



Ohio Department of Natural Resources

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December 15, 2016

Joseph Van Skaik
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Re: 16-818; Agency Coordination Letter and Threatened and Endangered Species Habitat Assessment, Line D000B Pipeline Replacement Project, CEC Project 153-230

Project: The proposed project involves the replacement of approximately 18,200 feet (3.45 miles) of existing single 20- and 24-inch spiral welded, coated steel, natural gas pipeline with new 20- and 24-inch diameter corrosion protected steel pipe.

Location: The proposed project is located in Cincinnati, Hamilton 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 records at or within a one-mile radius of the project area:

Riverbank paspalum (*Paspalum repens*), T
Maypop (*Passiflora incarnata*), T
Smooth buttonweed (*Spermacoce glabra*), P
Mixed mesophytic forest plant community
River redhorse (*Moxostoma carinatum*), SC
Channel darter (*Percina copelandi*), T
River darter (*Percina shumardi*), T
Loggerhead shrike (*Lanius ludovicianus*), E, FSC
Cave or cavern
Little Miami Scenic River
California Woods – City of Cincinnati Parks

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 information 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.

Statuses are defined as: E = state endangered; T = state threatened; P = state potentially threatened; SC = state species of concern; SI = state special interest; A = species recently added to state inventory, status not yet determined; X = presumed extirpated in Ohio; FE = federal endangered, FT = federal threatened, FSC = federal species of concern, FC = federal candidate species.

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 endangered 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 roost trees consists of 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. However, Indiana bats are also dependent on the forest structure surrounding roost trees. If suitable habitat occurs within the project area, the DOW recommends trees be conserved. If suitable habitat occurs within 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 any 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, this project is not likely to impact this species.

The project is within the range of the sheepnose (*Plethobasus cyphus*), a state endangered and federally endangered mussel, the fanshell (*Cyprogenia stegaria*), a state endangered and federally endangered mussel, the pink mucket (*Lampsilis orbiculata*), a state endangered and federally endangered mussel, the rayed bean (*Villosa fabalis*), a state endangered and federally endangered mussel, the snuffbox (*Epioblasma triquetra*), a state endangered and federally endangered mussel, the ebonyshell (*Fusconaia ebena*), a state endangered mussel, the long-solid (*Fusconaia maculata maculata*), a state endangered mussel, the butterfly (*Ellipsaria lineolata*), a state endangered mussel, the washboard (*Megaloniais nervosa*), a state endangered mussel, the elephant-ear (*Elliptio crassidens crassidens*), a state endangered mussel, the Ohio pigtoe (*Pleurobema cordatum*), a state endangered mussel, the monkeyface (*Quadrula metanevra*), a state endangered mussel, the wartyback (*Quadrula nodulata*), a state endangered mussel, the black sandshell (*Ligumia recta*), a state threatened mussel, the fawnsfoot (*Truncilla donaciformis*), a state threatened mussel, and the threehorn wartyback (*Obliquaria reflexa*), a

state threatened mussel. Due to the location, and that there is no in-water work proposed in a perennial stream, this project is not likely to impact these species.

The project is within the range of the shortnose gar (*Lepisosteus platostomus*), a state endangered fish, the shoal chub (*Macrhybopsis hyostoma*), a state endangered fish, the shovelnose sturgeon (*Scaphirhynchus platyrhynchus*), a state endangered fish, the lake sturgeon (*Acipenser fulvescens*), a state endangered fish, the northern madtom (*Noturus stigmatosus*), a state endangered fish, the bigeye shiner (*Notropis boops*) a state threatened fish, the mountain madtom (*Noturus eleutherus*), a state threatened fish, the river darter (*Percina shumardi*) a state threatened fish, the channel darter (*Percina copelandi*), a state threatened fish, the blue sucker (*Cycleptus elongatus*), a state threatened fish, and the paddlefish (*Polyodon spathula*) a state threatened fish. Due to the location, and that there is no in-water work proposed in a perennial stream, this project is not likely to impact these species.

The project is within the range of the Kirtland's snake (*Clonophis kirtlandii*), a state threatened species. This secretive species prefers wet meadows and other wetlands. Due to the location, the type of habitat present along the project route, and within the vicinity of the project area, this project is not likely to impact this species.

The project is within the range of the cave salamander (*Eurycea lucifuga*), a state endangered species. Due to the location, the type of habitat present along the project route, and within the vicinity of the project area, this project is not likely to impact this species.

The project is within the range of the American bittern (*Botaurus lentiginosus*), a state endangered bird. Nesting bitterns prefer large undisturbed wetlands that have scattered small pools amongst dense vegetation. They occasionally occupy bogs, large wet meadows, and dense shrubby swamps. Due to the location, and the type of habitat present along the project route, this project is not likely to impact this species.

The project is within the range of the lark sparrow (*Chondestes grammacus*), a state endangered bird. This sparrow nests in grassland habitats with scattered shrub layers, disturbed open areas, as well as patches of bare soil. In the Oak Openings area west of Toledo, lark sparrows occupy open grass and shrubby fields along sandy beach ridges. These summer residents normally migrate out of Ohio shortly after their young fledge or leave the nest. Due to the location, and the type of habitat present along the project route, this project is not likely to impact this species.

The project is within the range of the Sloan's crayfish (*Orconectes sloanii*), a state threatened species. Due to the location, and that there is no in-water work proposed in a perennial stream, this project is not likely to impact this species.

The project is within the range of the Kramer's cave beetle (*Pseudanophthalmus krameri*), a state endangered species, and the Ohio cave beetle (*Pseudanophthalmus ohioensis*), a state endangered species. These species are found only in caves. The Ohio Cave Protection Law, Section 1517.21 of the Ohio Revised Code, protects caves from impacts, in turn, protecting the habitat of these species. Therefore, this project is not likely to impact these 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 U.S. Fish & Wildlife Service.

Water Resources: The Division of Water Resources has the following comments.

The local floodplain administrator should be contacted concerning the possible need for any floodplain permits or approvals for this project. Your local floodplain administrator contact information can be found at the website below.

<http://water.ohiodnr.gov/water-use-planning/floodplain-management#PUB>

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.

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Summary: Exhibit Attachment 10 electronically filed by Ms. Emily Olive on behalf of Duke Energy Ohio and Spiller, Amy B. Ms. and Kingery, Jeanne W. Ms.