

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Construction Notice Application by)
American Electric Power Ohio Transmission Company)
for a Certificate of Environmental Compatibility and) Case Number
Public Need for the Poston-Elliott 138 kV) 13-0554-EL-BNR
Reconductor/Rebuild Project in Athens County, Ohio.)**

Members of the Board:

Todd Snitchler, Chairman, PUCO
David Goodman, Director, ODSA
Dr. Ted Wymyslo, Director, ODH
David Daniels, Director, ODA
Scott Nally, Director, Ohio EPA
Jim Zehringer, Director, ODNR
Jeffery J. Lechak, PE, Public Member

Peter Stautberg, State Representative
Sandra Williams, State Representative
Michael Skindell, State Senator
Bill Seitz, State Senator

To the Honorable Power Siting Board:

Please review the attached Staff Report of Investigation, which has been filed in accordance with the Board's rules. The applicant's accelerated certificate application in this case is subject to an automatic approval process as required by Section 4906.03 of the Ohio Revised Code.

The application will be automatically approved on April 12, 2013, unless suspended by the Board's chairperson, the executive director, or an administrative law judge. If suspended, the Board must render a decision on the application within 90 days.

The Staff Report includes recommended conditions of the certificate. Prior to the automatic approval date, the applicant must file a supplement to its application that adopts these conditions. Absent such supplement, Staff will recommend that the case be suspended.

Any concerns you or your representative may have with this case must be presented to the Executive Director of the Power Siting Board at least four business days prior to April 12, 2013, which is the automatic approval date. To contact the Executive Director with concerns, you can reply to the email to which this document was attached, or use the ContactOPSB email address listed below.

Sincerely,



Kim Wissman
Executive Director
Ohio Power Siting Board
(614) 466-6692
ContactOPSB@puc.state.oh.us

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 13-0554-EL-BNR
Project Name: Poston-Elliott 138 kV Reconductor/Rebuild Project
Project Location: Athens County, Ohio
Applicant: American Electric Power Ohio Transmission Company
Application Filing Date: February 28, 2013
Filing Type: **Construction Notice**
Inspection Date: April 2, 2013
Report Date: April 4, 2013
Automatic Approval Date: April 12, 2013
Waiver Requests: None
Staff Assigned: J. Pawley, D. Rostofer, J. Whitis

Summary of Staff Recommendations (see discussion below):

Application: ☐ Approval ☐ Disapproval ☒ Approval with Conditions
Waiver: ☐ Approval ☐ Disapproval ☒ Not Applicable

Project Description

This project is for the reconductoring of an existing 138 kV single circuit transmission line. The reconductoring will occur from the AEP Poston substation located on Poston Road and travels 3.2 miles southeast in Athens County, Ohio. No additional right-of-way or easements are required for the reconductoring project, as all work will occur along an existing AEP 138 kV alignment. The Applicant estimates the total capital cost of this project to be approximately \$3.35 million. The project is being proposed due to increased electrical load growth in the Southern Ohio area. The line will remain at 138 kV, but this project will provide for a newer, sturdier 138 kV conductor line. Due to the increased structure loading with the heavier conductor, existing wood H-frame structures will be replaced with similar steel H-frame structures at the same locations. The project is expected to begin with foundation work in October 2013 and be completed and placed in service in June 2014.

Nature of Impacts

Site Description

Land use along the existing corridor is rural residential, with heavy woods and some agricultural uses. The Applicant has appropriate existing access for maintenance of each structure. Staff recommends ensuring minimal environmental impacts in the valley areas between structures when cabling, or reconductoring, occurs. The Applicant has stated to Staff that an installation process where new cable will be pulled while tied to the existing cable will be used. This process will allow the Applicant's crew to station itself at each pole structure without the need to drive between structures, minimizing impact to vegetation and slopes between structures. The Applicant's existing easements for this phase extend into the Wayne National Forest, which, like

all impacted land owners, the Applicant will need to coordinate with regarding scheduling and construction efforts before starting.

Surface Waters

The electric transmission line right-of-way contains five streams. No pole structures are located within the 100-year flood zones of these streams. The right-of-way also contains three wetlands. All wetlands would be clearly staked prior to the commencement of any clearing in order to minimize incidental vehicle impacts. Stream and wetland impacts would be avoided by accessing pole locations from either side of the streams and/or wetlands, where practicable. If headwater streams or wetlands need to be crossed, it is the standard practice of the Applicant to use timber matting to avoid or minimize impacts. The Applicant would not conduct mechanized clearing within 25 feet of any stream channel. Stumps would be left in place to help maintain bank stability. To further limit impacts to streams and wetlands, tree clearing, which would be conducted by hand, would be limited to those trees that are perceived as posing an imminent risk to the construction and operation of the facility.

OPSB Staff has reviewed the Applicant's preliminary construction access plan, which will be incorporated into the final Stormwater Pollution Prevention Plan (SWPPP). Based on OPSB Staff's review of this plan, the Applicant has appropriately considered location of streams, wetlands, and wooded areas. The Applicant would utilize best management practices (BMPs) to minimize impacts to surface waters. Appropriate BMPs would be outlined in the SWPPP and a copy would be provided to Staff.

The Applicant anticipates submitting a Notice of Intent (NOI) for coverage under the Ohio EPA General National Pollutant Discharge Elimination System (NPDES) Permit. Coverage under the U.S. Army Corps of Engineers Nationwide Program is not required, as the Applicant does not anticipate impacts to streams and wetland.

Threatened and Endangered Species

The federal and state listed species and/or their suitable habitat that may be found in the project area include the following species: the state and federal endangered Indiana bat (*Myotis sodalis*); the federal and state endangered American burying beetle (*Nicrophorus americanus*); and the state endangered timber rattlesnake (*Crotalus horridus*). Based on the location of this project and the type of construction activities proposed, these species and/or their suitable habitat may be present and/or impacted by this project.

In order to reduce or avoid impacts to the Indiana bat, Staff recommends a requirement that the Applicant adhere to seasonal tree cutting dates of September 30 through April 1 for the clearing of trees that exhibit suitable Indiana bat summer habitat. Staff also recommends a requirement that the Applicant consult with ODNR and the USFWS concerning the American burying beetle and timber rattlesnake, prior to commencement of construction, to determine if further surveys, avoidance measures, and/or mitigation may be required for these species.

Conclusion

With the following conditions, the construction of this project should pose only minimal negative social and environmental impacts. Staff recommends automatic approval of this case on April 12, 2013.

Staff Recommended Conditions:

- (1) The Applicant shall obtain and comply with all applicable permits and authorizations as required by federal and state laws and regulations for any activities where such permit or authorization is required. Copies of such permits and authorizations, including all supporting documentation, shall be provided to Staff.
- (2) The Applicant shall have a cultural resources literature review performed for this project to ensure no impacts to archaeological resources in the corridor or along access roads. The literature review should be submitted to Staff and the Ohio Historic Preservation Office for review prior to construction.
- (3) The Applicant shall utilize BMPs when working in the vicinity of environmentally sensitive areas. This includes, but is not limited to, the installation of silt fencing (or similarly effective tool) prior to initiating construction near streams and wetlands. The installation shall be done in accordance with generally accepted construction methods and shall be inspected regularly.
- (4) At least 30 days prior to construction, the Applicant shall submit to Staff, for review and approval, a project construction access plan. This plan shall include all laydown areas, residential and environmentally sensitive area access points, and any locations where vegetation clearing is required. The plan shall consider the location of residential fencing, private structures, streams, wetlands, and wooded areas.
- (5) The Applicant shall adhere to seasonal cutting dates of September 30 through April 1 for removal of suitable Indiana bat habitat trees, if avoidance measures cannot be achieved.
- (6) The Applicant shall consult with ODNR and the USFWS concerning the American burying beetle and timber rattlesnake, prior to commencement of construction, to determine if further surveys, avoidance measures, and/or mitigation may be required. The Applicant shall report back to Staff the conclusions and/or actions to be taken from any such coordination effort.

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 13-0554-EL-BNR

Summary: Report of investigation electronically filed by Mr. Adam S Bargar on behalf of Staff of OPSB