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January 14, 2013

Anthony Sasson
Freshwater Conservation Manager
The Nature Conservancy
6375 Riverside Drive, Suite 100
Dublin, Ohio 43017

Re: East Springfield-London-Tangy Transmission Project
Case No. 11-4884-EL-BTX, 11-4885-EL-BSB

Mr. Sasson,

Thank you for contacting the Ohio Power Siting Board (OPSB) regarding American Transmission System, Inc.'s (ATSI) proposed East Springfield-London-Tangy Transmission Project. Your correspondence of concern in regards to the project has been docketed in case numbers 11-4884-EL-BTX and 11-4885-EL-BSB.

As you may be aware, public hearings were held on January 7, 2013 in Plain City, Ohio and on January 8, 2013 in London, Ohio. Additionally, on January 23, 2013, an adjudicatory hearing will be held at the Public Utilities Commission of Ohio offices in downtown Columbus. At this hearing, the formal parties to the case will provide testimony and evidence for the case record. Those parties are the OPSB staff, ATSI, the City of Columbus, and Nationwide Realty Investors, Ltd.

If you have any additional questions or concerns, please contact the OPSB at (816) 270. 6772. All documents filed within the respective cases are available at www.opsb.ohio.gov. Again, thank you for your interest in the case.

Sincerely,

Todd A. Snitchler, Chairman
Ohio Power Siting Board

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
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2013 JAN 15 AM 9:00
PUCO

Mr. Todd Snitchler, Chairman
Public Utilities Commission of Ohio
180 E. Broad St.
Columbus, Ohio 43215

January 8, 2013

Re: Comments on the Preferred Route E. Springfield-London-Tangy 138 kV Transmission Line Project (Case Record 11-4884-EL-BTX)

Dear Mr. Snitchler:

Attached are comments regarding the above proposed transmission line project. The application was submitted in 2012 by American Transmission Systems, Inc. (ATSI), a subsidiary of First Energy. In general, The Nature Conservancy agrees with the Ohio Department of Natural Resources' comments of August 17, 2012, submitted by John Kessler, to James O'Dell of the Ohio Power Siting Board. Additional comments are attached.

The Nature Conservancy has worked to protect and restore the streams in the Big Darby Creek watershed for over 30 years. These comments focus on any potential impacts of a transmission line to the streams and wetlands in this high quality and sensitive watershed.

Thank you for the consideration of these comments and the information provided by Ohio Power Siting Board staff, including Mr. James O'Dell. If there are any questions on these comments, please contact me at 614-339-8123, asasson@tnc.org.

Sincerely,



Anthony Sasson
Freshwater Conservation Manager

cc w/attachments:

James O'Dell, Ohio Power Siting Board
Bob Gable, ODNR, Watercraft/Scenic Rivers Program
John Stark, TNC

**Comments of The Nature Conservancy to the Public Utilities Commission of Ohio
on the proposed ATSI/First Energy transmission line,
Case Record 11-4884-EL-BTX**

January 8, 2013

The Nature Conservancy is commenting on the proposed E. Springfield – London – Tangy 138 kV Transmission Line Project. The application was submitted in 2012 by American Transmission Systems, Inc. (ATSI), a subsidiary of First Energy. The Conservancy's main concerns relate to the line's proposed crossings of the Big Darby Creek and Little Darby Creek, including their tributaries.

In general, The Nature Conservancy agrees with the Ohio Department of Natural Resources' comments of August 17, 2012, submitted by John Kessler, to James O'Dell of the Public Utilities Commission of Ohio. Additional comments are found below.

According to Ohio EPA biological surveys conducted in 2001-2002 and the Total Maximum Daily Loads for the Big Darby Creek Watershed report of 2006, Big and Little Darby Creeks, as well as their tributaries, are impaired in the areas where the transmission lines might cross streams. In these locations these streams do not meet all Clean Water Act goals, in part due to riparian corridor conditions (e.g., lack of adequate or mature streamside vegetation; altered channels). There is the potential for any transmission line crossing to further damage the streams and their riparian habitats. Wetlands in the path of the transmission lines also could be degraded by construction or maintenance.

Because of outstanding biodiversity and recognized problems and threats, the Big Darby Creek watershed has had one of the most extensive efforts for protection and planning in Ohio. Part of this includes restrictions and protection standards near streams. Because of the sensitive nature of the watershed aquatic life, these protections often are beyond those found in other watersheds. This applies to riparian areas such as those that might be crossed in this proposal. We note that because transmission lines often remove riparian vegetation, this activity is comparable to some of the causes of impairment in the Big Darby watershed.

There are several Big Darby reference documents that address these concerns. These are listed at the end of this document in Attachment 1. In particular, we refer to the "Final General Permit - Storm Water Associated with Construction Activity in the Big Darby Creek Watershed" at http://www.epa.ohio.gov/dsw/permits/GP_ConstructionSiteStormWater_Darby.aspx. This includes setbacks from all streams in the watershed, and mitigation where this is unavoidable.

One of the outstanding features of the Big Darby Creek watershed is the number of rare and sensitive aquatic species recorded. These are listed in Attachment 3.

The Conservancy's preferences for any transmission line crossings of streams or wetlands would include (generally in this order):

- Avoidance of stream crossings and wetlands in general;
- avoidance of protected areas (land that is legally protected by conservation easement, owned by a park district, conservation entity, etc.);
- use of an already existing and cleared transmission line crossing point;
- use of a crossing already used (for some other purpose);
- "riparian vegetation-friendly" crossing design and management (minimizes cutting and herbicides; maintains stream shading);
- Mitigation, which is not a preferred choice, but this might result from any new or expanded crossing. Mitigation could add new protected areas that did not have good existing riparian vegetation. Such mitigation should be of high quality, only mitigating high quality losses with high quality mitigation sites (e.g., replacing Exceptional Warmwater Habitat use designation site losses with mitigation through protection and restoration at other EWH sites).

It appears that the Preferred Route would use existing rights of way that are already used or are owned by ATSI/First Energy. Based on our review, we support this Preferred Route or any Alternate Route, with the "overbuild" design, which generally appears to have less additional impact to streams at crossing sites.

Concerning "riparian vegetation-friendly" crossing design and management: If there are crossings, we strongly encourage vegetation management beyond the "standard" vegetation removal, mowing or vegetation treatment. We recommend minimizing vegetation removal and cutting, and planting native prairie and low-growing trees and shrubs under the line, ensuring shade over streams and minimizing native vegetation removal near the transmission lines. Herbicide application or other treatment should minimize removal of shade trees near streams. Some of the area is in the Darby Plains and would have been native prairie. We encourage native prairie planting under the transmission line for any areas outside the riparian areas. Recommended species should be available from ODNR and the Columbus and Franklin County Metro Parks (who also might provide seed that is the Darby Plains genotype).

Any impacts to wetlands also should have environmentally-friendly management like those just described.

Concerning the OPSB "Staff Report of Investigation" ("staff report") of 12/20/2012, the report states on page 18, (e.g., for clubshell mussel, which is found at or near the Preferred Route - and the Alternate Route - proposed site crossing of Little Darby Creek): "Known range, no in-water work is proposed for the project, and project as proposed should not impact these species." While we recognize no work is required in the streams themselves, clearing of riparian vegetation, a likely activity for transmission lines, can affect mussel species such as by removing shade trees, which increases water temperatures and encourages algal growth.

We also note that the staff report does not address the many other state-listed species of fish and mussels (see Attachment 3) that have been identified in these Big Darby Creek watershed streams. While we generally support the recommendations in the staff report, its discussion of aquatic life in the watershed and Section IV. Recommended Conditions of Certificate does not specifically address the ODNR-listed species which would be expected within the project area, and we feel these additional species also provide further justification for our comments and protective measures.

Conservancy comments contrasting with ODNR comments of 8/17/2012:

Mitigation: We request mitigation for sites where riparian vegetation losses would occur. The Conservancy requests that any mitigation for impacts in the Big Darby Creek watershed be done within the Big Darby Creek watershed. Also, as mentioned, there should be only "like for like" mitigation in terms of stream use designations, i.e., Exceptional Warmwater Habitat mitigation should be achieved through protection and restoration at EWH sites, and Warmwater Habitat at WWH sites. Lower stream use designation sites (e.g., Modified Warmwater Habitat) should not be used to mitigate EWH or WWH sites.

We believe these measures are warranted because of the outstanding status of Big and Little Darby Creeks. A summary of the Outstanding Features of Big Darby Creek are provided in Attachment 2.

A list of the Big Darby Creek watershed's State and federal-listed aquatic species is provided in Attachment 3. The Conservancy has distribution maps for all mussel species in the watershed (prepared by The Ohio State University's Dr. Tom Watters, 2004). Fish species distributions are available from Ohio EPA's Division of Surface Water. Some of these rare species are found within the area proposed for transmission lines, but are not specifically addressed in the staff report for this project.

Another notable and relevant species found in the watershed reasonably close to the proposed line route is the Indiana bat (*Myotis sodalis*). That species has been known to recently inhabit Battelle-Darby Metro Park within a few miles of the proposed transmission line route.

Attachment 1

Big Darby reference documents and WWW links

1/4/2013

- Darby at the Crossroads. A Summary of Ohio EPA's Work and Collaboration to Protect and Restore an Important Water Resource. June 30, 2004.
http://epa.ohio.gov/portals/35/documents/Darby%20Crossroads_june04.pdf
- Ohio EPA 2004. Biological and Water Quality Study of the Big Darby Creek Watershed, 2001/2002. Logan, Champaign, Union, Madison, Franklin and Pickaway Counties, Ohio. EAS/2004-6-3.
<http://epa.ohio.gov/dsw/tmdl/SciotoRiver/tabid/5905/LiveTabId/122430/Default.aspx>
- The Big Darby Creek Watershed Total Maximum Daily Load report (TMDL)
http://epa.ohio.gov/portals/35/tmdl/DarbyTMDL_final_all_jan06.pdf
- Water Quality Management Plan ("208 Plan") - Appendix 9-3. 208 Plan Prescriptions for Water Quality Protection within the Big Darby Creek Watershed
http://www.epa.ohio.gov/portals/35/mgmtplans/Final2006Plan/Final208_Aug06_Append_9-3_DarbyRx.pdf
- Final General Permit Renewal - Storm Water Associated with Construction Activity in the Big Darby Creek Watershed
http://epa.ohio.gov/dsw/permits/GP_ConstructionSiteStormWater_Darby.aspx
- Big Darby Creek Watershed Construction Storm Water General Permit (OHCD00001) List of Permittees
<http://wwwapp.epa.ohio.gov/dsw/permits/Darby.pdf>
- Big Darby Accord Master Plan
<http://www.franklincountyohio.gov/BigDarbyAccord/updates/DarbyE1.cfm>

Attachment 2 Outstanding Features of Big Darby Creek



"The Big Darby Creek watershed is arguably one of Ohio's most valued natural resources. It is host to one of the most diverse warmwater biological faunas in the midwest. In Ohio many rare and endangered fish and bivalve mollusc species have their strongest populations in this watershed. " (Ohio EPA, 2004)

- Designated a National (by the National Park Service) and State Scenic River (by the Ohio Department of Natural Resources)
- Among the top streams in biological quality in Ohio and the Midwest
- Home to over 100 recorded fish species and to 44 recorded mussel species
- Home to 37 recorded species of fish and mussels that are endangered or otherwise rare
- Home to several fish species that are declining in numbers throughout Ohio
- Includes extensive local, State of Ohio and privately-owned conservation lands
- Classified as "Exceptional Warmwater Habitat" by the State of Ohio under the Clean Water Act, and as "Outstanding State Waters," the highest level of protection under State anti-degradation policy
- Subject to additional protections under the 2006 State Water Quality Management Plan ("208 Plan"), the 2006 General Permit for Storm Water Associated with Construction Activity in the Big Darby Creek Watershed, and the Big Darby Accord.
- Protected by numerous local jurisdictions through local ordinances such as stream setbacks and stormwater management requirements
- Designated a "Last Great Place" by The Nature Conservancy

More information on the Big Darby Creek watershed is at.

<http://www.nature.org/ourinitiatives/regions/northamerica/unitedstates/ohio/placesweprotect/darby-creek-watershed.xml>.

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Attachment 3
Big Darby Creek watershed

State and federal-listed aquatic species

January 4, 2013

Fish - 15 species		
Common Name	Scientific Name	Status
Northern brook lamprey	<i>Ichthyomyzon fossor</i>	OE
Lake sturgeon	<i>Acipenser fulvescens</i>	OE
Paddlefish	<i>Polyodon spathula</i>	OT, M
American eel	<i>Anguilla rostrata</i>	OT
Goldeye	<i>Hiodon alosoides</i>	OE
Muskellunge	<i>Esox masquinongy</i>	OSC
River redhorse	<i>Moxostoma carinatum</i>	OSC
Lake chubsucker	<i>Erimyzon sucetta</i>	OT
Northern madtom	<i>Noturus stigmosus</i>	OE
Scioto madtom	<i>Noturus trautmani</i>	OE, FE
Blacknose shiner	<i>Notropis heterolepis</i>	OE
Eastern sand darter	<i>Ammocrypta pellucida</i>	OSC
Spotted darter	<i>Etheostoma maculatum</i>	OE
Tippecanoe darter	<i>Etheostoma tippecanoe</i>	OT
Least darter	<i>Etheostoma microperca</i>	OSC

Mussels – 22 species		
Common Name	Scientific Name	Status
Black sandshell	<i>Ligumia recta</i>	OT
Clubshell	<i>Pleurobema clava</i>	OE, FE
Creek heelsplitter	<i>Lasmigona compressa</i>	OSC
Deertoe	<i>Truncilla truncata</i>	OSC
Elephant ear	<i>Elliptio crassidens crassidens</i>	OE
Elktoe	<i>Alasmodonta marginata</i>	OSC
Fawnsfoot	<i>Truncilla donaciformis</i>	OT
Kidneyshell	<i>Ptychobrachys fasciolaris</i>	OSC
Longsolid	<i>Fusconaia maculata maculata</i>	OE
Northern riffleshell	<i>Epioblasma torulosa rangiana</i>	OE, FE
Ohio pigtoe	<i>Pleurobema cordatum</i>	OE
Pondhorn	<i>Unio merus tetralasmus</i>	OT
Purple wartyback	<i>Cyclonaias tuberculata</i>	OSC
Rabbitsfoot	<i>Quadrula cylindrica cylindrica</i>	OE
Rayed bean	<i>Villosa fabilis</i>	OE, FE
Round pigtoe	<i>Pleurobema sintoxia</i>	OSC

Salamander mussel	<i>Simpsonaias ambigua</i>	OSC
Sharp-ridged pocketbook	<i>Lampsilis ovata</i>	OE
Snuffbox	<i>Epioblasma triquetra</i>	OE, FE
Threehorn wartyback	<i>Obliquaria reflexa</i>	OT
Washboard	<i>Megalania nervosa</i>	OE
Wavy-rayed lampmussel	<i>Lampsilis fasciola</i>	OSC

Amphibians - 1 species		
Common Name	Scientific Name	Status
Hellbender	<i>Cryptobranchus alleganiensis alleganiensis</i>	OE

OE - Ohio endangered; OT - Ohio threatened; OSC - Ohio Species of Concern; FE - Federal endangered; FT - Federal threatened; M - federally monitored

Each of the above species has been recorded in the Big Darby Creek watershed.
Sources of these records are:

Milton Trautman. 1981. The Fishes of Ohio. Ohio State University Press. 782 pp.

Watters, G.T. 1986. The Distribution and Relative Abundance of the Unionid Mollusks of the Big Darby Creek System in Ohio. Museum of Zoology, The Ohio State University. Prepared for the Ohio Chapter of the Nature Conservancy, Columbus, Ohio. 158 pp.

Watters, G.T. 1990. 1990 Survey of the Unionids of the Big Darby Creek System. The Museum of Zoology, The Ohio State University. Final Report of The Nature Conservancy, Ohio Chapter. 36 pp. and appendices.

Watters, G.T. 1994. Unionidae of the Big Darby Creek System in Central Ohio, U.S.A. Malacological Review 27: 99-107.

Watters, G.T. 1996. Freshwater Mussel Survey of Big Darby Creek. Prepared for The Ohio Chapter of The Nature Conservancy.

Fish and mussel records from the Ohio State University Museum of Biological Diversity

Ohio EPA fish surveys, 1979-present

Tetzloff, J. 2000. 2000 Survey of the Freshwater Mussels of the Lower Big Darby Creek. Final report to the Division of Wildlife, the Ohio Department of Natural Resources. 32 pp. and appendices.

Communications with Dr. David H. Stansbery (mussels), OSU

Communications with Dr. Ted Cavender (fishes), OSU

ODNR, "Ohio's Endangered Wildlife" -
<http://ohiodnr.com/endangered/endangered4.htm>

Notes:

Bluebreast darter, *Etheostoma camurum*, OT – ODNR removed this species from list in August 2012