

**Duke Energy Ohio**  
**Case No. 19-2163-EL-BLN**  
**STAFF First Set of Data Requests**  
**Date Received: Tuesday, January 21, 2020**

**STAFF-DR-01-001**

**REQUEST:**

Please explain why this project needs expedited treatment?

**RESPONSE:**

The Dicks Creek Generation and Substation Separation project requires an expedited review to meet the necessary construction schedule to complete foundation work related to the retaining wall to be constructed. The foundations need to be completed several weeks in advance before the earthwork and expansion work within the substation. The work that requires outages to the substation and the transmission lines resulted in an adjustment in the project schedule.

**PERSON RESPONSIBLE: Dane Vandewater**

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**STAFF-DR-01-002**

**REQUEST:**

In the ODNRs coordination letter they state impacts to upland sandpiper habitat may occur. Can you explain if impacts to upland sandpiper habitat are anticipated? If so, are you committing to avoiding potential habitat for the species during the nesting period of April 15 to July 31? If not, please explain why not and what was done to insure no impacts are anticipated.

**RESPONSE:**

There is no anticipated impact to upland sandpiper habitat since the majority of the impacted area consists of maintained lawn adjacent to the existing substation fencing and heavily vegetated upland scrubby right-of-way. The Project area was evaluated for potential habitat for rare, threatened and endangered (RTE) species and, as mentioned in Section 4906-605B(10)(e) page 8, no upland sandpiper habitat was identified within the project area.

**PERSON RESPONSIBLE: Dane Vandewater**

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**STAFF-DR-01-003**

**REQUEST:**

In the USFWS's response letter they state similar concerns for the eastern massasauga. Please explain your plan for avoiding impacts to this species as well.

**RESPONSE:**

There is no anticipated impact to eastern massasauga or eastern massasauga habitat since the current project area consists of maintained lawn adjacent to the existing substation fencing and heavily vegetated upland scrubby right-of-way. The project area previously included a portion of the adjacent transmission line which included an emergent wetland (see Attachment D – Regulated Waters Delineation Report); however, as engineering was developed, it was determined that no activities were necessary within the north/south running transmission corridor (see the delineation report figures). The original project area was provided to USFWS and ODNR for coordination. However, with the reduced project area footprint (see OPSB filing – Attachment A – Figures), the wetland is no longer within the project area and now there is no potential habitat for eastern massasauga located within the project area.

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**STAFF-DR-01-004**

**REQUEST:**

How much tree clearing is needed for the proposed project? And please explain how you will avoid impacts to the Indiana and Northern long-eared bats in relation to this tree clearing.

**RESPONSE:**

There is no anticipated clearing of trees for this project. The vegetation clearing activities associated with this project include removing shrubs and grassy vegetation within the existing transmission right-of-way and the shrubs adjacent to the existing substation fencing.

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**STAFF-DR-01-005**

**REQUEST:**

Please list all permits you will need for the project besides the NPDES permit mentioned on page 7 of the application. For the NPDES permit, you state you will submit for the permit in January 2020. Have you applied for the permit yet? And has a SWPPP been prepared for the project yet? If yes, please update Staff and submit the SWPPP to Staff.

**RESPONSE:**

The NPDES Notice of Intent (NOI) is anticipated to be submitted to OPEA before January 31, 2020. A draft SWPPP has been developed and is being reviewed and revised prior to finalizing the SWPPP package. Duke Energy Ohio will provide the confirmation once the NPDES NOI has been submitted.

**PERSON RESPONSIBLE: Dane Vandewater**

**This foregoing document was electronically filed with the Public Utilities**

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Summary: Response Staff Data Request 1 Responses electronically filed by Ms. Emily Olive on behalf of Duke Energy Ohio and D'Ascenzo, Rocco O. Mr. and Kingery, Jeanne W. Ms.