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February 22, 2021

Ms. Tanowa M. Troupe
Ohio Power Siting Board
PUCO Docketing Division
180 East Broad Street, 11th Floor
Columbus, OH 43215-3716

Re: Case No. 20-1411-GA-BTX
Ohio Department of Natural Resources Comments

Dear Ms. Troupe:

Please find attached a response from the Ohio Department of Natural Resources relating to the above-referenced case.

Please contact me if you have any questions.

Sincerely,

Emily A. Olive, CP
Paralegal



Ohio Department of Natural Resources

MIKE DEWINE, GOVERNOR

MARY MERTZ, DIRECTOR

Office of Real Estate

John Kessler, Chief
2045 Morse Road – Bldg. E-2
Columbus, OH 43229
Phone: (614) 265-6621
Fax: (614) 267-4764

February 18, 2021

Michael Hogan
Burns & McDonnell
425 S. Woods Mill Rd., Suite 300
Chesterfield, MO 63017

Re: 21-0024; Bethel - Batavia Pipeline Project (20-1411-GA-BTX)

Project: The project proposes the installation of a new approximately 14-mile, 12-inch natural gas transmission pipeline, and associated mainline valve and pig launcher and receiver sites with associated regulation equipment.

Location: The proposed project is located in Clermont 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:

Blue false indigo (*Baptisia australis*), E
Southern woodrush (*Luzula bulbosa*), P
Wild-goose plum (*Prunus rivularis*), A
Carolina willow (*Salix caroliniana*), P
Beech oak red maple forest plant community
Wavy-rayed lampmussel (*Lampsilis fasciola*), SC
Salamander mussel (*Simpsonaias ambigua*), SC
Eastern hognose snake (*Heterodon platirhinos*), SC
Mussel bed
East Fork State Park – ODNR Division of Parks & Watercraft
Sycamore State Park – ODNR Division of Parks & Watercraft
East Fork Wildlife Area – ODNR Division of Wildlife
222 Roadside Park – Clermont Co. Park District

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.

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 portion of the project in Tate Township is within the vicinity of records for the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species. Because presence of state endangered bat species has been established in the area, summer tree cutting is not recommended, and additional summer surveys would not constitute presence/absence in the area. However, limited summer tree cutting inside this buffer may be acceptable after further consultation with DOW (contact Sarah Stankavich, sarah.stankavich@dnr.state.oh.us).

The remainder of the project 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 bat species 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. The DOW recommends tree 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".

<https://ohiodnr.gov/static/documents/wildlife/wildlife-management/Bat+Survey+Guidelines.pdf>

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 Sarah Stankavich, sarah.stankavich@dnr.state.oh.us 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

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

State Endangered

butterfly (*Ellipsaria lineolata*)
ebonyshell (*Fusconaia ebena*)
elephant-ear (*Elliptio crassidens crassidens*)
little spectaclecase (*Villosa lienosa*)
monkey face (*Quadrula metanevra*)
Ohio pigtoe (*Pleurobema cordatum*)
wartback (*Quadrula nodulata*)
washboard (*Megaloniaias nervosa*)

State Threatened

fawnsfoot (*Truncilla donaciformis*)
threehorn wartback (*Obliquaria reflexa*)

This project must not have an impact on freshwater native mussels at the project site. This applies to both listed and non-listed species. Per the Ohio Mussel Survey Protocol (2020), all Group 2, 3, and 4 streams (Appendix A) require a mussel survey. Per the Ohio Mussel Survey Protocol, Group 1 streams (Appendix A) and unlisted streams with a watershed of 5 square miles or larger above the point of impact should be assessed using the Reconnaissance Survey for Unionid Mussels (Appendix B) to determine if mussels are present. Mussel surveys may be recommended for these streams as well. This is further explained within the Ohio Mussel Survey Protocol. Therefore, if in-water work is planned in any stream that meets any of the above criteria, the DOW recommends the applicant provide information to indicate no mussel impacts will occur. If this is not possible, the DOW recommends a professional malacologist conduct a mussel survey in the project area. If mussels that cannot be avoided are found in the project area, as a last resort, the DOW recommends a professional malacologist collect and relocate the mussels to suitable and similar habitat upstream of the project site. Mussel surveys and any subsequent mussel relocation should be done in accordance with the Ohio Mussel Survey Protocol. The Ohio Mussel Survey Protocol (2020) can be found at:

<http://wildlife.ohiodnr.gov/portals/wildlife/pdfs/licenses%20&%20permits/OH%20Mussel%20Survey%20Protocol.pdf>

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

State Endangered

bigeye shiner (*Notropis boops*)
goldeye (*Hiodon alosoides*)
northern madtom (*Noturus stigmosus*)
shoal chub (*Macrhybopsis hyostoma*)
shortnose gar (*Lepisosteus platostomus*)

shovelnose sturgeon (*Scaphirhynchus platyrhynchus*)

State Threatened

American eel (*Anguilla rostrata*)

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 fields and meadows. The DOW recommends that an approved herpetologist conduct a habitat suitability survey along the preferred and alternate project routes. If suitable habitat is determined to be present, the DOW recommends that a presence/absence survey be conducted, or an avoidance/minimization plan be developed and implemented by the approved herpetologist.

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 northern harrier (*Circus hudsonis*), a state endangered bird. This is a common migrant and winter species. Nesters are much rarer, although they occasionally breed in large marshes and grasslands. Harriers often nest in loose colonies. The female builds a nest out of sticks on the ground, often on top of a mound. Harriers hunt over grasslands. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 15 to August 1. If this habitat will not be impacted, this project is not likely to impact 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

ODNR appreciates the opportunity to provide these comments. Please contact Sarah Tebbe, Environmental Specialist, at Sarah.Tebbe@dnr.ohio.gov if you have questions about these comments or need additional information.

Mike Pettegrew
Environmental Services Administrator (Acting)



Ohio Division of Wildlife

APPROVED HERPETOLOGISTS

The following individuals are approved to conduct habitat suitability surveys and presence/absence surveys for the state listed reptiles and amphibians specified below.

Ramsey Langford

3023 Colon Dr.
Copley, Ohio 44321
ramseylangford@gmail.com
330-447-4840

Approved for:

- Spotted turtle (*Clemmys guttata*)
- Blanding's turtle (*Emydoidea blandingii*)
- Smooth greensnake (*Opheodrys vernalis*)

Teal Dimitrie

3054 Kensington Rd.
Cleveland Heights, Ohio 44118
trichards-dimitrie@enviroscienceinc.com
586-846-0087

Approved for:

- Spotted turtle (*Clemmys guttata*)
- Blanding's turtle (*Emydoidea blandingii*)

Michael Hoggarth

Department of Biology and Earth Science
Otterbein University
Westerville, Ohio 43081
mhoggarth@otterbein.edu
614-823-1667

Approved for:

- Green salamander (*Aneides aeneus*)
- Lake Erie watersnake (*Nerodia sipedon insularum*)
- Eastern hellbender (*Cryptobranchus alleganiensis*)

Matthew Cross

1736 C Dublin Ct.
Bowling Green, Ohio 43402
eobsoleta01@gmail.com
616-240-6486

Approved for:

- Blanding's turtle (*Emydoidea blandingii*)
- Kirtland's snake (*Clonophis kirtlandii*)
- Spotted turtle (*Clemmys guttata*)
- Eastern massasauga (*Sistrurus catenatus catenatus*)*
- Timber rattlesnake (*Crotalus horridus*)
- Blue spotted salamander (*Ambystoma laterale*)

Thomas Pauley

4525 Este Ave.
Cincinnati, Ohio 45232
tpauley@envsi.com
513-451-1777

Approved for:

- Green salamander (*Aneides aeneus*)
- Timber rattlesnake (*Crotalus horridus*)

Bruce Kingsbury

2224 Springfield Ave.
Fort Wayne, Indiana 46805
bruce.kingsbury@jpfw.edu
260-341-2013

Approved for:

- Eastern massasauga (*Sistrurus catenatus catenatus*)*
- Kirtland's snake (*Clonophis kirtlandii*)
- Blanding's turtle (*Emydoidea blandingii*)
- Spotted turtle (*Clemmys guttata*)
- Copper-bellied watersnake (*Nerodia erythrogaster neglecta*)*

Please direct questions concerning this list to: wildlife.permits@dnr.ohio.gov

Nicholas Smeenk
2158 Northern Rd.
Columbus, Ohio 43221
614-354-7890

Approved for: - Eastern massasauga (*Sistrurus catenatus catenatus*)*
- Eastern hellbender (*Cryptobranchus alleganiensis*)
- Blanding's turtle (*Emydoidea blandingii*)

The following individuals are approved to conduct habitat suitability surveys and presence/absence surveys for all state listed reptiles and amphibians.

Kent Bekker
542 Centerfield Drive
Maumee, Ohio 43537
kbekker@gmail.com
419-376-4384

Ralph Pfungsten
347 Pineview Circle
Berea, Ohio 44017
rap347@wideopenwest.com
440-243-7568

Tim O. Matson
5696 Matson Rd
Geneva, OH 44041
tmatson@cmnh.org
440-417-8196

Jeff Davis
625 Crescent Road
Hamilton, Ohio 45013
ohiofrogs@gmail.com
513-868-3154

Gregory Lipps, LLC
1473 County Road 5-2
Delta, Ohio 43515-9657
greglipps@gmail.com
419-376-3441

Doug Wynn
241 Chase Street, Apt. A1
Russell's Point, Ohio 43348
Sistrurus@aol.com
614-306-0313

Kristin Stanford
OSU Stone Laboratory
P.O. Box 119
Put-in-Bay, OH 43456
theislandsnakelady@yahoo.com
419-285-1847

* Federally listed species also require a federal permit

Please direct questions concerning this list to: wildlife.permits@dnr.ohio.gov

Sept. 2020