

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Letter of Notification Application)
by American Electric Power Ohio Transmission)
Company for the Nottingham-Freebyrd 138 kV Electric) **15-1756-EL-BLN**
Transmission Line Adjustment Project.)

Members of the Board:

Chairman, Public Utilities Commission	Ohio House of Representatives
Director, Development Services Agency	Ohio Senate
Director, Department of Health	
Director, Department of Agriculture	
Director, Environmental Protection Agency	
Director, Department of Natural Resources	
Public Member	

To the Honorable Power Siting Board:

Please review the attached Staff Report of Investigation, which has been filed in accordance with Ohio Power Siting Board (Board) rules. The 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 recommended for automatic approved on February 4, 2016, unless suspended by the Board's chairperson or an administrative law judge. If suspended, the Board must render a decision on the application within 90 days from the date of suspension.

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.

Please present any concerns you or your designee may have with this case to my office at least four business days prior to February 4, 2016, which is the automatic approval date.

Sincerely,



Patrick Donlon
Director, Rates and Analysis
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215
(614) 466-6692

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 15-1756-EL-BLN
Project Name: Nottingham-Freebyrd 138 kV Transmission Line Adjustment Project
Project Location: Harrison County
Applicant: American Electric Power Ohio Transmission Company
Application Filing Date: November 5, 2015
Filing Type: Letter of Notification
Inspection Date: December 9, 2015
Report Date: January 28, 2016
Recommended Automatic Approval Date: February 4, 2016
Applicant's Waiver Requests: None
Staff Assigned: J. Pawley, G. Zeto

Summary of Staff Recommendations (see discussion below):

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

Project Description

The purpose of this project is to construct a 4.7 mile 138 kilovolt (kV) transmission line originating at the new Nottingham Switch Station and extending to the existing Freebyrd Station. The transmission line is needed to meet the requirements of a specific customer, MarkWest Energy Partners, L.P., which has requested an increase in load capacity from 20 megawatts (MW) to 94 MW at its existing Utica Plant in Cadiz, Ohio. The Nottingham Switch Station (approved under Ohio Power Siting Board case number 14-1818-EL-BLN on December 20, 2014) is an associated facility to this line and is presently under construction. The cost of the transmission line project is estimated at approximately \$13 million. Construction is expected to commence in February 2016. The in-service date provided by American Electric Power Ohio Transmission Company (the Applicant) is December 2016.

On February 25, 2015, the Board approved a project in case number 14-1819-EL-BLN to connect the new Nottingham Switch Station to the existing Freebyrd Station. That approved route was approximately 4.5 miles in length and the line would have been located predominately across property owned by Consolidation Coal Company, roughly 1,000 feet east of the present alignment considered in this case. The present alignment is being proposed in this case because the property owner has developed plans for future mining activity to be located along the previously approved route. The Applicant has stated that it has reached a right-of-way agreement for the adjusted route with Consolidation Coal Company for the portion of the project on their property. The Applicant supplemented its current filing on January 21, 2016, with a minor route adjustment that had been

requested by a property owner (Rover Pipeline LLC) to more closely align the transmission line with their property line. The Applicant is continuing negotiations for an easement with this property owner.

Site Description

The project is located in Athens and Cadiz townships, Harrison County. Over 80 percent of the proposed transmission line is located on property owned by Consolidation Coal Company. The majority of the route is currently used as a cattle grazing pasture and has been previously surface mined and subsequently reclaimed. The Applicant is studying geotechnical information to ensure proper installation of transmission structures. The proposed transmission line route traverses mostly pasture and open field.

Nature of Impacts

Social

The transmission line would originate at the Nottingham Switch Station, which is directly adjacent to existing FirstEnergy transmission lines. The Applicant states that there are no residential or institutional land uses within 1,000 feet of the project. No Agricultural District land would be impacted by this project. The landing strip for the Harrison County Airport is located just under one mile to the east of the proposed transmission line.

The Applicant performed a Phase I cultural resource management investigation for the project in December 2014, which concluded that the project would not affect any historic properties or landmarks, and that no further archaeological work would be necessary for this project. A copy of the Phase I investigation report was provided to the State Historic Preservation Office.

Surface Waters

The electric transmission line right-of-way contains two perennial streams, one intermittent stream, and one ephemeral stream. No in-water work is proposed. The right-of-way also contains 11 wetlands, none of which are high quality (Ohio EPA Category 2/3 or Category 3). Wetlands would be clearly staked prior to the commencement of any clearing in order to minimize incidental vehicle impacts. Operation of heavy mechanized equipment is not planned within any identified wetland, although some construction equipment may need to cross wetlands using timber matting. Selective hand clearing would be required to remove woody vegetation in wetlands that may impede construction or interfere with operation of the transmission line.

The Applicant plans to submit a Notice of Intent for coverage under an Ohio EPA General National Pollutant Discharge Elimination System Permit. The Applicant would utilize best management practices (BMPs) to minimize impacts to surface waters. Appropriate BMPs would be outlined in the Storm Water Pollution Prevention Plan, and a copy would be provided to Staff. Notification or permit applications under sections 401 and/or 404 of the Clean Water Act are not expected to be required for this project.

Threatened and Endangered Species

The project could potentially impact suitable habitat of the federal and state endangered Indiana bat (*Myotis sodalis*), federal threatened northern long-eared bat (*Myotis septentrionalis*), the federally protected bald eagle (*Haliaeetus leucocephalus*), and the state endangered upland sandpiper (*Bartramia longicauda*).

In order to avoid impacts to the Indiana bat, the Applicant has committed to adherence to seasonal tree cutting dates of October 1 to March 31 for the clearing of the riparian foraging habitat and potential roost trees.

Staff observed several bald eagles flying in the project area while performing field work. Staff recommends that the Applicant contact the U.S. Fish and Wildlife Service (USFWS) to determine if any recorded nests are in the project area. Staff also recommends that the Applicant have an environmental specialist survey the area to determine if any nests are present within the project area. If nests are present, work within 660 feet of a nest or within the direct line of-site of a nest shall be restricted from January 15 through July 31. Existing trees adjacent to a nest should be avoided as much as possible to preserve the character of the habitat.

Upland sandpiper habitat such as dry grasslands, grazed and ungrazed pasture, hayfields and grasslands, as established through the Conservation Reserve Program, may be present in the project area. Construction must be avoided in these habitats between April 15 and July 31, unless coordination efforts with the Ohio Department of Natural Resources (ODNR) allow a different course of action.

Conclusion

Staff's review of the application included consideration of the requirements listed in Ohio Revised Code Section 4906.10. Based on Staff's review, the application meets the necessary criteria for granting a certificate. Staff recommends automatic approval of this case on February 4, 2016, provided that the following conditions are satisfied.

Conditions:

1. The Applicant shall file to withdraw Case No. 14-1819-EL-BLN, the originally approved transmission line route that this case will replace.
2. The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for removal of suitable Indiana bat habitat trees, unless coordination efforts with the ODNR and USFWS allow a different course of action.
3. Construction in upland sandpiper preferred nesting habitat types shall be avoided during the species' nesting period of April 15 through July 31, unless coordination efforts with the ODNR allow a different course of action.
4. The Applicant shall contact USFWS to determine if any recorded bald eagle nests are in the project area and have an environmental specialist survey the area to determine if any nests are present. If nests are present, work within 660 feet of a nest or within the direct line of-site of a nest shall be restricted from January 15 through July 31. Existing trees should be preserved as much as possible to preserve the character of the habitat.
5. The Applicant shall submit to the Staff prior to construction for review and confirmation that it complies with this condition, a final project construction access plan as incorporated

into the project Storm Water Pollution Prevention Plan. This plan shall include any locations where vegetation clearing is required.

6. Prior to construction, the Applicant shall obtain all applicable permits and authorizations as required by federal and state entities for any activities where such permit or authorization is required.
7. The Applicant shall notify the Harrison County Airport of the structure locations and transmission line heights associated with this project.
8. If it is determined by the Applicant that mine voids are present and the subsurface may not support the proposed structures, the Applicant shall develop a subsidence mitigation plan in coordination with ODNR. The mitigation plan shall consider the potential risk for induced subsidence.

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Case No(s). 15-1756-EL-BLN

Summary: Staff Report of Investigation electronically filed by Mrs. Yvonne W Cooper on behalf of Staff of OPSB