

**Duke Energy Ohio
Case No. 20-0262-EL-BNR
STAFF First Set of Data Requests
Date Received: May 21, 2020**

STAFF-DR-01-001

REQUEST:

Has Duke Energy Ohio coordinated with the Ohio Department of Natural Resources (ODNR) for this project?

RESPONSE:

Duke Energy Ohio coordinated with ODNR and received a response letter on March 13, 2020.

See attached STAFF-DR-01-001 Attachment.

PERSON RESPONSIBLE:

Dane Vandewater



Ohio Department of Natural Resources

MIKE DeWINE, GOVERNOR

MARY MERTZ, DIRECTOR

Office of Real Estate
John Kessler, Chief
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March 13, 2020

Cassie Brendel
Terracon Consultants, Inc.
800 Morrison Road
Gahanna, Ohio 43230

Re: 20-102; Duke Pierce Substation Expansion, N1197241

Project: The proposed project involves upgrading the existing Pierce Substation.

Location: The proposed project is located in Pierce Township, Clermont 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 the following records at or within a one-mile radius of the project area:

Virginia-mallow (*Ripariosida hermaphrodita*), P
Wartyback (*Cyclonaias nodulata*), E
Butterfly (*Ellipsaria lineolata*), E
Elephant-ear (*Elliptio crassidens*), E
Black sandshell (*Ligumia recta*), T
Washboard (*Megaloniais nervosa*), E
Threehorn wartyback (*Obliquaria reflexa*), T
Sheepnose (*Plethobasus cyphus*), E, FE
Ohio pigtoe (*Pleurobema cordatum*), E
Ebonyshell (*Reginaia ebenus*), E
Monkeyface (*Theliderma metanevra*), E
Blue catfish (*Ictalurus furcatus*), SC
Shoal chub (*Macrhybopsis hyostoma*), E
Channel darter (*Percina copelandi*), T

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. This information is provided to inform you of features present within your project area and vicinity.

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.

Statuses are defined as: E = state endangered; T = state threatened; P = state potentially threatened; SC = state species of concern; SI = state special interest; A = species recently added to state inventory, status not yet determined; X = presumed extirpated in Ohio; FE = federal endangered, FT = federal threatened, FSC = federal species of concern, FC = federal candidate species.

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 range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species. The following species of trees have relatively high value as potential Indiana bat roost trees to include: shagbark hickory (*Carya ovata*), shellbark hickory (*Carya laciniosa*), bitternut hickory (*Carya cordiformis*), black ash (*Fraxinus nigra*), green ash (*Fraxinus pennsylvanica*), white ash (*Fraxinus americana*), shingle oak (*Quercus imbricaria*), northern red oak (*Quercus rubra*), slippery elm (*Ulmus rubra*), American elm (*Ulmus americana*), eastern cottonwood (*Populus deltoides*), silver maple (*Acer saccharinum*), sassafras (*Sassafras albidum*), post oak (*Quercus stellata*), and white oak (*Quercus alba*). Indiana bat roost trees consists of trees that include dead and dying trees with exfoliating bark, crevices, or cavities in upland areas or riparian corridors and living trees with exfoliating bark, cavities, or hollow areas formed from broken branches or tops. However, Indiana bats are also dependent on the forest structure surrounding roost trees. If suitable habitat occurs within the project area, the DOW recommends trees be conserved. If suitable habitat occurs within the project area and trees must be cut, the DOW recommends cutting occur between October 1 and March 31. If suitable trees must be cut during the summer months, the DOW recommends a net survey be conducted between June 1 and August 15, prior to any cutting. Net surveys should incorporate either nine net nights per square 0.5 kilometer of project area, or four net nights per kilometer for linear projects. If no tree removal is proposed, this project is not likely to impact this species.

The project is within the range of the rayed bean (*Villosa fabalis*), a state endangered and federally endangered mussel, the sheepnose (*Plethobasus cyphus*), a state endangered and federally endangered mussel, the fanshell (*Cyprogenia stegaria*), a state endangered and federally endangered mussel, the pink mucket (*Lampsilis orbiculata*), a state endangered and federally endangered mussel, the snuffbox (*Epioblasma triquetra*), a state endangered and federally endangered mussel, the washboard (*Megaloniais nervosa*), a state endangered mussel, the ebonyshell (*Fusconaia ebena*), a state endangered mussel, the butterfly (*Ellipsaria lineolata*), a state endangered mussel, the elephant-ear (*Elliptio crassidens crassidens*), a state endangered mussel, the Ohio pigtoe (*Pleurobema cordatum*), a state endangered mussel, the little spectaclecase (*Villosa lienosa*), a state endangered mussel, the monkey face (*Quadrula metanevra*), a state endangered mussel, the wartyback (*Quadrula nodulata*), a state endangered mussel, the threehorn wartyback (*Obliquaria reflexa*), a state threatened mussel, and the fawnsfoot (*Truncilla donaciformis*), a state threatened mussel. Due to the location, and that there is no in-water work proposed in a perennial stream, this project is not likely to impact these species.

The project is within the range of the shortnose gar (*Lepisosteus platostomus*), a state endangered fish, the northern madtom (*Noturus stigmosus*), a state endangered fish, the shovelnose sturgeon (*Scaphirhynchus platyrhynchus*), a state endangered fish, the goldeye (*Hiodon alosoides*), a state endangered fish, the mountain madtom (*Noturus eleutherus*), a state threatened fish, the paddlefish (*Polyodon spathula*) a state threatened fish, the river darter (*Percina shumardi*), a state threatened fish, the bigeye shiner (*Notropis boops*), a state threatened fish, and the channel darter (*Percina copelandi*) a state threatened fish. Due to the location, and that there is no in-water work proposed in a perennial stream, this project is not likely to impact these 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 and the type of habitat present at the project site, and within the vicinity of the project area, this project is not likely to impact this species.

The project is within the range of the northern harrier (*Circus cyaneus*), a state endangered bird. This is a common migrant and winter species. Nesters are much rarer, although they occasionally breed in large marshes and grasslands. Harriers often nest in loose colonies. The female builds a nest out of sticks on the ground, often on top of a mound. Harriers hunt over grasslands. Due to the location and the type of habitat present at the project site, 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

ODNR appreciates the opportunity to provide these comments. Please contact Sarah Tebbe, Environmental Specialist, at (614) 265-6397 or Sarah.Tebbe@dnr.state.oh.us if you have questions about these comments or need additional information.

Mike Pettegrew
Environmental Services Administrator (Acting)