



# Ohio Department of Natural Resources

MIKE DEWINE, GOVERNOR

MARY MERTZ, DIRECTOR

**Office of Real Estate**  
*John Kessler, Chief*  
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Columbus, OH 43229  
Phone: [REDACTED]  
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November 24, 2020

[REDACTED]  
Wood PLC  
1621 Brandon Park Dr., E  
Manchester, MO 63021

**Re:** 20-938; Duke Energy AA00

**Project:** The proposed project involves installing underground utility lines.

**Location:** The proposed project is located in Delhi Township, 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 record at or within a one-mile radius of the project area:

River darter (*Percina shumardi*), State threatened

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.

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 entire state of Ohio is within the range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species, the northern long-eared bat (*Myotis septentrionalis*), a state endangered and federally threatened species, the little brown bat (*Myotis lucifugus*), a state endangered species, and the tricolored bat (*Perimyotis subflavus*), a state endangered species. During the spring and summer (April 1 through September 30), these species of bats predominately roost in trees behind loose, exfoliating bark, in crevices and cavities, or in the leaves. However, these species are also dependent on the forest structure surrounding roost trees. If trees are present within the project area, and trees must be cut, the DOW recommends cutting only occur from October 1 through March 31, conserving trees with loose, shaggy bark and/or crevices, holes, or cavities, as well as trees with DBH  $\geq 20$  if possible. If trees are present within the project area, and trees must be cut during the summer months, the DOW recommends a mist net survey or acoustic survey be conducted from June 1 through August 15, prior to any cutting. Mist net and acoustic surveys should be conducted in accordance with the most recent version of the "OHIO DIVISION OF WILDLIFE GUIDANCE FOR BAT SURVEYS AND TREE CLEARING". If state listed bats are documented, DOW recommends cutting only occur from October 1 through March 31, however, limited summer tree cutting may be acceptable after consultation with DOW (contact [REDACTED]).

The DOW also recommends that a desktop habitat assessment, followed by a field assessment if needed, is conducted to determine if there are potential hibernaculum(a) present within the project area. Information about how to conduct habitat assessments can be found in the current USFWS "Range-wide Indiana Bat Survey Guidelines." If a habitat assessment finds that potential hibernacula are present within 0.25 miles of the project area, please send this information to [REDACTED] for project recommendations. If a potential or known hibernaculum is found, the DOW recommends a 0.25-mile tree cutting and subsurface disturbance buffer around the hibernaculum entrance, however, limited summer or winter tree cutting may be acceptable after consultation with DOW. If no tree cutting or subsurface impacts to a hibernaculum are proposed, this project is not likely to impact these species.

The project is within the range of the following listed mussel species:

Federally Endangered

fanshell (*Cyprogenia stegaria*)  
pink mucket (*Lampsilis orbiculata*)  
rayed bean (*Villosa fabalis*)  
sheepnose (*Plethobasus cyphus*)  
snuffbox (*Epioblasma triquetra*)

State Endangered

butterfly (*Ellipsaria lineolata*)  
ebonyshell (*Fusconaia ebena*)  
elephant-ear (*Elliptio crassidens crassidens*)  
long-solid (*Fusconaia maculata maculata*)  
monkeyface (*Quadrula metanevra*)  
Ohio pigtoe (*Pleurobema cordatum*)  
wartyback (*Quadrula nodulata*)  
washboard (*Megaloniaias nervosa*)

State Threatened

black sandshell (*Ligumia recta*)  
fawnsfoot (*Truncilla donaciformis*)

threehorn wartyback (*Obliquaria reflexa*)

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

The project is within the range of the following listed fish species:

State Endangered

bigeye shiner (*Notropis boops*)  
lake sturgeon (*Acipenser fulvescens*)  
northern madtom (*Noturus stigmosus*)  
popeye shiner (*Notropis ariommus*)  
shoal chub (*Macrhybopsis hyostoma*)  
shortnose gar (*Lepisosteus platostomus*)  
shovelnose sturgeon (*Scaphirhynchus platyrhynchus*)

State Threatened

blue sucker (*Cycleptus elongatus*)  
channel darter (*Percina copelandi*)  
mountain madtom (*Noturus eleutherus*)  
paddlefish (*Polyodon spathula*)  
river darter (*Percina shumardi*)

The DOW recommends no in-water work in perennial streams from April 15 through June 30 to reduce impacts to indigenous aquatic species and their habitat. If no in-water work is proposed in a perennial stream, this project is not likely to impact these or other aquatic 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 within the project area, and the type of work proposed, 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 within the project area, and the type of work proposed, 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. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 to July 31. If this type of habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the black-crowned night-heron (*Nycticorax nycticorax*), a state-threatened bird. Night-herons are so named because they are nocturnal, conducting most of their foraging in the evening hours or at night, and roost in trees near wetlands and waterbodies during the day. Night herons are migratory and are typically found in Ohio from April 1 through December 1 but can be found in more urbanized areas with reliable food sources year-round. Black-crowned night-herons primarily forage in wetlands and other shallow aquatic habitats, and roost in trees nearby. These night-herons nest in small trees, saplings, shrubs, or sometimes on the ground, near bodies of water and wetlands. If this type of habitat will be impacted,

construction should be avoided in this habitat during the species' nesting period of May 1 to July 31. If this type of habitat will not be impacted, 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. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 to June 30. If this habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the least bittern (*Ixobrychus exilis*), a state threatened bird. This secretive marsh species prefers dense emergent wetlands with thick stands of cattails, sedges, sawgrass or other semiaquatic vegetation interspersed with woody vegetation and open water. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 to July 31. If this type of habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the loggerhead shrike (*Lanius ludovicianus*), a state endangered bird. The loggerhead shrike nests in hedgerows, thickets and fencerows. They hunt over hayfields, pastures, and other grasslands. If thickets or other types of dense shrubby habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 1 to August 1. If this habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the trumpeter swan (*Cygnus buccinator*), a state threatened bird. Trumpeter swans prefer large marshes and lakes ranging in size from 40 to 150 acres. They like shallow wetlands one to three feet deep with a diverse mix of plenty of emergent and submergent vegetation and open water. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 15 to June 15. If this habitat will not be impacted, this project is not likely to have an impact on 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 U.S. Fish & Wildlife Service.

**Water Resources:** The Division of Water Resources has the following comment.

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/portals/soilwater/pdf/floodplain/Floodplain%20Manager%20Community%20Contact%20List\\_8\\_16.pdf](http://water.ohiodnr.gov/portals/soilwater/pdf/floodplain/Floodplain%20Manager%20Community%20Contact%20List_8_16.pdf)

ODNR appreciates the opportunity to provide these comments. Please contact [REDACTED] Environmental Specialist, at [REDACTED] or [REDACTED] if you have questions about these comments or need additional information.

[REDACTED]  
Environmental Services Administrator (Acting)

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, March 11, 2021 10:36 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: 20-938; John Wood Group PLC - Duke Energy AA00 Comments

**CAUTION:** External email. Please do not click on links/attachments unless you know the content is genuine and safe.

Hi [REDACTED] – Thanks for sending the additional information about project 20-938. According to Ohio DOW guidelines, any tree that is 20 inches DBH or larger is considered a potential roost tree. I obviously can't tell the exact size from the photos, but a few of those trees look pretty big. If any of the trees to be cut in the summer are 20 inches DBH or larger, we recommend conducting emergence counts on those trees prior to cutting. Additionally, state endangered tricolored bats have been known to roost in trees leaves, specifically in clusters of dead leaves that occur in the upper third of the tree. If any trees meet that criteria at the time you plan to cut, we recommend conducting emergence counts on those trees as well.

Let me know if you have any questions!

[REDACTED]



[REDACTED]  
Wildlife Technician (bats/pollinators)  
ODNR Division of Wildlife  
2045 Morse Road  
Columbus, OH 43229  
Phone: [REDACTED]  
Email: [REDACTED]

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**From:** [REDACTED]  
**Sent:** Wednesday, March 10, 2021 4:30 PM  
**To:** [REDACTED]  
**Subject:** FW: 20-938; John Wood Group PLC - Duke Energy AA00 Comments