Gregory K Eastridge (Services - 6)

From: susan_zimmermann@fws.gov on behalf of Ohio, FW3 [ohio@fws.gov]

Sent: Tuesday, December 23, 2014 10:37 AM
To: Gregory K Eastridge (Services - 6)

Cc: nathan.reardon@dnr.state.oh.us; Jenny Norris

Subject: USFWS Response to Three (3) EOG - PIR 542, 779 and 748



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# 03E15000-2015-TA-0335 - EOG Pipeline PIR 542 - Forest Hills and Monticello

TAILS# 03E15000-2015-TA-0336 - EOG Pipeline PIR 779 - 8th and Marietta

TAILS# 03E15000-2015-TA-0338 - EOG Pipeline PIR 748 - 5th St. NW and Brown St. NW

Dear Mr. Eastridge,

We have received your recent correspondence requesting information about the subject proposal. There are no federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area. The following comments and recommendations will assist you in fulfilling the requirements for consultation under section 7 of the Endangered Species Act of 1973, as amended (ESA).

The Service recommends that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat (e.g., forests, streams, wetlands). Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. If streams or wetlands will be impacted, the 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. All disturbed areas should be mulched and revegetated with native plant species. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

LISTED SPECIES COMMENTS: All projects in the State of Ohio lie within the range of the Indiana bat (Myotis sodalis), a federally listed endangered species. Since first listed as endangered in 1967, their population has declined by nearly 60%. Several factors have contributed to the decline of the Indiana bat, including the loss and degradation of suitable hibernacula, human disturbance during hibernation, pesticides, and the loss and degradation of forested habitat, particularly stands of large, mature trees. Fragmentation of forest habitat may also contribute to declines. During winter, Indiana bats hibernate in caves and abandoned mines. Summer habitat requirements for the species are not well defined but the following are considered important:

- (1) dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas;
- (2) live trees (such as shagbark hickory and oaks) which have exfoliating bark;
- (3) stream corridors, riparian areas, and upland woodlots which provide forage sites.

Should the proposed site contain trees or associated habitats exhibiting any of the characteristics listed above and/or the site contains any caves or abandoned mines, we recommend that the habitat and surrounding trees be saved wherever possible. If any caves or abandoned mines may be disturbed, further coordination with this office is requested to determine if surveys are warranted. Any survey should be designed and conducted in coordination with the Endangered Species Coordinator for this office. If no caves or abandoned mines are present and trees cannot be avoided, any unavoidable tree removal should only occur between October 1 and March 31. If implementation of the seasonal tree cutting restriction is not possible, summer surveys should be conducted to document the presence or likely absence of the Indiana bat within the project area during the summer. The survey must be conducted by an approved surveyor and be designed and conducted in coordination with the Endangered Species Coordinator for this office.

If there is a federal nexus for the project (e.g., federal funding provided, federal permits required to construct), no tree clearing on any portion of the parcel should occur until consultation under section 7 of the ESA, between the Service and the federal action agency, is completed. We recommend that the federal action agency submit a determination of effects to this office, relative to the Indiana bat, for our review and concurrence.

PROPOSED SPECIES COMMENTS: The proposed project lies within the range of the northern long-eared bat (Myotis septentrionalis), a species that is currently proposed for listing as federally endangered under the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). The final listing decision for the northern long-eared bat will occur no later than April 2, 2015. No critical habitat has been proposed at this time. Recently white-nose syndrome (WNS), a novel fungal pathogen, has caused serious declines in the northern long-eared bat population in the northeastern U.S. WNS has also been documented in Ohio, but the full extent of the impacts from WNS in Ohio is not yet known.

During winter, northern long-eared bats hibernate in caves and abandoned mines. Summer habitat requirements for the species are not well defined but the following are considered important:

- (1) Roosting habitat in dead or live trees and snags with cavities, peeling or exfoliating bark, split tree trunk and/or branches, which may be used as maternity roost areas;
- (2) Foraging habitat in upland and lowland woodlots and tree lined corridors;
- (3) Occasionally they may roost in structures like barns and sheds.

Pursuant to section 7(a)(4) of the ESA, federal action agencies are required to confer with the Service if their proposed action is likely to jeopardize the continued existence of the northern long-eared bat (50 CFR 402.10(a)). Federal action agencies may also voluntarily confer with the Service if the proposed action may affect a proposed species. Nevertheless, species proposed for listing are not afforded protection under the ESA; however as soon as a listing becomes effective, the prohibition against jeopardizing its continued existence and "take" applies regardless of an action's stage of completion. If the federal agency retains any discretionary involvement or control over on-the-ground actions that may affect the species after listing, section 7 applies. Therefore, should the proposed site contain trees or associated habitats exhibiting any of the characteristics listed above and/or the site contains any caves or abandoned mines, we are recommending that the habitat and surrounding trees be saved wherever possible. If any caves or abandoned mines may be disturbed, further coordination with this office is requested to determine if surveys are warranted.

If no caves or abandoned mines are present and trees cannot be avoided, any unavoidable tree removal should only occur between October 1 and March 31 to avoid impacts to northern long-eared

bats. Incorporating these conservation measures into your project at this time may avoid significant future project delays should the listing become official.

Due to the project type, size, and location, we do not anticipate adverse effects to any other federally endangered, threatened, proposed, or candidate species. Should the project design change, or during the term of this action, 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, consultation with the Service should be initiated to assess any potential impacts.

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 Endangered Species Act of 1973 (ESA), as amended, and are consistent with the intent of the National Environmental Policy Act of 1969 and the U.S. Fish and Wildlife Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed section 7 consultation document. We recommend that the project be coordinated with the Ohio Department of Natural Resources due to the potential for the project to affect state listed species. Contact John Kessler, Environmental Services Administrator, at (614) 265-6621 or at john.kessler@dnr.state.oh.us.

Sincerely,

Megan Seymour Acting Field Supervisor

cc: Nathan Reardon, ODNR-DOW Jennifer Norris, ODNR-DOW

JAMES ZEHRINGER, DIRECTOR

Office of Real Estate
Paul R. Baldridge, Chief
2045 Morse Road – Bldg. E-2
Columbus, OH 43229
Phone: (614) 265-6649

Fax: (614) 267-4764

January 23, 2015

Greg Eastridge Dominion Resources Services, Inc. 320 Springside Drive, Suite 320 Akron, Ohio 44333

Re: 14-956; The East Ohio Gas Company Pipeline Infrastructure Replacement Program (PIR), Ohio Endangered Species Consultation, PIR 542 Forest Hills and Monticello

Project: The proposed project involves the replacement of approximately 16,550 feet of existing natural gas pipeline (4, 6, 8, 20, and 30-inch diameters) under the PIR program.

Location: The proposed project is located in the City of East Cleveland and Cleveland Heights, Cuyahoga 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 data at or within a one mile radius of the project area:

Canada hawkweed (*Hieracium umbellatum*), state threatened Forest Hill Park, City of East Cleveland

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 or national wildlife refuges 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. This list is provided to inform you of features present within your project area and vicinity. Additional comments on some of the features may be found in pertinent sections below.

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 range of the Indiana bat (Myotis sodalis), a state and federally endangered species. The following species of trees have relatively high value as potential Indiana bat roost trees: 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 habitat consists of suitable 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. If suitable trees occur within the project area, the DOW recommends that these trees be conserved. If suitable habitat occurs on 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 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, the project is not likely to impact this species. The DOW appreciates EOG's commitment to seasonal tree clearing between October 1 and March 31 to minimize any potential impacts to the Indiana bat. The DOW appreciates EOG's commitment to seasonal tree clearing between October 1 and March 31 to minimize any potential impacts to the Indiana bat.

The project is within the range of the bigmouth shiner (*Notropis dorsalis*), a state threatened fish. Due to the location, and that there is no in-water work planned in a perennial stream, this project is not likely to impact this species.

The project is within the range of the piping plover (*Charadrius melodus*), a state and federally endangered bird species, and the Kirtland's warbler (*Setophaga kirtlandii*), a state and federally endangered species. These species do not nest in the state but only utilize stopover habitat as they migrate through the region. Due to the location, this project is not likely to impact these species.

The project is within the range of the king rail (*Rallus elegans*), a state endangered bird. Nests for this species are deep bowls constructed out of grass and usually hidden very well in marsh vegetation. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 to August 1. If this type of habitat will not be impacted, the 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 to July 31. If this type of habitat will not be impacted, the project is not likely to impact this species.

The project is within the range of the spotted turtle (*Clemmys guttata*), a state threatened species. This species prefers fens, bogs and marshes, but is also known to inhabit wet prairies, meadows, pond edges, wet woods, and the shallow sluggish waters of small streams and ditches. Due to the location, and the type of habitat present along the project route, and within the vicinity of the project route, this project is not likely to impact this species.

The project is within the range of the black bear (*Ursus americanus*), a state endangered species. Due to the mobility of this species, the 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 US Fish & Wildlife Service.

ODNR appreciates the opportunity to provide these comments. Please contact John Kessler at (614) 265-6621 if you have questions about these comments or need additional information.

John Kessler ODNR Office of Real Estate 2045 Morse Road, Building E-2 Columbus, Ohio 43229-6693 John.Kessler@dnr.state.oh.us Dominion Resources Services, Inc. 320 Springside Drive, Suite 320, Akron, OH 44333 dom.com



December 4, 2014

Kara Hamley O'Donnell
Historic Preservation Planner
City of Cleveland Heights Department of Planning and Development
40 Severance Circle
Cleveland Heights, Ohio 44118

RE: The East Ohio Gas Company, Pipeline Infrastructure Replacement Program
Forest Hill Historic District and Park Evaluation and Review
PIR 542 – Forest Hills and Monticello

Dear Ms. Kara Hamley O'Donnell:

Please review the following information regarding the East Ohio Gas Company (EOG) Pipeline Infrastructure Replacement (PIR) project, PIR 542 – Forest Hills and Monticello. To assist with your review of the project, site maps and photographs are enclosed.

Project Purpose and Location

EOG is proposing to replace approximately 16,650 feet of natural gas pipeline (4, 6, 8, 20, and 30 inch diameter) under the PIR Program. The purpose of the program is to replace existing bare steel pipe to ensure the safety and reliability of pipeline operations.

The PIR 542 project area is located in the City of East Cleveland and the City of Cleveland Heights, within the road right-of-way (ROW) of Forest Hills Boulevard, Monticello Boulevard, and several other streets. The project area is indicated on the project area map located in Attachment A. Representative photographs of the project area are included in Attachment B.

Project Area Description

A site visit of the project area was conducted on June 3, 2014. The PIR 542 project area is located within commercial, residential, and park areas. Land cover in these areas includes mowed grass, lawn trees, forest, and pavement.

OHPO Literature Review

In order to determine if documented historic sites exist within and/or adjacent to the project area, an Ohio Historic Preservation Office (OHPO) Literature Review was performed. This literature review entails a search of the OHPO data records for National

Forest Hill Historic District and Park Review and Evaluation PIR 542 Page 2 of 3

Register Listed properties, Archaeological Inventory properties, Ohio Historic Inventory properties, National Register Listed Districts, Phase 1, 2, and 3 survey areas, and Determination of Eligibility properties.

No Ohio Historic Inventory properties, Archaeological Inventory properties, Phase 1, 2 or 3 survey areas, National Register Listed properties, or Determination of Eligibility properties were identified within or immediately adjacent to the pipeline ROW by the literature review. However, one (1) National Register Listed district, Forest Hill Park Historic District, was identified during the literature review within the project area at the western terminus. The remaining historic features are outside of the disturbed project area. The locations of the historic features are indicated on the maps located in Attachment C. Specific details of these historic and cultural resources are listed in Attachment D.

The pipeline replacement work will be restricted to previously disturbed road ROW and EOG easement. All disturbed areas will be restored such that vegetated areas will remain vegetated, and road and sidewalk areas will remain as roads and sidewalks.

Request for Finding

Considering the information above, EOG is requesting a finding from the City of Cleveland Heights Department of Planning and Development regarding any adverse effects to the Forest Hill Park Historic District as a result of the proposed project.

This project is scheduled to begin in May 2015. A timely response is requested to ensure the PIR 542 project will not have an adverse effect on cultural resources.

An email response would be greatly appreciated. Please send the email to Greg Eastridge at gregory.k.eastridge@dom.com. If you have any questions or need additional information, please contact Greg Eastridge at (330) 664-2576.

Sincerely,

Amanda B. Tornabene

Director, Gas Environmental Services

mande Kornabene

Enclosures

cc: Greg Eastridge

Attachment A Project Area Map Attachment B Photographs

PIR 542 Photographed June 3, 2014



Photo 1. Typical road right-of-way (ROW) within project area.

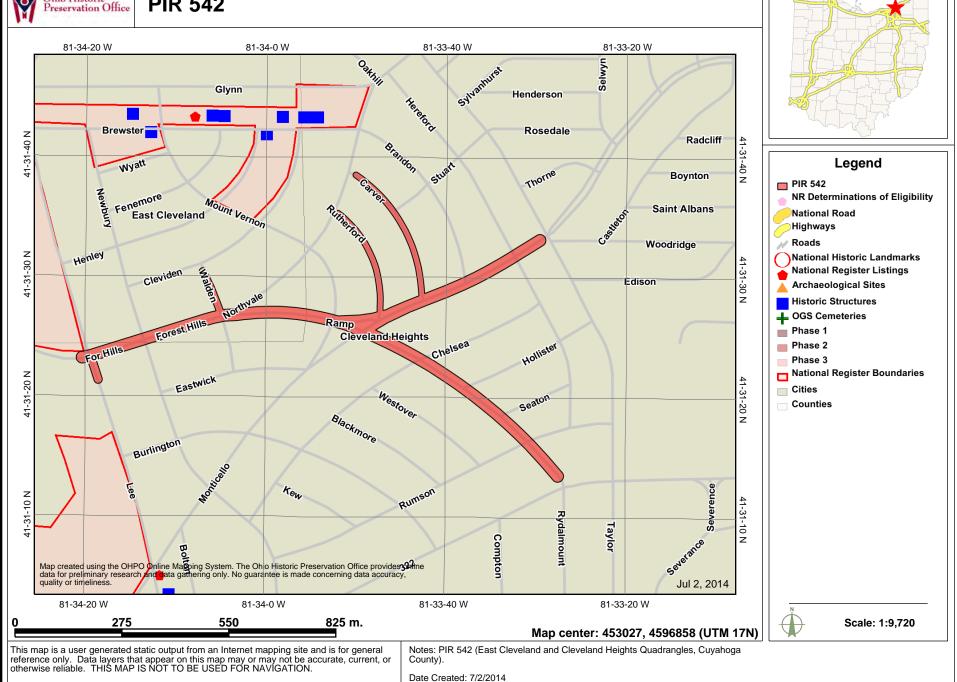


Photo 2. Typical road ROW within project area.

Attachment C OHPO Literature Review Maps

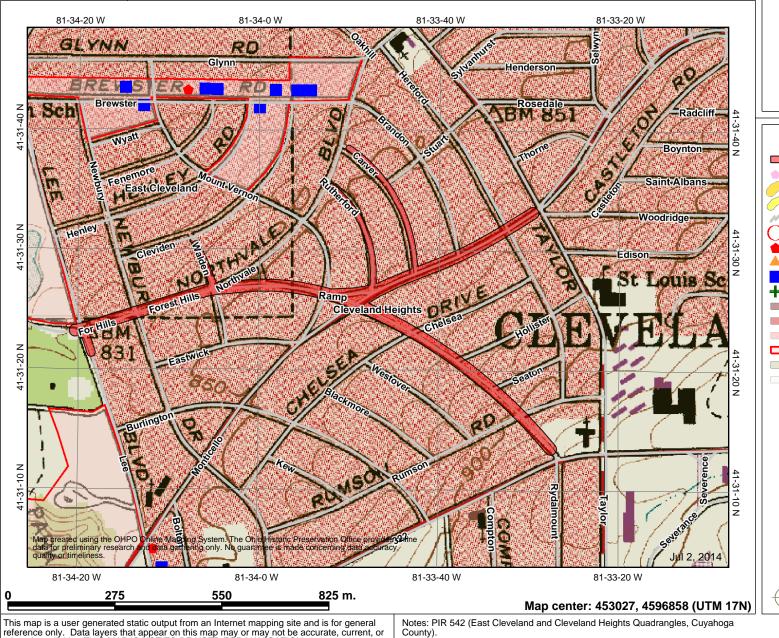


PIR 542





PIR 542





■ PIR 542

NR Determinations of Eligibility

National Road

Highways

Roads

National Historic Landmarks

National Register Listings

Archaeological Sites Historic Structures

OGS Cemeteries

Phase 1

Phase 2

Phase 3

■ National Register Boundaries

Cities

Counties

Scale: 1:9,720

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.

Date Created: 7/2/2014

Attachment D OHPO Search Results

Site Name: PIR 542 County: Cuyahoga

NUMBER

Quadrangle: East Cleveland and Cleveland Heights

Ohio Archaeological Inventory (Archaeological Sites)

haeological Sites) TOTAL: 0
UTM ZONE EASTING NORTHING

TOTAL: 5

No resources found within radius

SITE NAME

Ohio Historic Inventory (Historic Structures)

	• `	•					
NUMBER	PRESENT NAME	OTHER NAME	ADDRESS	UTM ZONE	EAST	ING	NORTHING
CUY0246321	Tomb House		16313 Brewster		17	452838	4597390
CUY0246421	Schmitt & Harmon		16200 Brewster		17	452724	4597347
CUY0246621	Seger House		16293 Brewster		17	452820	4597390
CUY0246721	Imboden House		16225 Brewster		17	452765	4597391
CUY0246821	Maney House		16361 Brewster		17	452855	4597390

National Register Listed Properties (National Register Listings)

TOTAL: 0

NUMBER RESOURCE NAME ADDRESS UTM ZONE EASTING NORTHING

No resources found within radius

Determinations of Eligibility (NR Determinations of Eligibility)

TOTAL: 0

SER NO PROJECT NAME ADDRESS UTM ZONE EASTING NORTHING

No resources found within radius

Phase 1, 2, and 3 Surveyed Areas (Phase 1, 2, and 3)

TOTAL: 0

NUMBER PHASE AUTHOR YEAR TITLE

No resources found within radius

National Register Listed Districts (National Register Boundaries) TOTAL: 2

NUMBER NAME OTHER NAME PROPERTIES

86001662 Forest Hill Historic District 81 98000072 Forest Hill Park 14



February 12, 2015

EAST OHIO GAS CO **GREGORY EASTRIDGE** 320 SPRINGSIDE DRIVE STE 320

AKRON

OH

44333

Re: Approval Under Ohio EPA National Pollutant Discharge Elimination System (NPDES) Construction Site Storm Water General Permit OHC000004 ___ (the permit)

Dear Applicant:

Your NPDES Notice of Intent (NOI) application is approved for the following facility/site. Please use your Ohio EPA Facility Permit Number in all future correspondence.

Facility Name:

PIR 542-FOREST HILLS AND MONTICELLO

Facility Location FOREST HILLS & MONTICELLO BLVD & INTERSECTING STS

City:

E CLEVELAND, CLEVELAND HTS Township:

County:

Cuyahoga

Ohio EPA Facility Permit Numbe 3GC07750*AG

Please read and review the permit carefully. The permit contains requirements and prohibitions with which you must comply. Coverage under this permit will remain in effect until a renewal of the permit is issued by the Ohio EPA. If more than one operator (defined in the permit) will be engaged at the site, each operator shall seek coverage under the general permit. Additional operator(s) shall submit a Co-Permittee NOI to be covered under this facility permit number. There is no fee associated with the Co-Permittee NOI form.

Please be aware that this letter only authorizes discharges in accordance with the above referenced NPDES CGP. The placement of fill into regulated waters of the state may require a 401 Water Quality Certification and/or Isolated Wetlands Permit from Ohio EPA. Also, a Permit-To-Install (PTI) is required for the construction of sanitary or industrial wastewater collection, conveyance, storage, treatment, or disposal facility; unless a specific exemption by rule exists. Failure to obtain the required permits in advance is a violation of Ohio Revised Code 6111 and potentially subjects you to enforcement and civil penalties.

You may obtain additional information, copies of the general permit and current forms/instructions from our website at. http://epa.ohio.gov/dsw/storm/index.aspx

If you have questions, please call 614-644-2001.

w. Butter

Ohio EPA has developed a customer service survey to get feedback from regulated entities that have contacted Ohio EPA for regulatory assistance, or worked with the Agency to obtain a permit, license or other authorization. Ohio EPA's goal is to provide our customers with the best possible customer service, and your feedback is important to us in meeting this goal. Please take a few minutes to complete this survey and share your experience https://www.surveymonkey.com/s/ohioepacustomersurvey

Sincerely,

Craig W. Butler

Director

STORMWATER NEDWest Town Street • Suite 700 • P.O. Box 1049 • Columbus, OH 43216-1049 CC: www.epa.ohio.gov • (614) 644-3020 • (614) 644-3184 (fax)



Plan Review Recommendation of Approval

February 25, 2015

Mr. Gregory Eastridge Dominion East Ohio Gas 320 Springside Drive Akron, OH 44333

Re: Dominion PIR - 542 Forest Hills Blvd & Monticello Blvd Plan Review - Submittal #2 Forest Hills Blvd and Monticello Blvd

Application #:

Dear Mr. Eastridge:

A copy of the Storm Water Pollution Prevention Plan (SWP3) and/or associated information for the above referenced project was received on February 25, 2015 and has been reviewed by the Cuyahoga Soil and Water Conservation District (SWCD). The technical review of the SWP3 was performed by the Cuyahoga SWCD in accordance with local regulation, the current edition of Ohio's "Rainwater and Land Development" standard guidance manual, and Ohio EPA's National Pollutant Discharge Elimination System (NPDES) rules. A review of the design calculations has not been made. Please be advised that this review does not constitute approval by the local government or Ohio EPA. While the Ohio EPA is the final authority, the SWP3, in the opinion of this office, meets or exceeds the minimum standards listed above. Note that technical reviews made by the Cuyahoga SWCD are not intended to be regulatory in nature. Regulation and enforcement is the responsibility of local government and the Ohio EPA, not the Cuyahoga SWCD.

Thank you for your cooperation with this SWP3 review process.

Sincerely,

Brent A. Eysenbach, OPESC-IT Storm Water Program Coordinator

CC:

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/6/2015 4:35:33 PM

in

Case No(s). 15-0466-GA-BNR

Summary: Application of Dominion East Ohio continued - Attachment H (Continued) Part 3 electronically filed by Teresa Orahood on behalf of Sally Bloomfield