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Bricker & Eckler
ATTORNEYS AT LAW
COLUMBUS | CLEVELAND
CINCINNATI-DAYTON

BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215-4291
MAIN: 614.227.2300
FAX: 614.227.2390

www.bricker.com
info@bricker.com

Sally W. Bloomfield
614.227.2368
sbloomfield@bricker.com

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April 13, 2009

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PUCO

VIA HAND DELIVERY

Ms. Renee Jenkins
Docketing Chief
Public Utilities Commission of Ohio
180 East Broad Street, 13th Floor
Columbus, Ohio 43215-3793

Re: Dominion East Ohio Franklin 20 Inch Pipeline Project
Case No. 8-289-GA-BTX
Certificate Condition No. 4
UPDATED with correction

Dear Ms. Jenkins:

This letter is to inform the Ohio Power Siting Board that with respect to the Franklin 20 Inch Pipeline Project, a copy of the approval from the U.S. Department of the Interior Fish and Wildlife Service was provided to staff on or about March 20, 2009 prior to the issuance of the Opinion, Order and Certificate issued March 23, 2009. This document is now formally provided to the public docket to comply with Condition No. 4 of the Opinion, Order and Certificate.

If you have any questions, please call me at the number listed above.

Sincerely,

Sally W. Bloomfield

Enclosure

CC: Ray Strom

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician TM Date Processed 4/13/2009



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4625 Morse Road, Suite 104
Columbus, Ohio 43230
614-416-8993 / FAX 614-416-8994
March 11, 2009

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**DOMINION GAS
ENVIRONMENTAL SERVICES**

Sheri Franz
Dominion Resources Services, Inc.
4th Floor, DL Clark Building
501 Martindale Street
Pittsburgh, PA 15212

TAILS: 2008-TA-0548

Re: Dominion East Ohio proposed Franklin 20-inch storage pipeline project, Wayne and Summit Counties, OH

Dear Ms. Franz:

This is in response to the January 29, 2009 letter from Dominion Resources Services, Inc. regarding federally threatened and endangered species at the above-referenced project site. The proposed project involves the installation of 8.7 miles of new 20-inch natural gas pipeline in Chippewa and Franklin Townships of Wayne and Summit Counties Ohio. The proposed pipeline follows an existing pipeline right-of-way throughout most of its length and construction will be limited to a 30-foot corridor along the proposed centerline. Existing access roads and storage areas located within a half mile of the proposed project area will be utilized.

There are no Federal wilderness areas, wildlife refuges, or designated Critical Habitat within the vicinity of the proposed site.

In general, we recommend that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat, such as forests, streams, and wetlands. Best constructions techniques should be used to minimize erosion, particularly on slopes. Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. We support and recommend mitigation activities that reduce the likelihood of invasive plant spread and encourage native plant colonization. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats. All disturbed areas in the project vicinity should be mulched and revegetated with native plant species. In particular, for this project, staging areas should be kept well away from streams and wetlands, and previously disturbed, open areas should be utilized wherever possible and construction right-of-ways should be quickly replanted with native vegetation following pipeline installation.

ENDANGERED SPECIES COMMENTS: The proposed project lies within the range of the Indiana bat (*Myotis sodalis*), a federally listed endangered species. Since first listed as endangered in 1967, their population has declined by nearly 60%. Several factors have contributed to the decline of the Indiana bat, including the loss and degradation of suitable hibernacula, human disturbance during hibernation, pesticides, and the loss and degradation of forested habitat, particularly stands of large, mature trees. Fragmentation of forest habitat may also contribute to declines. During winter, Indiana bats hibernate in caves and abandoned mines. Summer habitat requirements for the species are not well defined but the following are considered important:

- (1) dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas;
- (2) live trees (such as shagbark hickory and oaks) which have exfoliating bark;
- (3) stream corridors, riparian areas, and upland woodlots which provide forage sites.

On August 14 and 15, 2008 emergent surveys were conducted on the potential maternity roost trees that could not be avoided by the project. At that time the proposed project indicated that clearing was to occur in the winter between September 30 and April 1. Because the project area was not conducive to mist-netting, emergent surveys were used to determine whether bats were utilizing the identified potential maternity roost trees. The reasoning for recommending the emergent surveys was to ensure that no active maternity roost trees would be cleared as this could impact future reproductive success of any Indiana bats in the area. We now have new information from a mist net survey in the area that was conducted in July 2008. The entire project falls within the five mile radius of a capture of a post-lactating female Indiana bat. Because the forested areas to be cleared constitute suboptimal habitat, the amount of habitat being cleared should not have long-term implications for reproductive success of the bats in the area. However, we are concerned about the potential for Indiana bats to be utilizing other roost trees within the project area. Because we have the capture data, we must assume that Indiana Bats are using the habitat within the project area. The best habitat is likely along the area that is being directionally drilled, thereby avoiding the most critical area. However, if any Indiana bats are roosting in other sections of the pipeline where tree clearing is necessary, cutting roost trees during the summer months could constitute take. Therefore, we recommend that any trees exhibiting any of the characteristics, listed above, as well as surrounding trees, be saved wherever possible. But, if they cannot be avoided, they should only be cut between September 30 and April 1.

In the event that seasonal clearing is not possible, we recommend identifying all potential roost trees and conducting emergence surveys on those trees. The emergence surveys should be conducted between April 1 and September 30, when the presence of roosting bats could be detected. The survey should be conducted from dusk until dark in order to detect bats emerging from the trees to be removed as well as any bat activity within or near the project area (bats emerging from other trees, bats flying and/or bats located using a bat detector). The survey should not be conducted during inclement weather such as precipitation, strong wind, and temperatures below 10°C. During these weather conditions, bats become less active and may not be detectable. Any survey should be designed and conducted in coordination with the Endangered Species Coordinator for this office.

The portion of the project within Summit County lies within the range of the federally threatened **northern monkshood** (*Aconitum noveboracense*). The plant is found on cool, moist, talus slopes or shaded cliff faces in wooded ravines. The project location was examined to determine if suitable habitat for the monkshood was present. This assessment was conducted in coordination with the Ohio Field Office and no suitable habitat was found. Therefore, the project, as proposed, should not impact this species or its habitat.

The portion of the project within Wayne County lies within the range of the **eastern prairie fringed orchid** (*Platanthera leucophaea*), a federally-listed threatened species. This tall showy orchid is found in wet prairies, sedge meadows, and moist road-side ditches. The project location was examined to determine if suitable habitat for the orchid was present and suitable habitat was found at three locations. However, a presence/absence survey was conducted on July 9, 2008 in coordination with the Ohio Field Office. The survey met the Service's recommended protocol and was conducted when orchids were blooming. No orchids were detected during the intensive walk-through survey of the three locations with suitable habitat. Therefore, the project, as proposed, should not impact this species or its habitat.

The project area lies within the range of the bald eagle (*Haliaeetus leucocephalus*). The bald eagle has been removed from the Federal list of endangered and threatened species due to recovery. This species continues to be afforded protection by the Bald and Golden Eagle Protection Act, and the Migratory Bird Treaty Act. There is a known bald eagle nest approximately one mile from the proposed project location. However, due to the land use between the project area and the nest, no impact to this species is expected.

The project lies within the range of the eastern massasauga (*Sistrurus catenatus catenatus*), a docile rattlesnake that is declining throughout its national range and is currently a Federal Candidate species. The snake is currently listed as endangered by the State of Ohio. The project location was examined to determine if suitable habitat for the massasauga was present. This assessment was conducted in coordination with the Ohio Field Office and no suitable habitat was found. Therefore, the project, as proposed, should not impact this species or its habitat.

Should additional information on listed or proposed species or their critical habitat become available or if new information reveals effects of the action that were not previously considered, our comments and recommendations may be reconsidered. 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 Endangered Species Act of 1973 (ESA), as amended, and are consistent with the intent of the National Environmental Policy Act of 1969 and the U. S. Fish and Wildlife Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed section 7 consultation document. If you have questions, or if we may be of further assistance in this matter, please contact Jennifer Smith-Castro at extension 14 in this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Knapp", with a stylized flourish at the end.

Mary Knapp, Ph.D.
Field Supervisor

cc: ODNR, DOW, SCEA Unit, Columbus, OH
ODNR, Division of Real Estate & Land Management, Columbus, OH