

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Letter of Notification Application)
of American Electric Power Ohio Transmission)
Company for the Poston-Lick 138 kV Transmission) **16-0020-EL-BLN**
Line Rebuild 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 approval on July 12, 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 July 12, 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) 644-8932

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 16-0020-EL-BLN
Project Name: Poston-Lick 138 kV Transmission Line Rebuild Project
Project Location: Athens, Jackson, and Vinton counties
Applicant: American Electric Power Ohio Transmission Company
Application Filing Date: June 13, 2016
Filing Type: Expedited Letter of Notification
Inspection Date: June 24 and June 29, 2016
Report Date: July 5, 2016
Recommended Automatic Approval Date: July 12, 2016
Applicant's Waiver Requests: none
Staff Assigned: J. Pawley, G. Zeto, J. Cross

Summary of Staff Recommendations (see discussion below):

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

Project Description

American Electric Power Ohio Transmission Company, Inc. (Applicant) proposes to rebuild a portion of the existing Poston-Lick 138 kilovolt (kV) transmission line. This project encompasses the replacement of old wood H-frame structures and conductor with steel H-frame and monopole structures and new conductor for approximately 22 miles. The project would complete the transmission loop initiated by the construction of the Elk transmission project (case number 11-4505-EL-BTX), which was completed in October 2015.

The Applicant proposes to begin access road work in late July 2016 and commence construction on the transmission line in September 2016. The Applicant states the in-service date for the project is June 15, 2017. The Applicant estimates the total cost of the project to be \$19.7 million.

Site Description

The replacement project would begin at the Poston Substation in Athens County and continue to structure 72 in Vinton County, and from structure 138 in Jackson County to the Lick Substation in Jackson County. Because the Elk project rerouted 138 kV transmission infrastructure from structure 72 to structure 138 of the Poston-Lick transmission line, this portion of the existing line (from structures 72-138) located in the Vinton Furnace state forest, would be taken out of service and removed. The entire length of the rebuild project would be located within an existing 100-foot right-of-way owned by the Applicant. Temporary easements would be required from adjacent property owners for some access roads and laydown areas.

Basis of Need

The Applicant states the Poston-Lick 138 kV transmission line rebuild project is needed to meet system reliability requirements in Southern Ohio. Without the proposed project, the Applicant may be unable to comply with the required North American Electric Reliability Corporation and PJM planning criteria, making the system unstable and unreliable, and resulting in possible penalties from the Federal Energy Regulatory Commission. PJM Interconnection (PJM) assigned the Applicant's project as upgrade ID Number s0767.2. The status of the proposed project can be tracked on PJM's website.¹

Nature of Impacts

Socioeconomic Impacts

The rebuilt transmission line would be located along the same corridor as the existing Poston-Lick 138 kV transmission line, within the existing 100-foot right-of-way, and is essentially a pole-for-pole replacement. The dominant land use along the project corridor is forest, followed by residential, scrub-shrub and agriculture. There are instances where residential property owners have constructed outbuildings and/or sheds within the right-of-way. The Applicant will work with these property owners if removal of any structure from within the existing right-of-way is required.

The Applicant sent notification about the project to area public officials and affected property owners. The Applicant will ensure that all property owners and tenants have access to their residences and/or property during construction.

Agricultural Land

The proposed construction of the replacement transmission line would include three parcels classified as agricultural districts. The agricultural land is used to grow crops including corn, soybeans, and wheat. Construction of the replacement transmission line would not present long-term impacts to agricultural production.

Cultural Resources

The Applicant completed a cultural resources literature review for the area of potential effects for the project. This review was followed up by more site-specific Phase I field work investigations. These reviews identified seven previously recorded archaeological sites and 11 previously unrecorded sites within or adjacent to the project. None of the 11 unrecorded sites were found to meet the minimum requirements to be considered eligible for the National Register of Historic Places, and none of the sites were considered historic properties by the Applicant's cultural resources consultant. All previously recorded sites will be avoided during construction, including two sites at or near a proposed access road. The Applicant submitted the results of the literature review, Phase I archaeological investigation, and cultural historic survey to Staff and the Ohio Historic Preservation Office (OHPO) on June 20, 2016. Staff is still reviewing this material and will coordinate with the OHPO prior to construction.

Recreational Land Use

The project crosses through Zaleski State Forest, Vinton Furnace State Forest, and Poston Plant Lands Public Hunting Area. The Applicant owns the Poston Plant Lands Public Hunting Area.

¹ "Transmission Construction Status," PJM Interconnection, accessed June 21, 2016, <http://pjm.com/planning/rtep-upgrades-status/construct-status.aspx>.

However, an agreement is in place between AEP and the Ohio Department of Natural Resources (ODNR) to allow public use of the land. The Applicant is currently coordinating with the ODNR to update all existing agreements and permits to include new temporary access roads.

Surface Waters

The project consists of rebuilding a transmission line within an existing right-of-way. As a result, surface water impacts primarily would be limited to activities associated with maintenance clearing and development of access roads. The Applicant evaluated 61 streams as part of this project and identified 69 additional streams that were not fully evaluated because the Applicant intends to avoid them based on safety concerns associated with difficult access. Several of the evaluated streams would be crossed during construction. The Applicant has stated that temporary construction stream crossings are expected to be accomplished using timber matting, and no in-water work is proposed. Several structure locations (02B, 02C, and 05), are in close proximity to Hamley Run, a perennial stream. To minimize erosion issues that would likely result from construction, staff recommends these existing wood structures be cut near the base, and the foundations be left in place. Staff recommends that the proposed replacement structures be located as far away from the stream, within the existing right-of-way, as possible.

The Applicant delineated 23 wetlands as part of this project. Five wetlands, including one category 3 wetland, are anticipated to be permanently impacted by the replacement of existing wood structures with new steel structures, for a total net loss of approximately 0.003 acres (approximately 130 square feet). All wetlands would be clearly staked prior to the commencement of any clearing in order to minimize incidental vehicle impacts. All necessary construction equipment crossings in wetlands would be accomplished using timber matting. To further limit impacts to streams and wetlands, tree clearing would be limited to those trees that pose an imminent risk to the construction and operation of the facility.

Staff has reviewed the Applicant's preliminary construction access plan, which will be incorporated into the final Stormwater Pollution Prevention Plan (SWPPP). Based on Staff's review of this plan, the Applicant has appropriately considered the locations of streams, wetlands, and wooded areas. The Applicant would utilize best management practices (BMP) to minimize impacts to surface waters. Appropriate BMP will be outlined in the SWPPP and a copy will be provided to Staff. In order to further minimize surface water impacts, Staff recommends that the Applicant not conduct mechanized clearing within 25 feet of any stream channel and that stumps be left in place to help maintain bank stability.

The Applicant anticipates submitting a Notice of Intent for coverage under the Ohio Environmental Protection Agency (OEPA) General National Pollutant Discharge Elimination System Permit. Wetland impacts would require authorization by the United States Army Corps of Engineers and the OEPA under Section 404 and 401 of the Clean Water Act. Four proposed pole structures are located within the 100-year flood zones of Hamley Run in Athens County. However, according to the Athens County floodplain regulations, the project would be exempt from floodplain permitting.

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 state and federal endangered Indiana bat (*Myotis sodalis*) and the federal threatened Northern long-eared bat (*Myotis septentrionalis*). Limited tree clearing would be

necessary for construction access and to meet current safety standards. The Applicant stated that, if during the summer months an area is identified where additional clearing is needed then a survey for suitable summer habitat would be performed in that area. However, the U.S. Fish and Wildlife Service (USFWS) stated that since Indiana bat and Northern long-eared bat presence has already been confirmed in the project vicinity, additional summer surveys would not constitute presence/absence surveys for these species. USFWS and the ODNR recommend that removal of any trees greater than three inches in diameter only occur from October 1 through March 31. Further, the USFWS stated that if any caves or abandoned mines may be disturbed, further coordination with their office is requested to determine if fall or spring surveys are warranted.

The project is also within the range of the timber rattlesnake (*Crotalus horridus*). An ODNR Division of Wildlife approved herpetologist conducted a habitat study for this species and identified four potential habitat sites within the vicinity of the project. These four areas would be demarcated on the SWPPP maps, fenced off in the field with barrier fence, and posted with signs indicating no construction is to occur within these areas. Similar avoidance measures have been approved by the ODNR in past cases. However, it has not yet been approved for this project. Staff recommends the Applicant obtain approval of avoidance measures from the ODNR prior to construction. Further, it is unclear whether the survey area included proposed access road locations. Staff recommends that the Applicant either provide confirmation that these areas were surveyed or complete additional coordination with the ODNR, the USFWS, and Staff.

The USFWS also recommends that, if the right-of-way must be mowed on an annual basis, that it be completed only once per year before March 1 or after July 15 in order to avoid seasons when ground-nesting birds are breeding.

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 July 12, 2016, provided that the following conditions are satisfied.

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 adhere to seasonal cutting dates of October 1 through March 31 for removal of any trees greater than three inches in diameter.
- (3) The Applicant shall obtain approval of avoidance measures for impacts to the timber rattlesnake from the Ohio Department of Natural Resources (ODNR) prior to construction.
- (4) The Applicant shall either provide confirmation that the timber rattlesnake survey area included proposed access road locations or complete additional coordination with the ODNR and Staff.

- (5) Prior to construction, the Applicant shall submit a final project construction access plan to Staff. This plan shall include all laydown areas, environmentally sensitive area access points, and any access locations where vegetative clearing is required. If the specific laydown or access locations chosen appear to have additional adverse impacts, the Applicant shall either propose different specific locations without such impacts, or refile its application.
- (6) The Applicant shall contact Staff, the ODNR, and the U.S. Fish and Wildlife Service (USFWS) within 24 hours if state or federal threatened or endangered species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be halted until an appropriate course of action has been agreed upon by the Applicant, Staff, and the ODNR in coordination with the USFWS.
- (7) If the right-of-way must be mowed, then mowing shall be completed only once per year before March 1 or after July 15 in order to avoid seasons when ground-nesting birds are breeding.
- (8) If any caves or abandoned mines may be disturbed the Applicant shall coordinate with the USFWS to determine if fall or spring surveys are warranted.
- (9) The Applicant shall not conduct mechanized clearing of trees within 25 feet of any stream channel.
- (10) Existing structures 02B, 02C, and 05 shall be cut near the base, the structure foundations shall be left in place, and the proposed replacement structures shall be located as far away from Hamley Run, within the existing right-of-way, as possible.
- (11) In order to ensure minimal impacts to historical resources, the Applicant shall continue to coordinate with Staff and the Ohio Historic Preservation Office regarding the recommendations contained in the Applicant's cultural resources survey reports.
- (12) The Applicant shall avoid, where possible, any damage to field drainage systems resulting from construction of the facility in agricultural areas. Damaged systems shall be repaired to at least original conditions at Applicant's expense. Severely compacted soils shall be plowed, if necessary, or otherwise reconditioned if necessary in order to restore them to original condition.

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7/5/2016 1:29:46 PM

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Case No(s). 16-0020-EL-BLN

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