



155 East Broad Street  
20<sup>th</sup> Floor  
Columbus, Ohio, 43215

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January 21, 2021

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

Re: Case No. 16-253-GA-BTX  
Staff Report Condition No. 8 – Updated Authorization Letter U.S. Army Corps of  
Engineers

Dear Ms. Troupe:

Please find attached an updated authorization letter received from the U.S. Army Corps of Engineers relating to the Central Corridor Pipeline project.

Duke Energy Ohio sets forth this communication to certify our adherence with Condition No. 8 of the OPSB's Opinion, Order and Certificate pertaining to Case No. 16-253-GA-BTX.

Please contact me if you have any questions.

Sincerely,

Emily A. Olive, CP  
Paralegal



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
HUNTINGTON DISTRICT, CORPS OF ENGINEERS  
502 EIGHTH STREET  
HUNTINGTON, WEST VIRGINIA 25701-2070

January 20, 2021

Regulatory Division  
North Branch  
LRH-2020-351-OHR-Mill Creek

**NATIONWIDE PERMIT 39 VERIFICATION**

Mr. James Olberding  
Duke Energy of Ohio, Inc.  
139 E. 4<sup>th</sup> Street, Room 420  
Cincinnati, Ohio 45202

Dear Mr. Olberding:

I refer to your Nationwide Permit (NWP) 39 verification dated October 14, 2020 concerning the C314V Central Corridor Pipeline Extension Project. You were previously authorized under NWP 39 to discharge dredged and/or fill material into 20 linear feet (0.005 acre) of five (5) streams, and 0.46 acre of five (5) wetlands in association with the construction of a commercial development project. The project site is located beginning at the planned Highpoint Regulation Station at the northern portion of the project traversing south through Sycamore Township, the City of Blue Ash, Village of Evendale, City of Reading, Amberley Village, Village of Golf Manor, and the City of Cincinnati, within Hamilton County, Ohio (Origin: Latitude: 39.28854°N, Longitude: 84.35538°W; Terminus: Latitude: 39.17901°N, Longitude: 84.4547°W). We have assigned the following file number to your PCN: LRH-2020-351-OHR-Mill Creek. Please reference this file number on all future correspondence related to this subject proposal.

The United States Army Corps of Engineers' (Corps) authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328, including the amendments to 33 FFR 328.3 (85 Federal Register 22250), and 33 CFR 329. Section 404 of the Clean Water Act (Section 404) requires a Department of the Army (DA) permit be obtained prior to discharging dredged and/or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 (Section 10) requires a DA permit be obtained for any work in, on, over or under a navigable water.

According to the information provided on January 7, 2021, you have requested a modification to the NWP 39 verification dated October 14, 2020. Based on the information provided, you have requested that the aforementioned authorization include an additional temporary impact to 0.005 acre of one (1) wetland (W-BO001) via open cut trench within the project area. No other aspects of the project have been modified or deviate from the original proposal. All work will be conducted in accordance with the drawings titled *Figure 2 Project Plan and Water Resources*, dated June 5, 2020, and *Figure 1 Laydown Yard – Reed Hartman HWY Detail Map*, dated January 6, 2021, submitted with the PCN materials.

Based on the provided information, it has been determined the discharge of dredged and/or fill material into waters of the United States in conjunction with the construction of the commercial development project meets the criteria for NWP No. 39, Commercial Developments (enclosed) under the January 6, 2017 Federal Register, Issuance and Reissuance of NWPs (82 FR 1860) provided you comply with all terms and conditions of the enclosed material and the enclosed special conditions, and the 401 Water Quality Certification issued by the Ohio Environmental Protection Agency (Ohio EPA) on March 17, 2017. Please be aware that this letter does not excuse you from the obligation to obtain any other Federal, state and/or local authorization, if required.

This verification is valid until the expiration date of the NWPs, unless the NWP authorization is modified, suspended, or revoked. The verification will remain valid if the NWP authorization is reissued without modification or the activity complies with any subsequent modification of the NWP authorization. All of the existing NWPs are scheduled to be modified, reissued, or revoked on March 18, 2022. Prior to this date, it is not necessary to contact this office for re-verification of your project unless the plans for the proposed activity are modified. Furthermore, if you commence or under contract to commence this activity before March 18, 2022, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

A copy of the NWP and this verification letter must be kept at the site during construction. Upon completion of the activities authorized by this NWP verification, the enclosed certification must be signed and returned to this office. If you have any questions concerning the above, please contact Kyle Moore at 513-825-3444, by mail at the above address, or by email at [kyle.m.moore@usace.army.mil](mailto:kyle.m.moore@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew J. Wendt', with a stylized flourish at the end.

Andrew J. Wendt  
Regulatory Project Manager  
North Branch

Enclosures  
cc: via email  
Mr. Mike Frank  
Jacobs Engineering Group, Inc.  
[Mike.Frank@jacobs.com](mailto:Mike.Frank@jacobs.com)

**Table 1. Authorized discharge of dredged and/or fill material into waters of the U.S. associated with the construction of the Duke Energy Ohio, Inc. - C314V Central Corridor Pipeline Extension Project.**

<b>Aquatic Resource ID</b>	<b>Latitude and Longitude</b>	<b>Wetland Cowardin Classification or Stream Flow Regime</b>	<b>Fill in Linear Feet (lf)</b>	<b>Fill in Acre (ac)</b>	<b>Other Pertinent Information</b>
P-W001	39.2886, -84.3546	Forested	---	0.423	Permanent Grading – 708 cubic yards of fill
P-W003	39.2887, -84.3559	Forested	---	0.025	Permanent Conversion ROW Clearing & Grubbing – 27.6 cubic yards of fill
P-W016	39.2667, -84.3784	Scrub Shrub	---	0.012	Permanent Conversion ROW Clearing & Grubbing – 21.3 cubic yards of fill
O-W006	39.2883, -84.3549	Forested	---	0.008	Permanent Conversion ROW Clearing & Grubbing – 13 cubic yards of fill
W-BO001	39.27652, -84.3737	Emergent	---	0.005	Temporary – Open Cut Trench
P-S001	39.2892, -84.3571	Perennial	4	0.0007	Temporary – Open Cut Trench
P-S030	39.2794, -84.3689	Perennial	4	0.0006	Temporary – Open Cut Trench
P-S029	39.2667, -84.3782	Intermittent	4	0.0002	Temporary – Open Cut Trench
G-SRH04	39.2442, -84.4353	Ephemeral	4	0.0005	Temporary – Open Cut Trench
G-SRH08	39.2090, -84.4466	Intermittent	4	0.0026	Temporary – Open Cut Trench

**SPECIAL CONDITIONS FOR  
NATIONWIDE PERMIT NO. 39 VERIFICATION  
C314V CENTRAL CORRIDOR PIPELINE EXTENSION PROJECT  
CITY OF CINCINNATI, HAMILTON COUNTY, OHIO  
LRH-2020-351-OHR-MILL CREEK**

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1. All work will be conducted in accordance with drawings titled *Figure 2 Project Plan and Water Resources*, dated June 5, 2020, and *Figure 1 Laydown Yard – Reed Hartman HWY Detail Map*, dated January 6, 2021, prepared by Jacobs Engineering Group, Inc., and submitted with the PCN materials.
2. Enclosed is a copy of Nationwide Permit No. 39 which will be kept at the site during construction. A copy of the nationwide permit verification, special conditions, and the submitted construction plans must be kept at the site during construction. The permittee will supply a copy of these documents to their project engineer responsible for construction activities.
3. Upon completion of the activity authorized by this nationwide permit verification, the enclosed certification must be signed and returned to this office along with as-built drawings showing the location and configuration, as well as all pertinent dimensions and elevations of the activity authorized under this nationwide permit verification.
4. Should new information regarding the scope and/or impacts of the project become available that was not submitted to this office during our review of the proposal, the permittee must submit written information concerning proposed modification(s) to this office for review and evaluation, as soon as practicable
5. Construction activities will be performed during low flow conditions to the maximum extent practicable. Additionally, appropriate site specific best management practices for sediment and erosion control will be fully implemented during construction activities at the site.
6. No area for which grading has been completed will be unseeded or unmulched for longer than 14 days. All disturbed areas will be seeded and/or revegetated with native species and approved seed mixes (where practicable) after completion of construction activities for stabilization and to help preclude the establishment of non-native invasive species.
7. Section 7 obligations under Endangered Species Act must be reconsidered if new information reveals impacts of the project that may affect federally listed species or critical habitat in a manner not previously considered, the proposed project is subsequently modified to include activities which were not considered during Section 7 consultation with the United States Fish and Wildlife Service, or new species are listed or critical habitat designated that might be affected by the subject project.

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8. In the event any previously unknown historic or archaeological sites or human remains are uncovered while accomplishing the activity authorized by this nationwide permit authorization, the permittee must cease all work in waters of the United States immediately and contact local, state and county law enforcement offices (only contact law enforcement on findings of human remains), the Corps at 304-399-5210 and Ohio State Historic Preservation Office at 614-298-2000. The Corps will initiate the Federal, state and tribal coordination required to comply with the National Historic Preservation Act and applicable state and local laws and regulations. Federally recognized tribes are afforded a government-to-government status as sovereign nations and consultation is required under Executive Order 13175 and 36 CFR Part 800.
9. Based upon the results of the summer mist net survey titled “Bat Survey Report Duke Energy Central Corridor Pipeline Extension Hamilton County, Ohio” and dated August, 2020, no federally-listed endangered Indiana bats (*Myotis sodalis*) were detected, demonstrating probable absence of the Indiana bats in the project area. Currently, the Service has no known hibernacula or maternity roost records for the federally-listed threatened northern long-eared bat (*Myotis septentrionalis*) in the vicinity of the project. Therefore, the 4(d) rule for the northern long-eared bat applies (<http://www.fws.gov/midwest/endangered/mammals/nleb/index.html>). Tree clearing on the project site at any time of the year is unlikely to result in adverse impacts to the Indiana bats and will not result in any unauthorized incidental take of the northern long-eared bats. Negative Indiana bat summer surveys are valid for five years. Therefore, no tree clearing will occur on the site after March 31, 2025 without further coordination with the United States Fish and Wildlife Service. The United States Fish and Wildlife Service may be contacted by mail at 4625 Morse Road, Suite 104, Columbus, Ohio, by fax at (614) 416-8994, or phone at (614) 416-8993.
10. To compensate for the permanent loss and conversion of 0.46 acre of scrub shrub and forested wetlands associated with construction of the proposed project, the permittee will purchase 1.2 acres of wetland mitigation credit from the Nature Conservancy Stream and Wetland In-Lieu Fee Program. Prior to discharge of dredged and/or fill material into waters of the United States, the permittee must provide to the Corps a copy of the fully executed mitigation purchase agreement with the aforementioned mitigation bank confirming the complete purchase of 1.2 acres of wetland mitigation credits.