4906-6-05(B)(10)(g) Unusual Conditions**

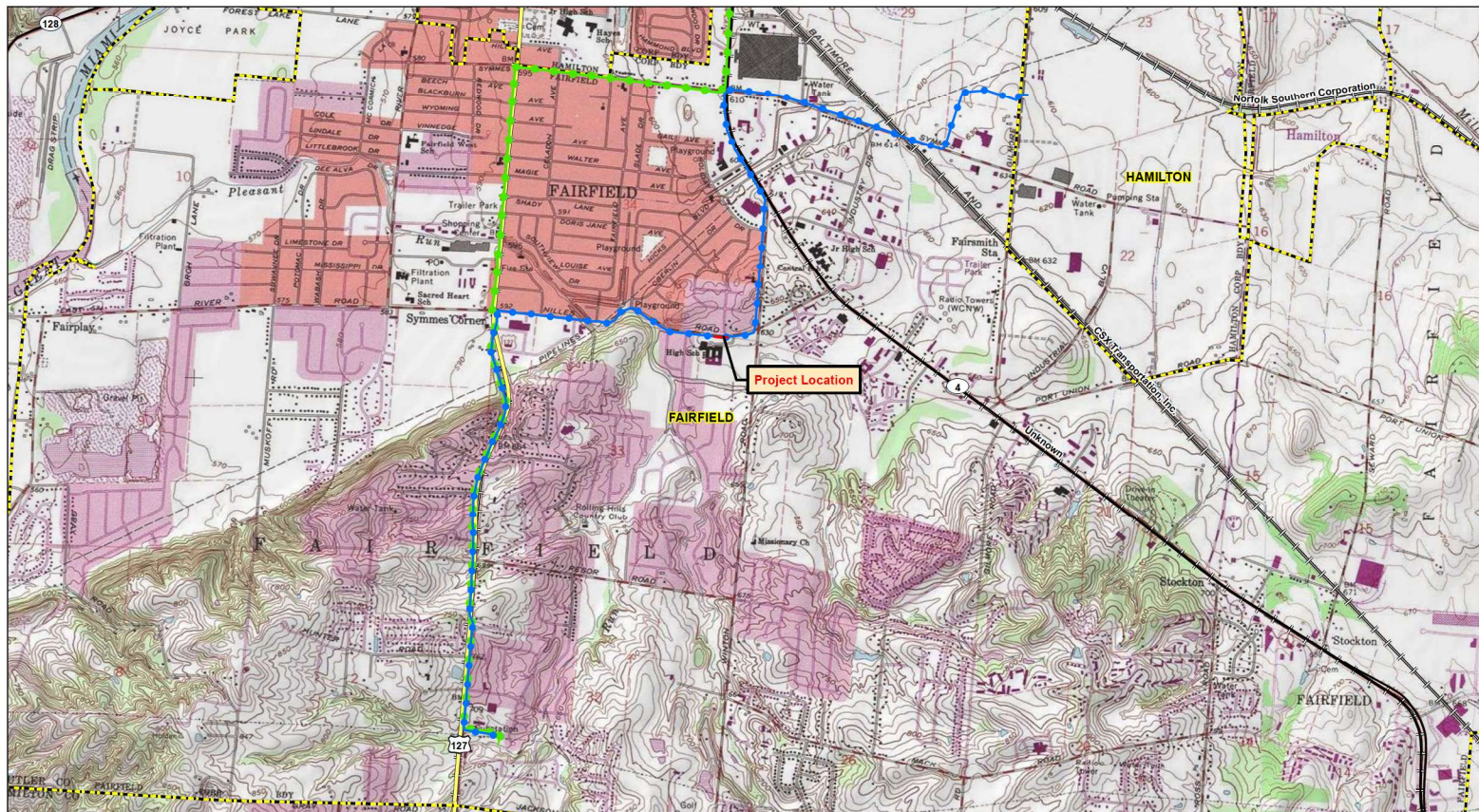
**Provide any known additional information that will describe any unusual conditions resulting in significant environmental, social, health, or safety impacts.**

To the best of Duke Energy Ohio's knowledge, no unusual conditions exist that would result in environmental, social, health, or safety impacts. Construction and operation of the proposed Project will meet all applicable safety standards established by the Occupational Safety and Health Administration and will be in accordance with the requirements specified in the latest revision of the National Electric Code as adopted by the PUCO.

**CONSTRUCTION NOTICE TRANSMITTAL AND AVAILABILITY FOR PUBLIC REVIEW**

Copies of the Construction Notice have been sent to the appropriate public officials for Butler County and the City of Fairfield as well as to the Fairfield Lane Library.

## Attachment A – Figures



REFERENCE:  
 - USGS Topographic Map, 7/25/2021  
 - Incorporated Areas, 9/1/2018  
 - Railroad, 5/1/2018  
 - Major Roads, 5/1/2018  
 - Project Details  
 - Date Change

Legend:  
 - US Highway  
 - State Highway  
 - Railway  
 - Incorporated Area  
 - Route Centerline  
 - Existing 69 kV Transmission Line  
 - Existing 138 kV Transmission Line



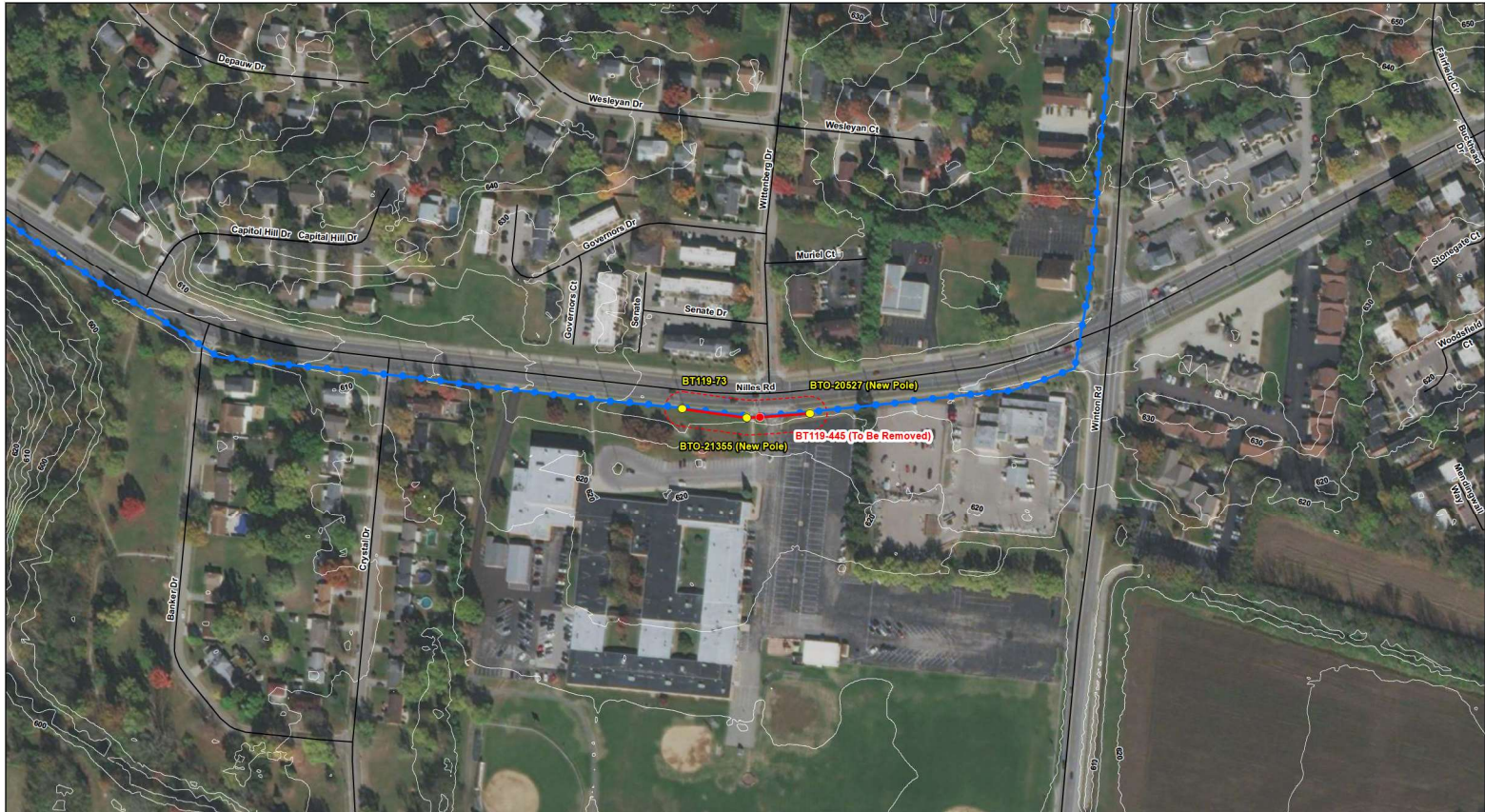
0 1,000 2,000 Feet  
 1 in = 2,000 feet



FIGURE 1  
 PROJECT LOCATION  
 Ohio Power Siting Board Construction Notice  
 5781 GLT Project

DRAWN BY: MBH  
 CHECKED: TDB  
 DATE: 7/26/2021  
 APPROVED: MRW

G:\R210094.00 - GIS\MXD\OPSB\210094\_00\_GLT\_5781\_OPSB\_FIG1\_Project\_Location\_2021\_07\_26.mxd



REFERENCE:  
 AERIAL PHOTOGRAPHS  
 - 2016 Aerial Imagery 2016, Accessed: 7/20/2021  
 LOCAL SOURCE  
 - Ohio Department of Transportation's Roads, 8/11/2018  
 5-FOOT CONTOUR  
 - Ohio Department of Natural Resources Information Program (ODNIP), Butler County, 2007  
 100-FOOT CONTOUR  
 - Duke Energy

- Local Road
- Railway
- Incorporated Area
- Proposed Structure
- Removal Structure
- Route Centerline
- 5-Foot Contour
- Approximate ROW
- Existing 138 kV Transmission Line



**FIGURE 2**  
**PROJECT LAYOUT**  
 Ohio Power Siting Board Construction Notice

6781 GLT Project

DRAWN BY: MBH  
 CHECKED: TDB

DATE: 7/26/2021  
 APPROVED: MRW

Attachment B – Rare, Threatened, and Endangered  
Species Correspondence



# Ohio Department of Natural Resources

MIKE DEWINE, GOVERNOR

MARY MERTZ, DIRECTOR

## Office of Real Estate

*John Kessler, Chief*  
2045 Morse Road – Bldg. E-2  
Columbus, OH 43229  
Phone: (614) 265-6621  
Fax: (614) 267-4764

May 19, 2021

Anthony Glenn  
GAI Consultants  
6000 Town Center Blvd., Suite 300  
Canonsburg, PA 15317

**Re:** 21-0319; Duke Energy - Ohio 5781 GLT project

**Project:** The proposed Project involves the replacement of three (3) deficient wood-pole structures.

**Location:** The proposed project is located in Fairfield Township, Butler County, Ohio.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

**Natural Heritage Database:** The Natural Heritage Database has no records at or within a one-mile radius of the project area.

A review of the Ohio Natural Heritage Database indicates there are no other records of state endangered or threatened plants or animals within the project area. There are also no records of state potentially threatened plants, special interest or species of concern animals, or any federally listed species. In addition, we are unaware of any unique ecological sites, geologic features, animal assemblages, scenic rivers, state wildlife areas, state nature preserves, state or national parks, state or national forests, national wildlife refuges, or other protected natural areas within the project area. The review was performed on the project area you specified in your request as well as an additional one-mile radius. Records searched date from 1980.

Please note that Ohio has not been completely surveyed and we rely on receiving information from many sources. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Although all types of plant communities have been surveyed, we only maintain records on the highest quality areas.

**Fish and Wildlife:** The Division of Wildlife (DOW) has the following comments.

The DOW recommends that impacts to streams, wetlands and other water resources be avoided and minimized to the fullest extent possible, and that best management practices be utilized to minimize erosion and sedimentation.

The project is within the vicinity of records for the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species, and the little brown bat (*Myotis lucifugus*), a state endangered species. Because presence of state endangered bat species has been established in the area, summer tree cutting is not recommended, and additional summer surveys would not constitute presence/absence in the area. However, limited summer tree cutting inside this buffer may be acceptable after further consultation with DOW (contact Sarah Stankavich, [sarah.stankavich@dnr.state.oh.us](mailto:sarah.stankavich@dnr.state.oh.us)).

In addition, the entire state of Ohio is within the range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species, the northern long-eared bat (*Myotis septentrionalis*), a state endangered and federally threatened species, the little brown bat (*Myotis lucifugus*), a state endangered species, and the tricolored bat (*Perimyotis subflavus*), a state endangered species. During the spring and summer (April 1 through September 30), these species of bats predominately roost in trees behind loose, exfoliating bark, in crevices and cavities, or in the leaves. However, these species are also dependent on the forest structure surrounding roost trees. If trees are present within the project area, and trees must be cut, the DOW recommends cutting only occur from October 1 through March 31, conserving trees with loose, shaggy bark and/or crevices, holes, or cavities, as well as trees with DBH  $\geq 20$  if possible. If trees are present within the project area, and trees must be cut during the summer months, the DOW recommends a mist net survey or acoustic survey be conducted from June 1 through August 15, prior to any cutting. Mist net and acoustic surveys should be conducted in accordance with the most recent version of the “OHIO DIVISION OF WILDLIFE GUIDANCE FOR BAT SURVEYS AND TREE CLEARING”. <https://ohiodnr.gov/static/documents/wildlife/wildlife-management/Bat+Survey+Guidelines.pdf>

The DOW also recommends that a desktop habitat assessment, followed by a field assessment if needed, is conducted to determine if there are potential hibernaculum(a) present within the project area. Information about how to conduct habitat assessments can be found in the current USFWS “Range-wide Indiana Bat Survey Guidelines.” If a habitat assessment finds that potential hibernacula are present within 0.25 miles of the project area, please send this information to Sarah Stankavich, [sarah.stankavich@dnr.state.oh.us](mailto:sarah.stankavich@dnr.state.oh.us) for project recommendations. If a potential or known hibernaculum is found, the DOW recommends a 0.25-mile tree cutting and subsurface disturbance buffer around the hibernaculum entrance, however, limited summer or winter tree cutting may be acceptable after consultation with DOW. If no tree cutting or subsurface impacts to a hibernaculum are proposed, this project is not likely to impact these species.

The project is within the range of the tongue-tied minnow (*Exoglossum laurae*), a state endangered fish, and the American eel (*Anguilla rostrata*), a state threatened fish. The DOW recommends no in-water work in perennial streams from March 15 through June 30 to reduce impacts to indigenous aquatic species and their habitat. If no in-water work is proposed in a perennial stream, this project is not likely to impact these or other aquatic species.

The project is within the range of the Kirtland’s snake (*Clonophis kirtlandii*), a state threatened species. This secretive species prefers wet fields and meadows. Due to the location, the type of habitat within the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the cave salamander (*Eurycea lucifuga*), a state endangered species. Due to the location, the type of habitat within the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the black-crowned night-heron (*Nycticorax nycticorax*), a state-threatened bird. Night-herons are so named because they are nocturnal, conducting most of their

foraging in the evening hours or at night, and roost in trees near wetlands and waterbodies during the day. Night herons are migratory and are typically found in Ohio from April 1 through December 1 but can be found in more urbanized areas with reliable food sources year-round. Black-crowned night-herons primarily forage in wetlands and other shallow aquatic habitats, and roost in trees nearby. These night-herons nest in small trees, saplings, shrubs, or sometimes on the ground, near bodies of water and wetlands. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 through July 31. If this type of habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the least bittern (*Ixobrychus exilis*), a state threatened bird. This secretive marsh species prefers dense emergent wetlands with thick stands of cattails, sedges, sawgrass or other semiaquatic vegetation interspersed with woody vegetation and open water. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 through July 31. If this type of habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the lark sparrow (*Chondestes grammacus*), a state endangered bird. This sparrow nests in grassland habitats with scattered shrub layers, disturbed open areas, as well as patches of bare soil. These summer residents normally migrate out of Ohio shortly after their young fledge or leave the nest. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 through July 31. If this habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the upland sandpiper (*Bartramia longicauda*), a state endangered bird. Nesting upland sandpipers utilize dry grasslands including native grasslands, seeded grasslands, grazed and ungrazed pasture, hayfields, and grasslands established through the Conservation Reserve Program (CRP). If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 15 through July 31. If this type of habitat will not be impacted, this project is not likely to impact this species.

Due to the potential of impacts to federally listed species, as well as to state listed species, we recommend that this project be coordinated with the U.S. Fish & Wildlife Service.

**Water Resources:** The Division of Water Resources has the following comment.

The local floodplain administrator should be contacted concerning the possible need for any floodplain permits or approvals for this project. Your local floodplain administrator contact information can be found at the website below.

[http://water.ohiodnr.gov/portals/soilwater/pdf/floodplain/Floodplain%20Manager%20Community%20Contact%20List\\_8\\_16.pdf](http://water.ohiodnr.gov/portals/soilwater/pdf/floodplain/Floodplain%20Manager%20Community%20Contact%20List_8_16.pdf)

ODNR appreciates the opportunity to provide these comments. Please contact Sarah Tebbe, Environmental Specialist, at [Sarah.Tebbe@dnr.ohio.gov](mailto:Sarah.Tebbe@dnr.ohio.gov) if you have questions about these comments or need additional information.

Mike Pettegrew  
Environmental Services Administrator (Acting)

## Anthony T. Glenn

---

**From:** Ohio, FW3 <ohio@fws.gov>  
**Sent:** Wednesday, March 24, 2021 12:37 PM  
**To:** Anthony T. Glenn; Tyler Rankin  
**Cc:** nathan.reardon@dnr.state.oh.us; Parsons, Kate  
**Subject:** Duke Energy 5781 Emergent Pole Replacement Project, March 2021 request, Butler County

**EXERCISE CAUTION: This is an External Email Message!**

**\*\*Think before clicking on links, opening attachments, or responding\*\***



UNITED STATES DEPARTMENT OF THE INTERIOR  
U.S. Fish and Wildlife Service  
Ecological Services Office  
4625 Morse Road, Suite 104  
Columbus, Ohio 43230  
(614) 416-8993 / Fax (614) 416-8994



TAILS# 03E15000-2021-TA-1047

Dear Mr. Glenn,

The U.S. Fish and Wildlife Service (Service) has received your recent correspondence requesting information about the subject proposal. We offer the following comments and recommendations to assist you in minimizing and avoiding adverse impacts to threatened and endangered species pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq), as amended (ESA).

**Federally Threatened and Endangered Species:** The endangered Indiana bat (*Myotis sodalis*) and threatened northern long-eared bat (*Myotis septentrionalis*) occur throughout the State of Ohio. The Indiana bat and northern long-eared bat may be found wherever suitable habitat occurs unless a presence/absence survey has been performed to document absence. Suitable summer habitat for Indiana bats and northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and breed that may also include adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, woodlots, fallow fields, and pastures. Roost trees for both species include live and standing dead trees  $\geq 3$  inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities. These roost trees may be located in forested habitats as well as linear features such as fencerows, riparian forests, and other wooded corridors. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet of other forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat. In the winter, Indiana bats and northern long-eared bats hibernate in caves, rock crevices and abandoned mines.

**Seasonal Tree Clearing for Federally Listed Bat Species:** The proposed project is in the vicinity of one or more confirmed records of Indiana bats. Should the proposed project site contain trees  $\geq 3$  inches dbh, we recommend avoiding tree removal wherever possible. If any caves or abandoned mines may be disturbed, further coordination with this office is requested to determine if fall or spring portal surveys are warranted. If no caves or abandoned mines are present and trees  $\geq 3$  inches dbh cannot be avoided, we recommend removal of any trees  $\geq 3$  inches dbh only occur between October 1 and March 31. Seasonal clearing is recommended to avoid adverse effects to Indiana bats and northern long-eared bats. While incidental take of northern long-eared bats from most tree clearing is exempted by a 4(d) rule (see

<http://www.fws.gov/midwest/endangered/mammals/nleb/index.html>), incidental take of Indiana bats is still prohibited without a project-specific exemption. Thus, seasonal clearing is recommended where Indiana bats are known or assumed present. Please note that, because Indiana bat presence has already been confirmed in the project vicinity, any additional summer surveys would not constitute presence/absence surveys for this species.

**Section 7 Coordination:** If there is a federal nexus for the project (e.g., federal funding provided, federal permits required to construct), then no tree clearing should occur on any portion of the project area until consultation under section 7 of the ESA, between the Service and the federal action agency, is completed. We recommend the federal action agency submit a determination of effects to this office, relative to the Indiana bat and northern long-eared bat, for our review and concurrence. This letter provides technical assistance only and does not serve as a completed section 7 consultation document.

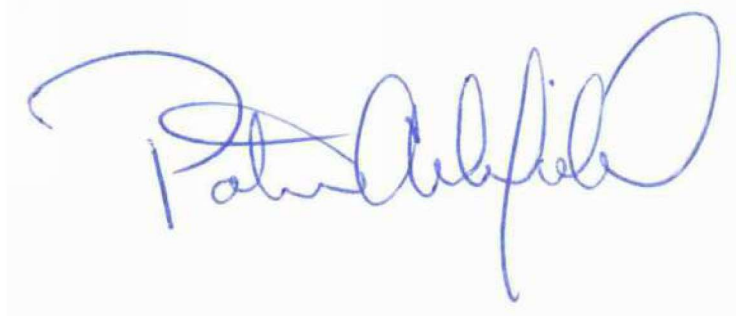
**Stream and Wetland Avoidance:** Over 90% of the wetlands in Ohio have been drained, filled, or modified by human activities, thus it is important to conserve the functions and values of the remaining wetlands in Ohio ([https://epa.ohio.gov/portals/47/facts/ohio\\_wetlands.pdf](https://epa.ohio.gov/portals/47/facts/ohio_wetlands.pdf)). We recommend avoiding and minimizing project impacts to all wetland habitats (e.g., forests, streams, vernal pools) to the maximum extent possible in order to benefit water quality and fish and wildlife habitat. Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. If streams or wetlands will be impacted, the U.S. Army Corps of Engineers should be contacted to determine whether a Clean Water Act section 404 permit is required. Best management practices should be used to minimize erosion, especially on slopes. Disturbed areas should be mulched and revegetated with native plant species. In addition, prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

Due to the project type, size, and location, we do not anticipate adverse effects to any other federally endangered, threatened, or proposed species, or proposed or designated critical habitat. Should the project design change, or additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of the action that were not previously considered, coordination with the Service should be initiated to assess any potential impacts.

Thank you for your efforts to conserve listed species and sensitive habitats in Ohio. We recommend coordinating with the Ohio Department of Natural Resources due to the potential for the proposed project to affect state listed species and/or state lands. Contact Mike Pettegrew, Acting Environmental Services Administrator, at (614) 265-6387 or at [mike.pettegrew@dnr.state.oh.us](mailto:mike.pettegrew@dnr.state.oh.us).

If you have questions, or if we can be of further assistance in this matter, please contact our office at (614) 416-8993 or [ohio@fws.gov](mailto:ohio@fws.gov).

Sincerely,



Patrice Ashfield  
Field Office Supervisor

## Attachment C – Regulated Waters Assessment



Northern Kentucky Office  
11 Spiral Drive  
Suite #8  
Florence, Kentucky 41042

T 859.795.2550  
F 859.647.6685

July 8, 2021

GAI Project No. R210094.00

Mr. Dustin Giesler  
Transmission Permitting Specialist  
Duke Energy  
139 East 4<sup>th</sup> Street  
Cincinnati, OH 45202

**Regulated Waters Assessment  
Duke Energy 5781 GLT Project  
Butler County, Ohio**

Dear Mr. Giesler:

This report presents the findings of the regulated waters assessment and identifies the resulting anticipated regulatory permitting compliance requirements for the 5781 GLT (138 kV) Project (Project), located in Butler County, Ohio (**Appendix A, Figure 1**). This field survey effort was done in support of due diligence as required for a Letter of Notification (LON), submitted to The Ohio Power Sitting Board (OPSB). Results from the regulated waters field survey are summarized below.

## **Project Summary**

The Project will require the removal of one (1) deficit wood pole structures and the replacement of three (3) existing wooden monopole structures with three (3) new direct embedded monopole structure and associated overhead work on the existing 138kV line, in support of the 5781 GLT Project. Photos of the Project Area can be found in **Appendix B**.

## **Work Summary**

A remote environmental screening review followed by an on-site field survey was completed by GAI Consultants Inc. (GAI) on February 4, 2021 in order to evaluate potential regulated waters impacts associated with the Project. These investigations were limited to an approximate 75-foot-wide buffer around the proposed new and existing structures locations.

During the field survey, it was determined that all areas of the existing right-of-way (ROW) are accessible by construction equipment without significant grade improvements and are all located within routinely maintained existing ROW and Duke Energy Property.

## **Environmental Survey Results**

### **National Wetland Inventory (NWI)**

The United States Fish and Wildlife Service's (USFWS) National Wetland Inventory (NWI) maps were reviewed for potential wetland locations within the Project Area. The NWI maps were prepared from high altitude photography and, in most cases, were not field verified. As a result, wetlands are sometimes erroneously identified, missed, or misidentified within this data set. The presence of an NWI wetland does not necessarily constitute the presence of a wetland meeting USACE criteria. The NWI map of the area did not identify any NWI features within the study area.

### 100-Year Floodplain and Floodway

A review of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) revealed that the Project Area is not located within a mapped 100-year floodplain or floodway (see Figure 2).

### Wetlands

No jurisdictional wetlands are located in the Project area.

### Waterbodies

To evaluate potential streams within the study area, GAI reviewed existing United States Geological Survey (USGS) topographic maps, aerial photography, National Hydrography Dataset (NHD) stream data, and site contour data.

No jurisdictional waterbodies were identified within the Project Area.

It is GAI's opinion that construction activities as a result of this project will not affect any regulated waters and no additional permitting will be required.

**Sincerely,**  
**GAI Consultants, Inc.**



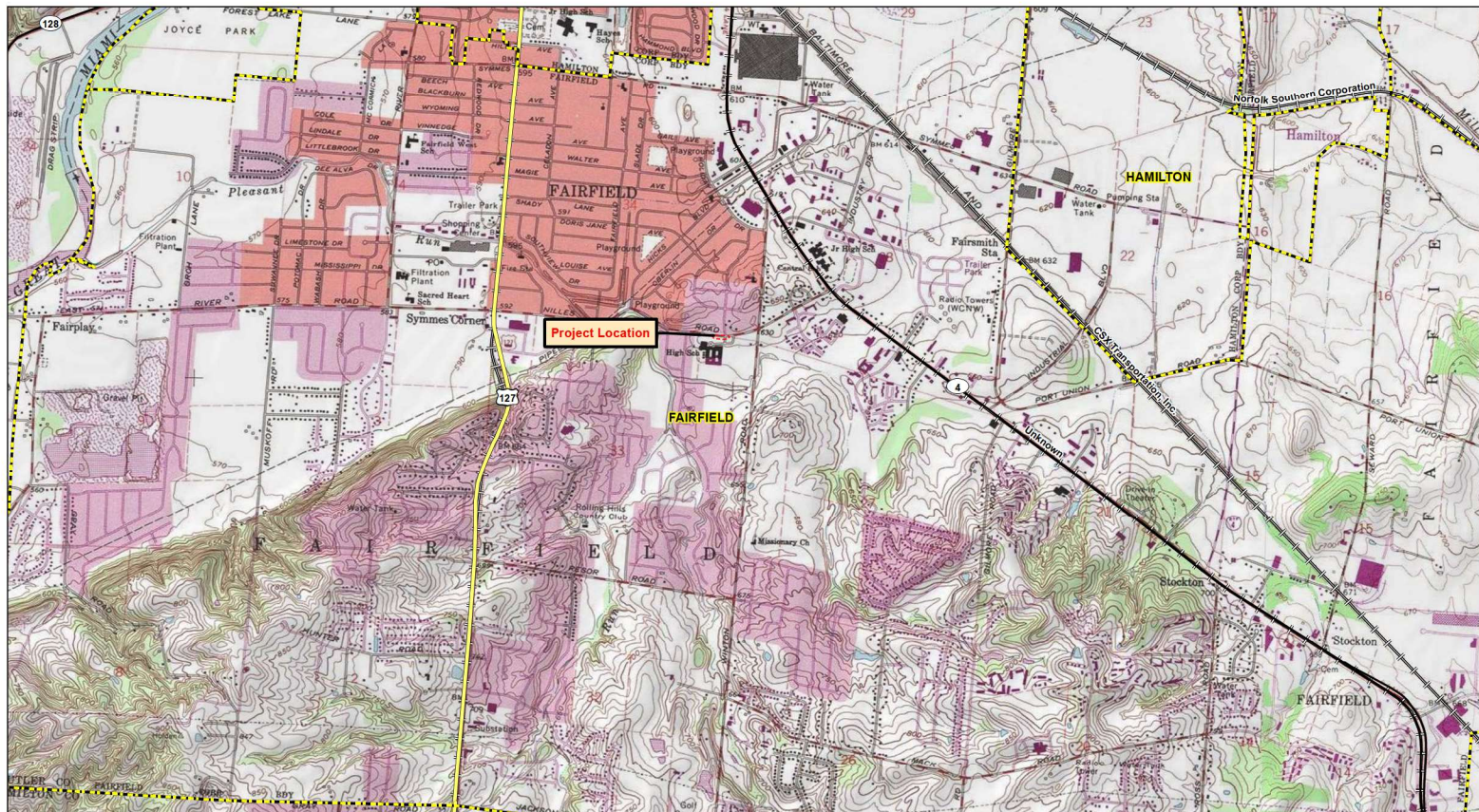
Tyler E. Rankin, MS, CNRP  
Senior Project Environmental Specialist

#### Attachments:

- Appendix A - Figures
- Appendix B - Photographs

## **APPENDIX A**

### **Figures**



REFERENCE:  
 TOPOGRAPHIC MAP:  
 H.C. COOPER, JR., MAP, AMENDED 1/25/2011  
 © The Department of Transportation's Office, 9/1/2018  
 HEDENBAY  
 © The Department of Transportation's Office, 5/1/2018  
 PROJECT DETAILS:  
 Date Change

- US Highway
- State Highway
- Railway
- Incorporated Area
- Study Area



0 1,000 2,000 Feet  
 1 in = 2,000 feet



FIGURE 1  
 PROJECT LOCATION  
 Regulated Waters Assessment Report  
 5781 GLT Project  
 DRAWN BY: PPD  
 CHECKED: TDB  
 DATE: 7/26/2021  
 APPROVED: MRW

G:\R210094.00 - GIS\MXD\OPSB\210094\_00\_GLT\_5781\_OPSB\_RWA\_FIG1\_Project\_Location\_2021\_07\_26.mxd



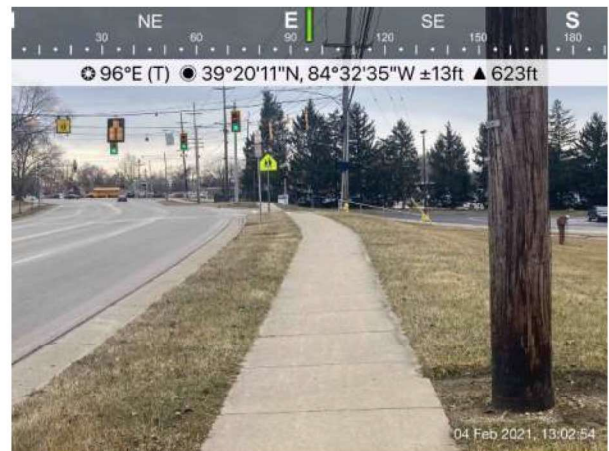
## **APPENDIX B**

### **Photographs**

## Photographs



**Photograph 1. Project Area. Looking West.  
(February 4, 2021)**



**Photograph 2. Project Area. Looking East.  
(February 4, 2020)**

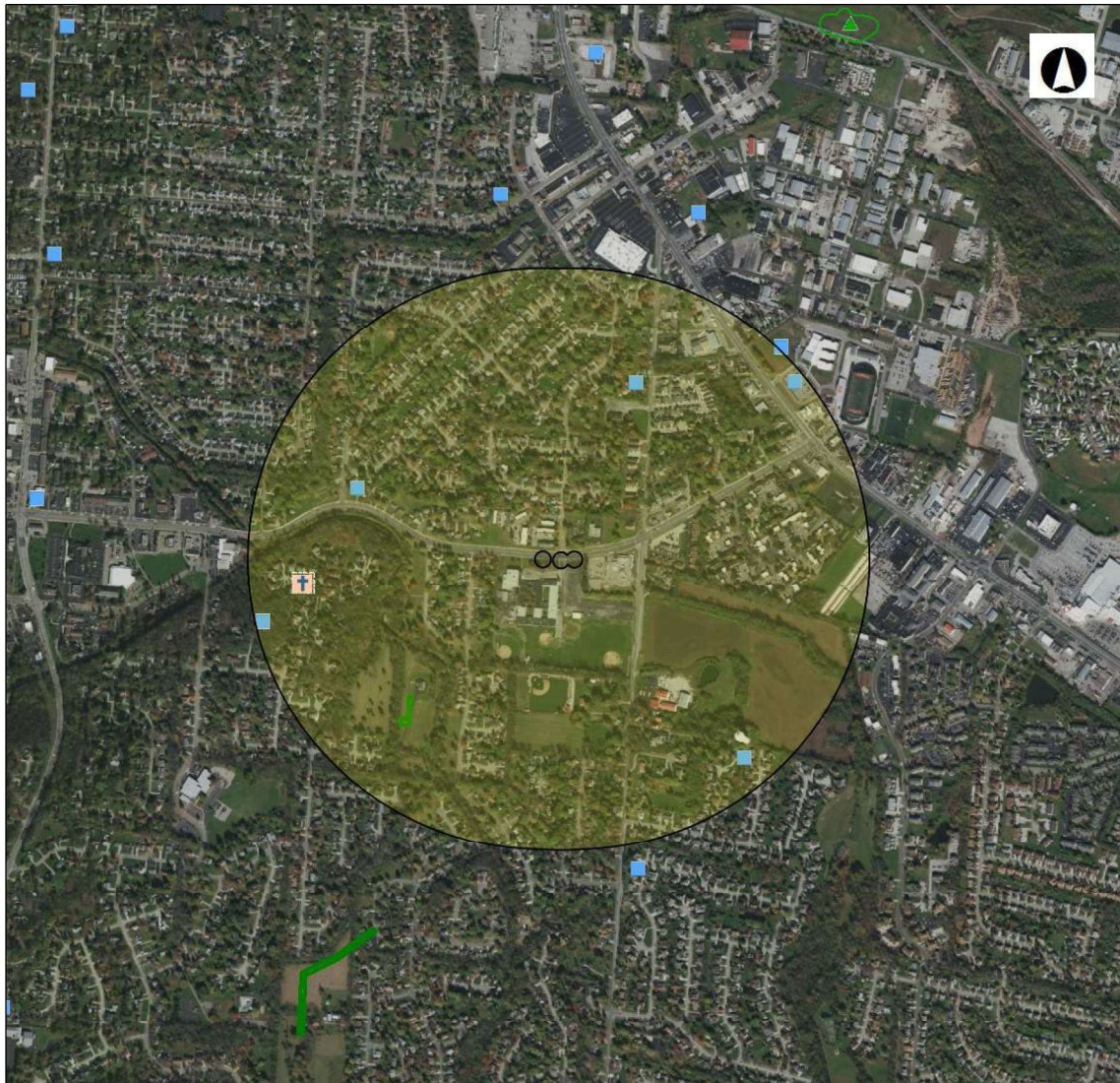
## Attachment D – Cultural Resources Desktop Review

## **Duke Energy 5781 GLT Desktop Review**

The Ohio History Connection, Ohio's Historic Preservation Office (OHPO) online mapping system, was consulted to identify previously recorded cultural resources within 0.8 kilometer (0.5 mile) of the Project Area (the Study Area). The OHPO records check indicates that five historic structures (BUT0137312, BUT0141312, BUT0147412, BUT0147612, BUT0152312) and one historic cemetery (Symmes – OGSD 1267) have been previously recorded in the Study Area. None of these resources are listed on the National Register of Historic Places (NRHP). None of these resources are located within the Project Area footprint. In addition, one Phase I archaeological survey (BU13237) was done within the study area. This survey (Phase I Archaeological Survey at Proposed Pump Station, City of Fairfield, Butler County, Ohio) was located in the buffer southwest of the Project Area.

It does not appear that a Federal Nexus, requiring further coordination with the OPHO, will occur for the Project, as there are likely no impacts to wetlands or streams that would require Federal permitting.

It does not appear that impacts to significant cultural resources will occur as a result of the Project. The minimal impacts associated with the Project do not warrant additional cultural resource surveys based on the proposed scope of work.



**Legend**

- NR Listings
  - Listed
  - National Historic Landmark
  - Delisted
- Determinations of Eligibility
  - DOE
  - Demolished
- Archaeological Sites
- Historic Structures
- Historic Bridges
- Historic Tax Credit Projects
- Local Designations
- OGS Cemeteries
  - Confident
  - Not Confident
- Historic Markers
- Dams
- UTM Zone Split

0 0.27 0.53 Miles  
1: 21,025

**Copyright/Disclaimer**

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Datum: [Datum]  
Projection: WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

