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Letter of Notification For PIR-062 Apple Creek Road Pipeline Replacement (L#1157)

Ohio Power Siting Board Case No. 10-2379-GA-BLN

All OCT 18 PM 4.55

Submitted by

CASE No. 10-2379-GA-BLN LETTER OF NOTIFICATION

The following information is being provided in accordance with the procedures delineated in Ohio Administrative Code Section 4906-11-01: <u>Letter of Notification Requirements</u> of the Rules and Regulation of the Ohio Power Siting Board.

4906-11-01(B) GENERAL INFORMATION

4906-11-01(B)(1)

Name and Reference Number

The proposed project is the Dominion East Ohio Gas Line #1157 Natural Gas Pipeline Replacement. The project will be referenced with DEOG as PIR-062, Apple Creek Road., Project #3W07174132.

Brief Description of Project

Dominion East Ohio Gas (DEO) is planning to replace approximately 6,400 feet of an existing 10-inch natural gas pipeline across rural, agricultural parcels, located in Green Township, Wayne County, Ohio. Pipe replacement shall begin east of intersection of Eby Road and Back Orrville Road (Weilersville Station), and travel in northeasterly direction, and terminate north of Weilersville Road, near Smithville Border Station.

The existing 10-inch bare steel pipeline shall be replaced with a single twelve-inch high pressure steel pipeline. The new pipeline will be coated and cathodically protected with anodes. Existing pipeline will be abandoned in place. Pipe replacement shall be installed within ten (10) feet of existing line, within the existing 60 foot DEO corridor. The teninch pipeline being replaced, was installed in 1948 (62 years ago), with a MAOP of 249#.

A project overview map and project location photos are included in Attachment A.

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Why the Project Meets the Requirements for a Letter of Notification

This project qualifies as a Letter of Notification because it fits the criteria of OAC 4906-1-01, Appendix B (3), "Replacing an existing gas transmission line with a like facility where such replacement requires an increase in the width of existing right-of-way, and where the expanded right-of-way is (b) greater than one mile in length but not greater than five miles in length."

This replacement project meets the criteria of Appendix B (3) because (i) the new line will replace an existing line; (ii) the new line will not be greater than 5 miles [the replaced line using the preferred route will be approximately 1.35 miles in length and the alternate route (which DEO is not advocating) would be approximately 2.45 miles]; (iii) The corridor for pipe replacement was granted to DEO by permanent right-of-way agreement from individual property owners. DEO believes that Appendix 3 (B) applies even though the right-of-way or easements will not need to be widened. Existing pipeline being replaced is currently located within this corridor. New pipeline shall have equivalent rating & operating characteristics of existing line.

4906-11-01(B)(2) Need for the Proposed Pipeline Replacement

The objective of this replacement project is to continue to provide adequate gas supply to the Wooster operating area of approximately 21,000 customers. This pipeline (L#1157) serves as the major DEO feed to Wayne County. The proposed replacement of the teninch portion of Line #1157, shall result in the replacement of 62 year old bare steel pipe. The safety benefits resulting from installation of new cathodically protected (coated) steel pipeline, reduce future pipe leaks and/or integrity risks within the system.

4906-11-01(B)(3) Location of the Project

Attachment A illustrates the location of existing 10-inch (L#1157) pipeline. The new twelve-inch pipeline shall be installed within existing corridor at a ten (10) foot offset.

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New pipeline will be installed between Weilersville Station and Smithville Border Station.

4906-11-01(B)(4) Alternatives Considered

Alternative replacement options were considered, but limited by design criteria and operational constraints. DEO Gas Control was consulted regarding the takedown of this line (L#1157). This line serves as the lone feed to the Wooster area. The flow of gas cannot be interrupted. Therefore, any replacement considered must employ the use of bypass. DEO's Bare Steel Pipe Replacement initiative requires that pipe segment replacement must be based on pipe viability, operational constraints, location, and potential impacts to property owners, and natural resources.

The following factors provided confirmation that replacement option selected was correct:

- 1. Existing DEO right-of-way agreement in place—the existing right-of-way (ROW) corridor is sufficient for both the abandonment in place of existing ten-inch pipeline, and the installation of new twelve-inch pipeline.
- 2. Locating new pipeline within 10 feet parallel to the existing pipeline, eliminates' the need for DEO to obtain additional easements. Existing easement provides the best and obvious replacement option. Any other alternative would have to be established on land that had not previously been used for a pipeline. Potential distress and inconvenience to landowners from whom DEO would be obtaining easements, would be avoided
- 3. This line segment as a scope of work was chosen because the current segment does not have corrosion protective coating.
- 4. Operational Constraints—Replacement location provides necessary access for installation of bypass (uninterrupted flow of gas).

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4906-11-01(B)(5) Anticipated Construction Schedule and Proposed In-Service Date

The engineering design of the Project has been completed. Construction on the project has been tentatively scheduled for the end the November 2010. The new line is expected to be in service by January 31, 2011 at the latest.

Copies of proposed construction plans are included in Attachment B.

4906-11-01(B)(6) Project Area Map and Directions

As defined on construction plans, entire length of the proposed route will be located within DEO easements. Travel to the site from Columbus can be accomplished by taking Interstate Route 71 north toward Cleveland (approximately 70 miles). From I-71 north, take Exit 176 (US-30 E) toward Wooster (approximately 30 miles). Next take Apple Creek Road Ramp. Turn LEFT on Apple Creek Road (CR-44). Travel 2 miles, turn RIGHT on Back Orrville Road (CR-23). Proceed west on Back Orrville Road for approximately 0.8 miles to the Weilersville Station driveway located on the north side (right side) of the street. Pipe alignment staking will be provided.

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4906-11-01(B)(7) Property Owner List

Parcel #	Owner	Mailing Address	City, State, Zip
31-01512.000	East Ohio Gas	501 Martindale St.	Pittsburgh, PA 15212
31-00034.000	Jane Schmucker	2703 Scottwood Ave.	Toledo OH 43610
31-00034.001	John D & Betsy Smucker	6644 Rohrer Rd.	Wooster, OH 44691
31-00333.000	Geoffrey Zimmerly	6696 Rohrer Rd.	Wooster, OH 44691
31-00072.000,	Besancon Farms	6665 Weilersville Rd.	Smithville, OH 44677
31-00076.000,			
31-00073.000,			
31-00074.000,			
31-01073.002			
31-01406.000	Church of the Brethren	3000 Apple Creek Rd.	Smithville, OH 44677
31-01135.000	Arthur & Lynne Riggenbach	7686 Rohrer Rd.	Wooster, OH 44691
31-00307.000	Robert & Suzanne Scranton	3385 Apple Creek Rd.	Smithville, OH 44677
31-00318.000	Warren & Grace Hartzler	3407 Apple Creek Rd.	Smithville, OH 44677
31-00313.000	Joseph Hartzler	3287 Apple Creek Rd.	Smithville, OH 44677
31-01448.000	Arlen & Jean Hostetler	3805 Eby Rd.	Smithville, OH 44677
31-01448.001	Kenneth Miller	3839 Apple Creek Rd.	Smithville, OH 44677
31-00770.000	Daniel & Deborah Tuttle	3781 Apple Creek Rd.	Smithville, OH 44677
31-00183.000	Willard Daiber	3715 Apple Creek Rd.	Smithville, OH 44677

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4906-11-01(C) TECHNICAL FEATURES OF THE PROJECT

4906-11-01(C)(1) Operating Characteristics, Required Structures, and Right-of-Way and/or Land Requirements

Pipeline MAOP:

The replaced pipeline will maintain the MAOP of the existing pipeline which has an MAOP of 249 psig.

Pipe Material:

Existing 10-inch bare steel pipeline will be replaced with 12", .375w, X42, Fusion Bond Epoxy coated pipe.

Structures:

No additional structures will be required for the replaced pipeline.

Right-of-Way (ROW) and/or Land Requirement:

Pipe replacement shall take place within the existing DEO corridor. New pipeline shall be installed at ten (10) foot offset, parallel to existing pipeline.

4906-11-01(C)(2) Electric and Magnetic Fields

This project involves the replacement of a natural gas pipeline; therefore, this section is not applicable.

4906-11-01(C)(3) Estimated Capital Costs

The capital cost of this project is estimated to be approximately \$975,000.

4906-11-01(D) SOCIOECONOMIC DATA

4906-11-01(**D**)(1) Land Use

The proposed project is located in the southwest corner of Green Township, in Wayne County, Ohio. There are no municipalities in the project area.

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The entire length of the proposed route will be located within DEO easements where, based on the land owner list, the population along the easements is very conservatively estimated to be 60-75 persons.

Land use within 100-feet of the proposed route is dominated by agricultural properties.

4906-11-01(D)(2) Agricultural Land

According to the Wayne County Auditor's Office, all of the adjacent parcels are governed by Ohio Revised Code Chapter 929 pertaining to the agricultural district program.

4906-11-01(D)(3) Cultural Resources

URS Corporation (URS) of Cincinnati, an environmental and engineering firm, was contracted by DEO to conduct a Phase I cultural resources survey of the proposed PIR-062 pipeline replacement project. The Area of Potential Effect (APE) for this project consisted of land directly impacted by construction activity, equipment access and storage within DEO ROW. The entire length of proposed replacement corridor was subjected to Phase I archaeological survey and pedestrian reconnaissance. Since proposed project only involves the installation of new pipeline, with no additional permanent above ground facilities, there will be no adverse effect on the view shed other than temporary effects during construction. Therefore, no view shed study or investigation of above-ground resources was required for this project.

The Phase I field survey was conducted June 15-17, 2009. The archaeological background research for this project identified five (5) archaeological sites. One of the sites, 33We604, was identified as a prehistoric site: 33We603 was a historic scatter; and the other three were classified as historic isolated finds. None of these sites were recommended as potentially eligible for the National Register of Historic Places (NRHP).

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Based on the results of the fieldwork, no additional cultural resources investigations were required for this project. Recommendations were based on the following:

- The absence of cultural material at most locations
- The low number of artifacts recovered when cultural resources were encountered;
- The absence of cultural material recovered in an undisturbed context.

The survey did not encounter any cultural resources that were potentially eligible to the NRHP. The research potential for the sites identified was considered negligible.

A copy of an Abstract and excerpts of the study is found as Attachment C (the entire study will be provided to the Board staff).

4906-11-01(D)(4) Documentation of Letter of Notification Transmittal to Public Officials and Public Information Program

DEO representatives have informally contacted the affected public officials. In addition Letters of Notification, a sample of which is found in Attachment C, are being provided concurrently to the following officials of Wayne County:

County Officials

Ann M. Obrecht Scott S. Wiggam Jim Carmichael Wayne County Commissioners County Administration Building 428 West Liberty Street Wooster, OH 44691

Roger K. Terrill, P.E., P.S. Wayne County Engineer 3151 West Old Lincoln Way Wooster, OH 44691

Fred Myers, Chairman cc: Rob Kastner Wayne County Soil & Water Conservation District 428 West Liberty Street Wooster, OH 44691

Betsy Sparr, Director Wayne County Planning Department 428 W. Liberty Street Wooster, OH 44691

Township Officials

Donald Dravenstott, Fiscal Officer Donald I. Zimmerly, Trustee Homer W. Hostetler, Trustee Ben J. Imhoff, Trustee 4781 Egypt Road Smithville, OH 44677

Public Information Program

Given the entire length of this route will remain with DEO easement, DEO believes that no public information program, materials, or meetings are necessary for the siting of this proposed facility.

4906-11-01(D)(5) Current and Pending Litigation

There is no current or pending litigation involving the replacement of the existing line.

4906-11-01(D)(6) Local, State and Federal Permits and Requirements

Though not specifically required by regulations, DEO will have an environmental specialist on site during construction activities.

A construction storm water pollution prevention plan will be prepared for the project. The plan will be included in the package submitted for competitive bids from contractors. At the appropriate time, DEO will submit a Notice of Intent to the Ohio Environmental Protection Agency. It will send copies of the plan to the Ohio Power Siting Board staff and the Wayne County Soil and Water Conservation District. Additionally, DEO will submit an Earth Disturbing permit application and will conduct a pre-construction meeting, if necessary, with the Wayne County Soil and Water Conservation District. A construction permit has been secured from the Wayne County Engineering Department (Attachment E). There is no other known local, state, or, except for the United States Army Corps Engineers Preconstruction Notice, federal requirements that must be met prior to commencement of construction on the proposed pipeline replacement project.

4906-11-01(E) ENVIRONMENTAL DATA

4906-11-01(E)(1) Species of Concern

Ohio Department of Natural Resources – Division of Natural Areas and Preserves (ODNR-DNAP): In a letter response by Brian Mitch (see Attachment F), the ODNR-DNAP reported that no record of rare and threatened species had been documented for project site.

Ohio Department of Natural Resources - Inter-disciplinary Departmental Review, Division of Wildlife and Division of Real Estate Land Management (ODNR-DOW and ODNR-DRELM): In a letter response by Brian Mitch (see Attachment F), the ODNR-DOW reported five species within the range of the study area. These five species included the Indiana bat, the Eastern massasauga (Sistrurus catenatus), the bald eagle (Haliaeetus leucocephalus), the bobcat (Lynx rufus), the American bittern (Botaurs lentiginosus), sandhill crane (Grus Canadensis), the trumpeter swan (Cyngnus buccinators), and the Eastern hellbender (Cryptobranchus alleganiensis alleganiensis). However, no species were recorded by ODNR within the study area.

A discussion of each state and federally listed species is presented below. Descriptions of species habitat along with potential species habitat within the study area are also mentioned.

Amphibians

Eastern hellbender (Cryptobranchus alleganiensis alleganiensis), a state endangered amphibian. Due to location of the project, the project is not likely to impact this species.

Reptiles

Eastern massasauga (Sistrurus catenatus): The range of this state endangered and federal candidate species was noted to encompass the project study area, but ODNR-DOW stated that the project is not likely to impact this species, due to the location of the project. This species was not observed within the study area during the field investigation.

Birds

Bald eagle (*Haliaeetus leucocephalus*): Due to recovery, this species has been removed from the Federal list of endangered and threatened species, yet continues to be protected under the Bald and Golden Eagle Protection Act, Migratory Bird Protection Act, and the State of Ohio. The Ohio Biodiversity Database currently has no records of this species near the project area.

Mammals

Indiana Bat (Myotis sodalis): The Ohio Biodiversity Database (OBD) has no Indiana Bat records within five mile radius. The Indiana bat is considered to be an endangered species by the federal government and the State of Ohio. This species is a possible inhabitant of Wayne County. The Indiana bat is a migratory species, wintering in a few limestone cave hibernacula principally located in Indiana, Kentucky and Missouri. Summer roosting and foraging areas are typically farther north in the glaciated regions of Indiana, Illinois, and Ohio. Males and gravid females may arrive in northern regions in April and remain until October. The bat typically roosts under the exfoliating (loose) bark of live or dead trees of various rough-barked tree species. The 8- to 10-inch size classes of several species of hickory (Carya spp.), oak (Quercus spp.), ash (Fraxinus spp.), and elm (Ulmus spp.) are utilized in live form as roost trees. These tree species and many others may be used when dead, if there are adequately sized patches of loosely adhering bark or open cavities. The structural configuration of forest stands favored for roosting includes; (1) a mixture of favored loose-barked trees with 60 to 80 percent canopy closure and (2) a low density sub-canopy (less than 30 percent between about 6 feet high and the base canopy).

If suitable trees occur within the project area, these trees must be conserved. If suitable habitat occurs on the project area and trees must be cut, cutting must occur between September 30 and April 1, if suitable trees must be cut during the summer months of April 2 to September 29, a net survey must be conducted in May or June prior to cutting. If no tree removal is proposed, the project is not likely to impact this species.

The information regarding the species is found in Attachment F, the ODNR letter response authored by Mr. Mitch. In addition, Attachment G is a Categorical Exclusion Agreement entered into between DEO and the US Fish and Wildlife Service is issued for counties which have been determined to have no effect on federally listed species.

Additionally DEO assessed the type of vegetation and ecological features that will be crossed by the preferred route and that found no significant land use change would occur as a result of this project.

4906-11-01(E)(2) Areas of Ecological Concern

Delineated Wetlands

The wetland delineation was conducted using the procedure outlined in the routine onsite determination method of the *USACE 1987 Manual*. Additionally, the wetlands were evaluated utilizing the Ohio Environmental Protection Agency (OEPA) ORAM v5.0 qualitative evaluation method for categorizing wetlands.

URS Corporation conducted a wetland and water resources delineation field investigation at the Study Area on June 18, 2009. This investigation identified no wetlands or other waters of the US within the Study Area.

Completed USACE and ORAM forms for each delineated wetland within 100-feet of the proposed route along with wetland locations were provided in the project wetland delineation, stream assessment, and threatened and endangered species habitat study report.

For all wetlands to be crossed by construction, DEO will follow the Company's established best management practices for these activities.

A copy of the URS report is found as Attachment G.

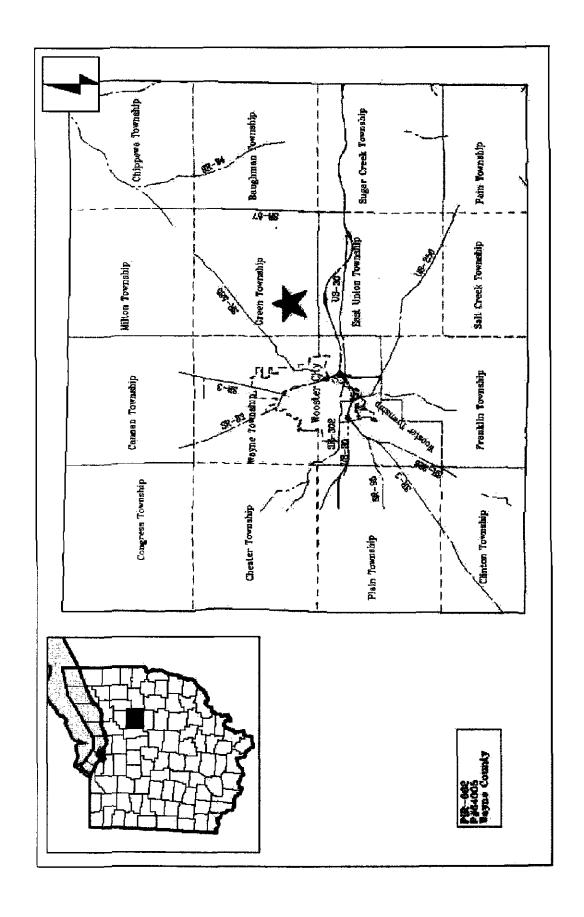
Ohio Department of Natural Areas (ODNR) Geological Survey

The ODNR, Division of Geological Survey does not have any geological concerns with this project.

4906-11-01(E)(3) Any Known Unusual Conditions Resulting in Significant Environmental, Social, Health, or Safety Impacts

There are no known unusual conditions resulting in significant environmental, social, health, or safety impacts.

ATTACHMENT A PROJECT OVERVIEW MAPS and PHOTOS



APPLE CREEK (PIR-062) PHOTO LOG Green Township – Lake County, Ohio

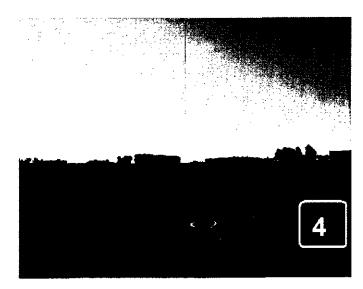
PHOTO LOG

PHOTO NO.	DIRECTION "Looking"	DESCRIPTION	
1	SOUTH	Private drive to Weilersville Station	
2	WEST	Weilersville Station	
3	NORTHEAST	BEGIN PIPE REPLACEMENT	
4	SOUTHWEST	Pipe alignment through agricultural field (#6665 Weilersville Road)	
5	SOUTHWEST	Pipe alignment through agricultural field (#6665 Weilersville Road)	
6	NORTHEAST	Pipe crossing across Apple Creek Road	
7	SOUTHWEST	Pipe crossing across Apple Creek Road	
8	NORTH	END PIPE REPLACEMENT (3287 Apple Creek Road)	

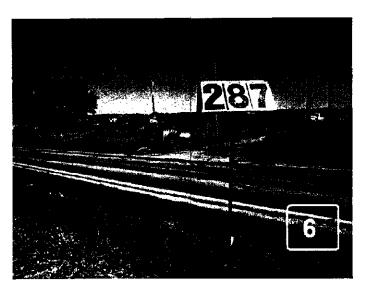


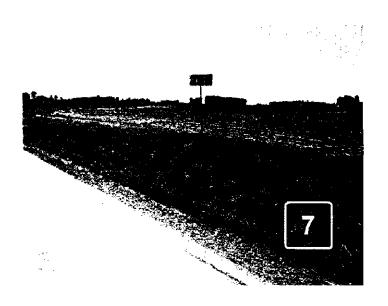


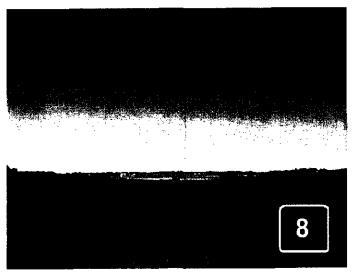




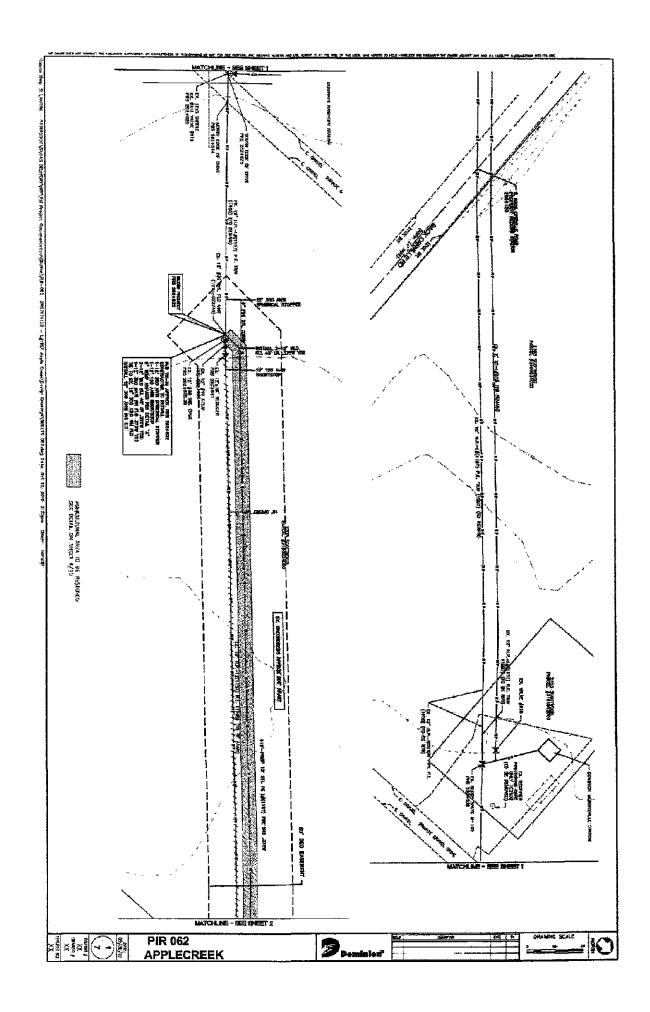


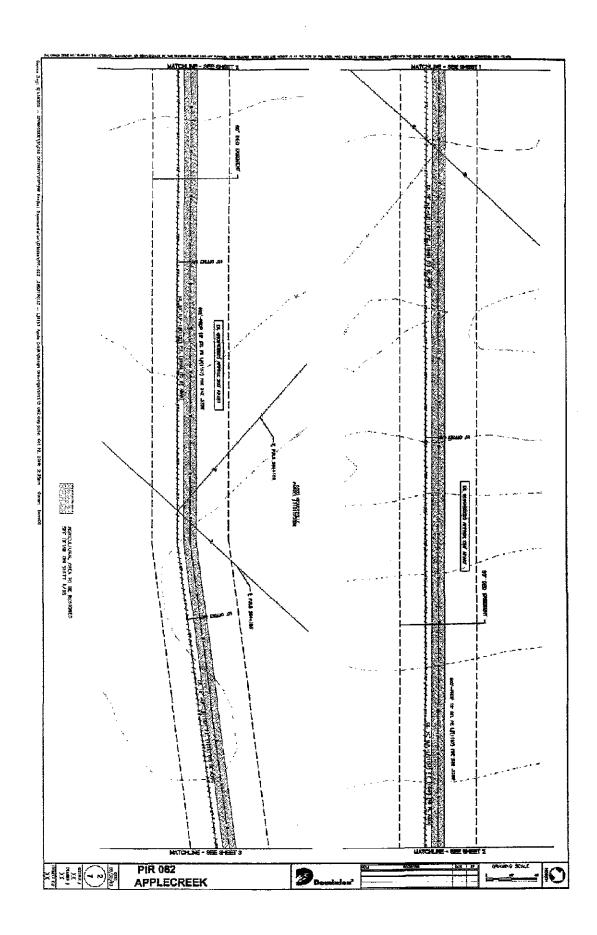


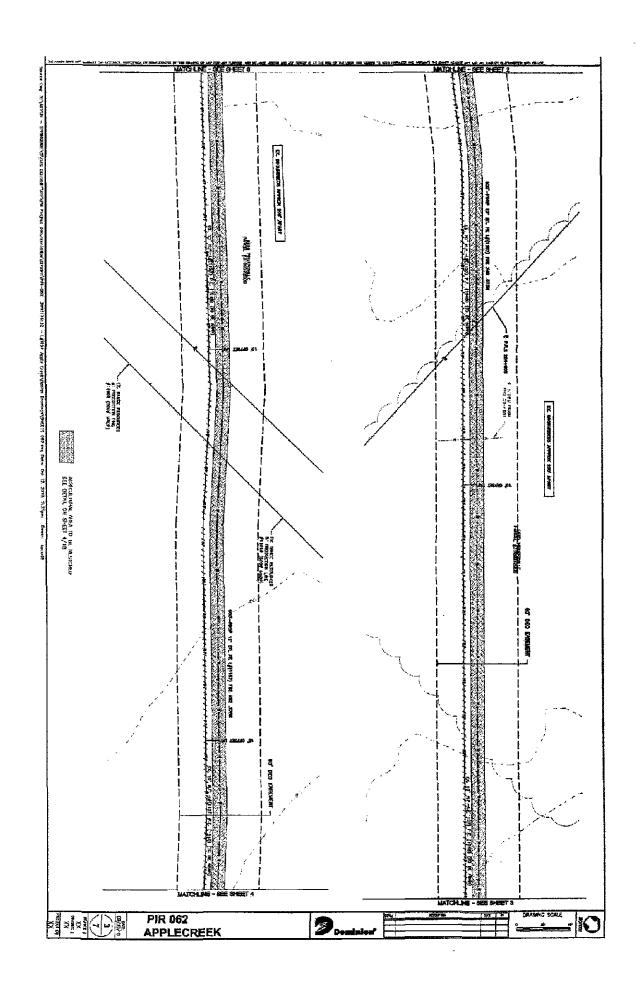


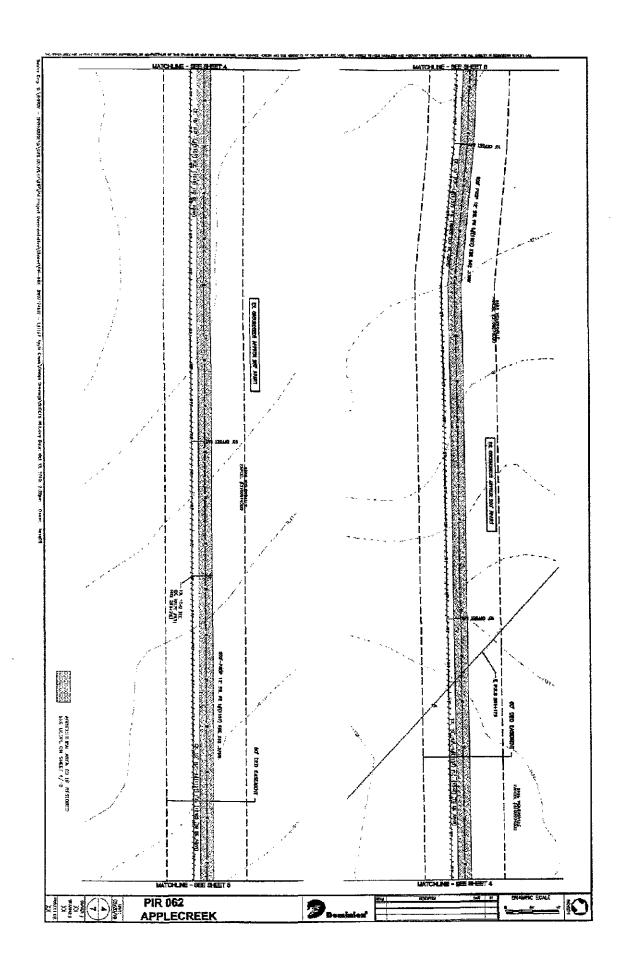


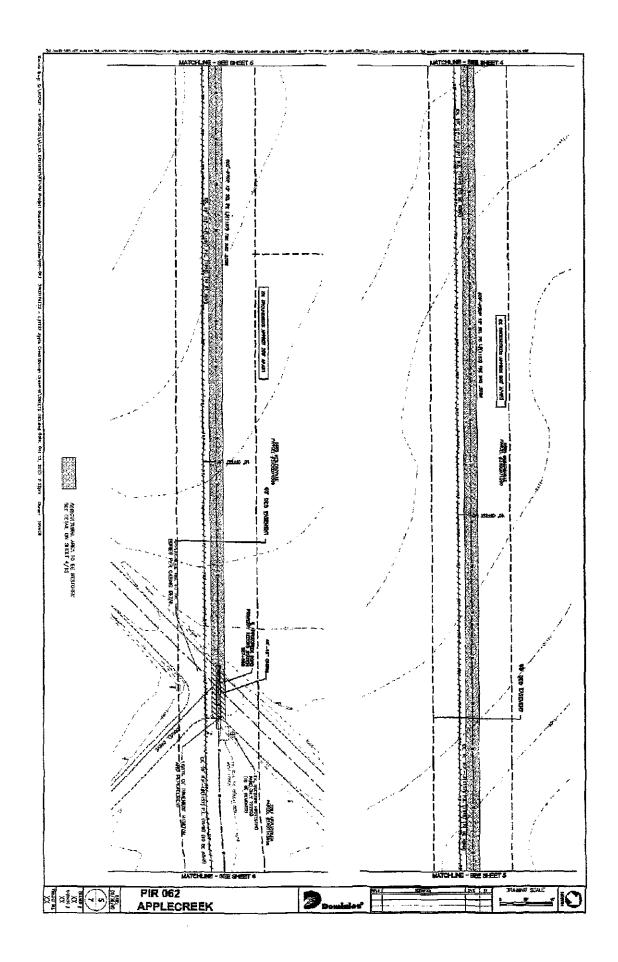
ATTACHMENT B
CONSTRUCTION DRAWINGS











ATTACHMENT C ABSTRACT AND EXCERPTS OF THE CULTURAL RESOURCES REPORT

ABSTRACT

URS Corporation (URS) of Cincinnati, Ohio was contracted by Dominion East Ohio to conduct a Phase I cultural resources survey of the proposed Bare Steel Replacement in Wayne County, Ohio. Dominion East Ohio is proposing to replace one mile of existing bare steel high pressure pipeline with approximately one mile of high pressure coated steel pipe.

The Area of Potential Effect (APE) for this project consisted of the land directly impacted by ground disturbance which included areas to be used for equipment access and storage within a 60 foot wide (30 feet on both sides of the existing pipeline) construction corridor. The entire length (1.4 miles) of the proposed replacement corridor was subjected to Phase I archaeological survey and pedestrian reconnaissance. Since the proposed undertaking is replacing existing pipe, with no additional permanent above ground facilities, there will be no adverse effect on the viewshed other than temporary effects during construction. Therefore, no viewshed study or investigation of above-ground resources was completed for this project.

Background research did not identify any archaeological sites, historic structures, or National Register of Historic Places (NRHP)-listed properties within the direct APE. The Phase I field survey was conducted from June15 to June 17, 2009 and as a result of the field survey, five archaeological sites (33We600, 33We601, 33We602, 33We603, and 33We604) were identified. One of the sites, 33We604, was a prehistoric site, 33WeWe602 was a historic scatter, and the other three were historic isolated finds. None of these sites were recommended as potentially eligible for the National Register of Historic Places (NRHP).

Based on the results of the fieldwork, no additional cultural resources investigations are recommended for this project. The following management summary summarizes the field results and recommendations of the cultural resources survey.

MANAGEMENT SUMMARY

Dominion East Ohio's Bare Steel Replacement project in Wayne County, Ohio consists of the replacement of one mile of existing bare steel high pressure pipeline with approximately one mile of high pressure coated steel pipe.

The APE for this project consisted of the land directly impacted by ground disturbance which included areas to be used for equipment access and storage within a 60 foot wide (30 feet on both sides of the existing pipeline) construction corridor. The entire length (1.4 miles) of the proposed replacement corridor was subjected to Phase I archaeological survey and pedestrian reconnaissance.

The Phase I field survey identified five archaeological sites (33We600, 33We601, 33We602, 33We603, and 33We604). One of the sites, 33We604, was a prehistoric site, 33We602 was a historic scatter, and the other three were historic isolated finds. These cultural resources are summarized in the table below.

OATSite#	**** Locations**			
33We600	Segment A1	Isolated Late 19th or Early 20th	Not Eligible	None Required
		Century Historic		! !
33We601	Segment A1	Isolated Late 19th Century	Not Eligible	None Required
		Historic		
33We602	Segment B1	19th or 20th Century Historic	Not Eligible	None Required
		Scatter		
33We603	Segment B4	Isolated 19th or 20th Century	Not Eligible	None Required
	_	Historic		
33We604	Segment C3	Unassigned Prehistoric Artifact	Not Eligible	None Required
<u> </u>		Scatter		

Based on the Phase I field survey within the direct APE, no further cultural resources work is recommended based on the following: 1) the absence of cultural materials at most locations; 2) the low number of artifacts recovered when cultural resources were encountered, no more than two artifacts at any location; and 3) the absence of cultural material recovered in an undisturbed context. Thus, the survey did not encounter any cultural resources potentially eligible to the NRHP and the research potential for the sites identified is considered negligible.

8.0 RECOMMENDATIONS AND CONCLUSIONS

This report has presented the background research, field strategy, and results of the Phase I cultural resources survey for Dominion East Ohio's proposed replacement of one mile of existing bare steel high pressure pipeline with approximately one mile of high pressure coated steel pipe in Wayne County, Ohio. URS was contracted by Dominion East Ohio to conduct the Phase I survey. The purpose of the survey was to locate and identify any cultural resources within the APE.

The APE for this project consisted of the land directly impacted by ground disturbance which included 30' on either side of the existing Dominion East Ohio pipeline. Because the proposed undertaking will replace existing pipe, much of the impact of the pipe replacement will be in a previously disturbed context. Ground disturbing activities will be limited to disturbance associated with equipment access, material storage, and other secondary activities related to the pipe replacement.

The Phase I survey was conducted from June 15 to June 17, 2009. URS surveyed the 60 foot wide corridor by sampling in 15 meter sample loci intervals, including both shovel tests and pedestrian survey, where applicable. As a result, the archaeological survey identified three isolated historic finds, one historic archaeological site, and one prehistoric archaeological site. These cultural properties are summarized in Table 8.1.

Table 8.1. Summary of Cultural Properties Identified.

OAI Site#	#EFEocston ##		ANTALD STATES	
33We600	Segment A1	Isolated Historic Find	Not Eligible	None Required
33We601	Segment A1	Isolated Historic Find	Not Eligible	None Required
33We602	Segment B1	Historic Scatter	Not Eligible	None Required
33We603	Segment B4	Isolated Historic Find	Not Eligible	None Required
33We604	Segment C3	Prehistoric Scatter	Not Eligible	None Required

Within the direct APE no further cultural resources work is recommended based on the following:

- The absence of cultural material at most locations;
- The low number of artifacts recovered when cultural resources were encountered;
- The absence of cultural material recovered in an undisturbed context.

Thus, the survey did not encounter any cultural resources that are potentially eligible to the NRHP and the research potential for the sites identified is considered negligible.

ATTACHMENT D MODEL NOTIFICATION LETTER TO PUBLIC OFFICIALS



TTO KNETS AT LAWLI 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 October 18, 2010

NAME TITLE ADDRESS CITY, STATE, ZIP

Re: Notification of Natural Gas Pipeline Replacement

Dear XXX,

Please be advised that Dominion East Ohio (DEO) is the owner of a natural gas pipeline, #157. DEO has made plans to replace a 10-inch portion of this existing natural gas pipeline. The portion to be replaces is approximately 6,400 feet located in Green Township, Wayne County Ohio. DEO anticipates construction to commence in November 2010 with completion being no later than January 31, 2011. Pipeline replacement will be entirely within the limits of Dominion's easement area. There is no anticipation of the replacement being located within road right-of-way.

If you have any questions concerning this pipeline replacement project, please contact Leighton McCoy at (330) 664-2514.

Sincerely,

Sally W. Bloomfield

cc: Leighton C. McCoy, Project Manager

ATTACHMENT E
CONSTRUCTION PERMIT FROM THE WAYNE COUNTY ENGINEER

VOID PERMIT AFTER 180 DAYS County of Wayne ENGINEERS DEPARTMENT

CR 44

PERMIT

Subject to all of the terms, conditions and restrictions printed or written below, and on the reverse side hereof, permission is hereby granted to

DOMINION EAST OHIO 320 Springside Rd. Akron, OH 44333

Replace an old high pressure distribution line. The work will require Dominion Bast Ohio to cross a county road Apple Creek Rd. C.R. 44 at the intersection and the gravel drive for house #3287 Apple Creek Rd. approx. 130' south of the centerline of Weilersville Rd.

CALL BEFORE YOU DIG WAYNE COUNTY ENGINEERING 330-287-5500 COPY MUST BE IN CONTRACTORS HAND

CR No.44, in Section G, GREEN Township, Section 28,29, in WAYNE COUNTY, OHIO. This permit must be in possession of employees in charge of work at all times. To be shown upon request to any employee of the County Engineers Department, County Commissioners, or Wayne County Sheriff.

No work shall be done under this permit until the party or parties to whom it is granted shall have communicated with and received instruction from Mr. Ben Saurer, Superintendent of Maintenance, of the County Engineers Department, Wooster, Ohio 287-5500.

This permit shall be void unless the work herein contemplated shall have been completed before

March 29, 2011

Dated at Wooster, this 29th day of

Wayne County Engineer

ATTACHMENTS F
RESPONSES FROM AGENCIES



ODNR COMMENTS TO Judith Box, Dominion East Ohio Gas, 320 Springside Drive, Suite 320, Akron, Ohio 44333

Project: The East Ohio Gas Project PIR 062 – Apple Creek involves replacing approximately one mile of existing bare steel high pressure pipeline with approximately one mile of high pressure coated steel. The line being replaced is 12" in diameter and will be replaced with a 12" diameter pipe.

Location: The project fies east of Wooster, in Wayne County, Obio.

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.

Rare and Endangered Species: The ODNR, Ohio Biodiversity Database contains no data at this project site.

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area.

Fish and Wildlife: The ODNR, Division of Wildlife (DOW) has the following comments.

The Ohio Biodiversity Database (OBD) has no Indiana Bat records within a five mile radius or hibernacula within a ten mile radius. However, the project is within the range of the Indiana bat (Myotis sodalis), a state and federally endangered species. The following species of trees have relatively high value as potential Indiana bat roost trees: Shagbark hickory (Carya ovata), Shellbark hickory (Carya laciniosa), Bitternut hickory (Carya cordiformis), Black ash (Fraxinus nigra), Green ash (Fraxinus pennsylvanica), White ash (Fraxinus americana), Shingle oak (Quercus imbricaria), Northern red oak (Quercus rubra), Slippery elm (Ulmus rubra), American elm (Ulmus americana), Eastern cottonwood (Populus deltoides), Silver maple (Acer saccharinum), Sassafras (Sassafras albidum),

Post oak (Quercus stellata), and White oak (Quercus alba). Indiana bat habitat consists of suitable trees that include dead and dying trees of the species listed above with exfoliating bark, crevices, or cavities in upland areas or riparian corridors and living trees of the species listed above with exfoliating bark, cavities, or hollow areas formed from broken branches or tops. If suitable trees occur within the project area, these trees must be conserved. If suitable habitat occurs on the project area and trees must be cut, cutting must occur between September 30 and April 1. If suitable trees must be cut during the summer months of April 2 to September 29, a net survey must be conducted in May or June prior to cutting. If no tree removal is proposed, the project is not likely to impact this species.

The project is within a county where current records exist for the Eastern massasauga (Sistrurus cutenatus), a state endangered and a Federal candidate snake species. Due to the location of the project, the project is not likely to impact this species.

The project is within the range of the bald eagle (Haliacetus leucocephalus), a state threatened species. However, the Ohio Biodiversity Database currently has no records of this species near the project area.

The project is within the range of the bobcat (Lynx rufus), a state endangered species. Due to the mobility of this species, the project is not likely to have an impact on this species.

The project is within the range of the American bittern (Bohunus lentiginosus), a state endangered bird, the sandbill crane (Grus canadensis), a state endangered species, and the trumpeter swan (Cygnus buccindor), a state endangered bird. The OBD currently has no records in the project area for these species.

The project is within the range of the Eastern helibender (Cryptobranchus atteganiensis alleganiensis), a state endangered amphibian. Due to the location of the project, the project is not likely to impact this species.

Geological Survey: The ODNR, Division of Geological Survey does not have any geological concerns with this project.

ODNR appreciates the opportunity to provide these comments. Please contact Brian Mitch at (614) 265-6378 if you have questions about these comments or need additional information.

Brian Mitch, Environmental Review Manager Ohio Department of Natural Resources Environmental Services Section 2045 Morse Road, Building F-3 Columbus, Ohio 43229-6693 Office: (614) 265-6378 Pax: (614) 262-2197 brian.mitch@dn.state.oh.us

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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

MAR 22 2010 DUMINIUM GAS **ENVIRONMENTAL SERVICES**

RECEIVED

March 9, 2010

TAILS: 2010-TA-0304 2010-FA-0190

Judith Box Environmental Manager 320 Springside, Suite 320 Akron, OH 44333

Re:

East Ohio Gas Company Categorical Exclusion Agreement

Dear Ms. Box:

This is in response to your January 11, 2010 letter regarding consultation under Section 7 of the Endangered Species Act of 1973, as amended (ESA), for a number of minor projects completed by East Ohio Gas in Ohio. East Ohio Gas currently has facilities in the following Ohio Counties:

Allen	Franklin	Lorain	Richland
Ashland	Gallia	Lucas	Ross
Ashtabula	Geauga	Madison	Sandusky
Athens	Greene	Mahoning	Scioto
Belmont	Guernsey	Marion	Seneca
Brown	Hamilton	Medina	Stark
Butler	Hancock	Meigs	Summit
Carroll	Hardin	Monroe	Trumbull
Champaign	Harrison	Montgomery	Tuscarawas
Clark	Hocking	Morgan	Union
Clinton	Holmes	Morrow	Vinton
Columbiana	Huron	Muskingum	Warren
Coshocton	Jackson	Noble	Washington
Crawford	Jefferson	Ottawa	Wayne
Cuyahoga	Knox	Paulding	Wood
Delaware	Lake	Perry	Wyandot
Erie	Lawrence	Pickaway	
Fairfield	Licking	Portage .	
Fayette	Logan	Putnam	

In order to comply with the ESA and facilitate timely implementation of minor projects, East Ohio Gas has requested a categorical exclusion agreement for federally regulated actions in the above counties which have been determined to have no effect on federally listed species.

Projects to be included in this categorical exclusion agreement include 6 main categories of project activities outlined in the East Ohio Company Categorical Agreement Request.

In order to make a determination of "no effect" for federally listed species, East Ohio Gas must confirm that suitable habitat for federally listed species and individuals of listed species are not present onsite. Because the minor projects outlined in the East Ohio Company Categorical Agreement Request are generally located in previously disturbed and/or maintained areas, many of the projects will have no effect on listed species; however, on occasion suitable habitat or individuals may be encountered. To qualify under this categorical exclusion and in order for a "no effect" determination to apply, each project must meet the following conditions:

- 1) No impacts to streams or wetlands may occur.
- 2) The bald eagle (Haliaeetus leucocephalus) is protected under the Bald and Golden Eagle Protection Act. Bald eagle nests are found in the following counties and townships within which East Ohio Gas has facilities:

COUNTY	TOWNSHIP (Area)
Allen	Sugar Creek
Ashland	Mifflin, Mohican, Hanover
Ashtabula	Conneaut, Harpersfield, Kingsville, Morgan, Rome, Wayne, Williamsfield
Belmont	Pease
Brown	Pleasant, Union
Butler	Fairfield, Ross
Columbiana	Center, Fairfield, Hanover, Unity
Coshocton	Franklin, Linton, Newcastle, Oxford, Virginia
Crawford	Liberty, Lykens, Polk, Texas, Whetstone
Cuyahoga	Brooklyn
Delaware	Brown, Genoa, Kingston, Orange, Porter, Radnor, Thompson, Troy
Erie	Berlin, Groton, Huron, Kelleys Island, Margaretta, Milan, Oxford, Perkins,
	Vermilion
Fairfield	Walnut
Franklin	Franklin, Hamilton, Jackson, Madison, Marion
Geauga	Auburn, Burton, Huntsburg, Middlefield, Munson, Newberry, Troy
Guernsey	Cambridge, Jefferson, Liberty
Hamilton	Whitewater
Hancock	Amanda, Big Lick, Blanchard, Jackson, Marion
Hardin	Dudley
Harrison	Franklin, Stock
Holmes	Washington, Killbuck
Huron	Clarksfield, Fitchville, Hartland, Norwalk, Peru, Richmond, Sherman
Knox	Berlin, Butler, College, Harrison, Union
Lake	Concord, Kirtland, Leroy, Madison, Painesville, Perry, Willoughby
Licking	Hanover, Madison, Newark, Union
Lorain	Black River, Brownhelm, Henrietta, Lagrange, Pittsfield, Ridgeville
Lucas	Adams, Jerusalem, Monclova, Oregon, Providence, Washington, Waterville
Mahoning	Austintown, Beaver, Boardman, Jackson, Milton, Springfield
Marion	Big Island, Green Camp, Marion, Montgomery, Salt Rock

Medina	Westfield
Montgomery	Mad River
Morgan	Windsor
Morrow	Troy
Muskingum	Adams, Cass, Falls, Hopewell, Madison, Muskingum
Noble	Beaver, Marion, Seneca, Wayne
Ottawa	Bay, Benton, Carroll, Catawba Island, Clay, Erie, Danbury, Harris, Portage, Put-
	in-Bay, Salem
Paulding	Crane
Pickaway	Deer Creek, Harrison, Jackson, Monroe, Perry, Walnut
Portage	Aurora, Franklin, Palmyra, Ravenna, Rootstown, Suffield
Putnum	Sugar Creek
Richland	Mifflin, Springfield, Troy, Weller, Worthington
Ross	Franklin, Green, Jefferson, Paint, Paxton, Scioto, Springfield, Twin, Union
Sandusky	Ballville, Jackson, Madison, Rice, Riley, Sandusky, Scott, Townsend,
	Woodville, Washington
Scioto	Clay, Rush, Valley
Seneca	Adams, Bloom, Eden, Hopewell, Pleasant, Scipio, Seneca, Venice
Stark	Bethleham, Marlboro, Sugar Creek
Summit	Green, Northfield, Springfield, Twinsburg
Trumbuli	Bloomfield, Bristol, Farmington, Fowler, Greene, Gustavus, Hartford, Johnston,
	Kinsman, Lordstown, Mecca, Mesopotamia, Vernon, Weathersfield
Tuscarawas	Dover, Franklin, Goshen, Mill, Union, Warwick, Wayne
Vinton	Clinton, Elk, Richland
Washington	Belpre
Wayne.	Chester, Franklin, Wayne
Wood	Freedom, Middleton, Perrysburg, Portage, Troy
Wyandot	Antrim, Crane, Crawford, Marseilles, Pitt, Salem, Sycamore, Tymochtee

In order for this categorical exclusion to apply, the project must NOT fall within any of the above specified townships. If a project does occur within a specified county and township, we request that East Ohio Gas contact our office and provide the geographic coordinates of the project location to determine if consultation will be necessary.

- 3) All counties in Ohio are within the range of the Indiana bat (Myotis sodalis), a Federally-listed endangered species. Summer habitat requirements for the species are not well defined but the following are considered important: 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; live trees (such as shagbark hickory and oaks) which have exfoliating bark.; and stream corridors, riparian areas, and upland woodlots which provide forage sites. For this categorical exclusion to apply, the project may not impact any trees or branches with suitable roosting characteristics as described above, or include tree clearing along a riparian area.
- 4) Projects in Lucas County may lie within the range of the Karner blue butterfly (Lycaeides melissa samuelis). The plant Lupinus perennie, is required for this butterfly's life cycle, and could potentially be present within mowed right-of-ways in portions of Lucas County. In order for this categorical exclusion to apply, the project in Lucas County must NOT fall within

Harding, Spencer, Springfield, or Swanton Township, or within the portion of Monclova Township north of the road designated Alt. 20.

5) Potential projects within the below specified townships in Athens, Hocking, Morgan, Perry, and Vinton Counties lie within the range of the American burying beetle (Nicrophorus americanus), a federally listed endangered species. This insect is a habitat "generalist", meaning that it can be found in grasslands, open woodlands and brushlands. Suitable habitat may be present within mowed right-of-ways in portions of these townships.

COUNTY	TOWNSHIP
Athens	Alexander, Ames, Athens, Bern, Dover, Lee, Trimble, Waterloo, York,
Hocking	Green, Starr, Ward, Washington
Morgan	Deerfield, Homer, Malta, Marion, Penn, Union
Реггу	Bearfield, Coal, Monroe, Pike, Pleasant, Salt Lick
Vinton	Brown, Knox, Madison, Swan, Elk

EOG may survey the proposed project areas if potential habitat is present. We recommend that you contact Mr. George Keeney (The Ohio State University, Department of Entomology, 1735 Neil Avenue, Columbus, Ohio 43210, phone 614/292-9634) to determine if the species or its habitat exists in the project area(s). In order for this categorical exclusion to apply, Mr. Keeney must concur that suitable habitat for this species is NOT present.

- 6) Projects in Brown, Hamilton, Hocking, Lawrence, Scioto, and Warren Counties lie within the range of the Running buffalo clover (*Trifolium soloniferum*), a federally listed endangered species. This species can be found in partially shaded woodlots, mowed areas (lawns, parks, cemeteries), and along streams and trails. Running buffalo clover requires periodic disturbance and a somewhat open habitat to successfully flourish, but cannot tolerate full-sun, full-shade, or severe disturbance. In order for this categorical exclusion to apply, the project must NOT support ROWs with partial shade that are periodically mowed.
- 7) Projects in Ottawa and Erie Counties which occur on the offshore Lake Erie islands, including but not limited to Kelleys, South Bass, Middle Bass, and North Bass Islands lie within the range of the Lake Erie Watersnake (Nerodia sipedon insularum), a federally listed threatened species. Habitat requirements for this species include the offshore waters of Lake Erie, the island shoreline, as well as inland areas within 69 m of shore. In order for this categorical exclusion to apply, the project may NOT impact the lake, shoreline, or areas within 69 m of shore on any of the Lake Erie islands, OR include excavation anywhere on the islands.
- 8) Projects on the Marblehead peninsula of Ottawa County and on Kelleys Island in Erie County lie within the range of the Lakeside daisy (*Hymenoxys herbacea*), a federally threatened species. This plant is found in dry, rocky prairie underlain by limestone or in cliff and alvar crevices of exposed limestone rock outcrops. Lakeside daisy requires an open habitat with full sun exposure, and could occur within maintained ROWs. In order for this categorical exclusion to apply, the project must NOT support suitable habitat, as described above.
- 9) Projects within Hocking and Scioto Counties lie within the range of the small whorled pogonia (*Isotria medeoloides*), a federally threatened species. This species occurs both in

fairly young forests and in maturing stands of mixed-deciduous or mixed-deciduous/coniferous forests. The majority of small whorled pogonia sites share several common characteristics. These may include sparse to moderate ground cover in the microhabitat (except when among ferns), a relatively open understory canopy, and proximity to old logging roads, streams, or other features that create long-persisting breaks in the forest canopy. The soil in which the shallow-rooted small whorled pogonia grows is usually covered with leaf litter and decaying material. The spectrum of habitats includes dry, rocky, wooded slopes to moist slopes or slope bases crisscrossed by vernal streams. This species could be found in areas adjacent to maintained ROWs. In order for this categorical exclusion to apply, the project must NOT impact suitable habitat, as described above.

The remaining Federally-listed species in Ohio which are not addressed by this categorical exclusion would not be expected to occur in or near disturbed, maintained ROWs, and therefore no impacts to these species would be anticipated from the above described minor projects. If a specific project does not meet ALL of the criteria outlined above, it should be reviewed individually by this office. This categorical exclusion will remain in effect until December 31, 2010, at which time it may be renewed. By December 1, 2010 East Ohio Gas must submit to the Service a list of projects that were processed under this categorical exclusion.

This technical assistance letter is submitted in accordance with provisions 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, as amended, and is consistent with the intent of the National Environmental Policy Act of 1969, and the U.S. Fish and Wildlife Service's Mitigation Policy.

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,

Mary Knapp, Ph.D. Supervisor

Mary Knapp

cc: ODNR, DOW, SCEA Unit, Columbus, OH

ATTACHMENT H URS WETLAND DELINEATION REPORT

WETLAND IDENTIFICATION REPORT FOR THE HIGH PRESSURE GAS PIPELINE INFRASTRUCTURE REPLACEMENT PROJECT,

PIR 062

APPLE CREEK ROAD, PROJECT #L1157
WOOSTER, WAYNE COUNTY, OHIO

July 31, 2009

Prepared for:

Dominion East Ohio 320 Springside Drive Akron, OH 44333

URS CORPORATION - OHIO
1345 Euclid Avenue, Suite 600, Cleveland, Ohio 44115-1808

216/622-2400

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Appendix A: Routine Wetland Delineation Forms

I. INTRODUCTION

A. Study Area Description

The Apple Creek Road pipeline replacement project (#L1157) study area comprises approximately 6,300 linear feet and is located in Wooster, Wayne County, Ohio (Figure 1) (Herein referred to as the Study Area). The Study Area is bordered to the north and east by pastures and farm fields and to the south and west by residential (Figure 1). The Study Area currently consists of plowed fields, pastures and a small wooded area.

B. Study Objectives

Dominion East Ohio Gas is intending to replace bare steel high pressure gas pipeline within the Study Area with high pressure coated steel. URS was tasked to delineate any wetlands and other waters. This wetland delineation report documents the findings of a field investigation to identify and delineate wetlands and other waters of the U.S. within the Study Area.

II. METHODS

A. Wetland Identification and Delineation

Wetlands within the Study Area were identified and their boundaries determined using the procedures outlined in the U.S. Corps of Engineers Wetlands Delineation Manual (1987 Manual) (Environmental Laboratory, 1987). Initially, potential wetlands were identified by examining topographic (Figure 1), soils (Figure 2), and National Wetlands Inventory (Figure 3).

Wetland delineation field investigations were conducted on June 19, 2009 using the routine on-site determination method of the 1987 Manual. Following this method, plant communities were characterized as to their soils, signs of hydrology, and dominant vegetation.

Soils were examined using a 1-inch diameter soil borer to extract cores. These cores were examined for hydric soil characteristics just below the A-horizon, usually between 8 and 18 inches below the ground surface. One of the more important field indicators examined is the hue, value, and chroma of the matrix (e.g., 10YR 6/1) and mottles (e.g., 10YR 5/6) of moist soils as determined by using the Munsell Soil Color Chart (Kollmorgen Instrument Corporation, 1994). Generally, mottled soils with a matrix chroma of two or less, or unmottled soils with a matrix chroma of one or less are considered to exhibit hydric soil characteristics (Environmental Laboratory, 1987). Mottled soils with a matrix chroma greater than two and unmottled soils with a matrix chroma greater than one are considered to exhibit non-hydric characteristics.

The hydrology criterion in the 1987 Manual requires that an area be inundated or saturated to the surface for an absolute minimum of five percent of the growing season to be considered a wetland. Areas saturated between 5 percent and 12.5 percent of the growing season may or may not be wetlands, while areas saturated more than 12.5 percent of the growing season are wetlands (Environmental Laboratory, 1987; U.S. Army Corps of Engineers, 1992). The 1987 Manual and Corps guidance state that the growing season can be approximated by the number of days between

the average (five years out of ten) date of the last 28° F air temperature in the spring, and the average date of the first 28° F air temperature in the fall (Environmental Laboratory, 1987, U.S. Army Corps of Engineers, 1992). The resultant growing season from April 17th through October 20th and is thus 186 days long (Soil Conservation Service, 1976). Five percent of this figure consists of slightly over 9 days, while 12.5 percent consists of slightly over 23 days.

Signs of hydrology were sought, including primary signs such as standing water or saturated soils, water marks on trees, drift lines, sediment deposits, wetland drainage patterns; and secondary signs such as oxidized root zones surrounding live roots within the upper 12 inches, and water-stained leaves. Additional secondary signs of hydrology include soil survey data (e.g., a high water table listed for the confirmed soil type) and a positive FAC-neutral test (see below) (U.S. Army Corps of Engineers, 1992).

Dominant vegetation for each community was determined by estimating dominant species in the tree, sapling, shrub, herb, and woody vine strata. The top dominants were visually estimated for each stratum. The indicator status of each dominant species was then determined. An indicator status of obligate wetland (OBL), facultative wetland (FACW), facultative (FAC), facultative upland (FACU) and/or upland (UPL) has been assigned to each plant species on the National List of Plant Species that Occur in Wetlands: Region 1 (Reed, 1988). The three facultative categories (FACW, FAC, and FACU) may be subdivided by (+ [wetter]) and (- [drier]) modifiers. An area has hydrophytic vegetation when, under normal circumstances, more than 50 percent of the composition of the dominant species from all strata is OBL, FACW, and/or FAC (excluding FAC-) species. An area has non-hydrophytic vegetation when 50 percent or more of the composition of the dominant species from all strata is FAC-, FACU, and/or UPL species.

In addition, a FAC-neutral test was calculated for each data set. This test considers all FAC species (including FAC- and FAC+) as neutral for wetland determination and compares the number of dominant species wetter than FAC (i.e., OBL, FACW) against the number of dominant species drier than FAC (i.e., FACU, UPL).

Plots, and consequently communities, that met the three criteria of hydric soils, wetland hydrology, and hydrophytic vegetation were considered wetlands. Wetland boundaries were mapped where one or more of these criteria gave way to upland characteristics. Samples were also taken in nearby apparent upland areas to confirm that one or more of the criteria were not met in these locations. Please refer to Appendix B for completed Routine Wetland Delineation Forms.

The derived wetland boundaries were flagged in the field and flag locations were surveyed through the use of a Global Positioning System (GPS) receiver capable of sub-meter accuracy. The GPS flag points were then entered into an AutoCAD base map and the wetland areas were calculated using the AutoCAD area utility.

B. Other waters of the U.S.

The Study Area was screened for the presence of areas that meet the criteria for "other waters of the U.S.". These areas consist of ephemeral, intermittent, and perennial streams, as well open water habitats such as ponds. Site drainage was determined by secondary source information and in the field using current regulatory guidance. Drainage channels that exhibited "bed and bank" and an ordinary high water mark in the channel were identified and delineated as jurisdictional streams.

C. Federal Jurisdiction of Wetlands

The Clean water Act (U.S. Congress, 1972, amended 1977) makes it unlawful to discharge dredged or fill materials into "navigable waters" without a permit (33 U.S.C. S1311(a)). "Navigable waters" are defined as "the waters of the United States, including the territorial seas." The U.S. Army Corps of Engineers (USACE), which issues permits for discharge of dredged material or fill into navigable waters, interprets "waters of the United States" to include not only traditionally navigable waters, but tributaries of such waters and wetlands "adjacent" to such waters and tributaries. "Adjacent" is defined as wetlands "bordering, contiguous [to] or neighboring" waters of the United States even when they are "separated from [such] waters...by man-made dikes...and the like." Originally, the USACE maintained jurisdiction of wetlands isolated from waters of the U.S. by means of the "Migratory Bird Rule." The Migratory Bird Rule stated that wetlands are a key resource for waterfowl, which continuously migrate between states. The waterfowl being a vital resource, impacts to wetlands were considered to affect interstate trade and thus be under the purview of federal regulation. A U.S. Supreme Court ruling [Solid Waste Authority of Northern Cook County (SWANCC) v. The United States Army Corps of Engineers, 2001] ruled that migratory waterfowl were not sufficient cause alone to subject isolated wetlands to regulations pursuant to Section 404 of the Clean water Act. Subsequently, a bill was signed into law by Governor Taft (Ohio House Bill 231) giving the Ohio EPA authority to regulate and permit impacts to isolated wetlands. Therefore, in an attempt to establish the level of jurisdictional authority, the hydrology of each wetland within the Study Area was evaluated to define whether or not individual wetlands should be considered adjacent or isolated.

In June of 2006, the United States Supreme Court has ruled on a case (Rapanos et ux. v. United States) challenging the USACE jurisdiction over several wetlands that drain via man-made ditches into navigable waters. In a split decision, the case was returned to the U.S. 6th Circuit Court of Appeals. The opinion of note on this case was written by Justice Kennedy, who did not agree completely with either the three judge plurality or the three judge dissent. He concluded that a water or wetland is subject to regulations pursuant to Section 404 of the Clean Water Act if it possesses a "significant nexus" to waters that are navigable or could reasonably be so made. He directed the USACE to better define "a significant nexus" to establish the framework for inquiry. The rationale for the USACE jurisdiction over wetlands under the Clean Water Act is that wetlands perform critical functions for physical and chemical integrity of waterways such as pollutant trapping, flood control and runoff storage. In contrast, when wetland impacts on navigable waters are insubstantial, jurisdiction cannot be awarded based on the Clean Water Act. Further guidance was issued by the USACE in early June of 2007.

III. SITE DESCRIPTION

A. Physiography

Wayne County is located entirely in the Erie/Ontario Drift and Lake Plain physiographic province, and the Study Area is located in the Low Lime Drift Plain ecoregion (United States Environmental Protection Agency, 2004).

B. Drainage and Topography

According to the USGS 7.5' topographic quadrangle (Orrville, Ohio 1961) (Figure 1), the topography of the Study Area is generally flat with an elevation of 1,150 feet above mean sea level. The general area is drained by several intermittent streams, which run into Sugar Creek. Mapping shows no streams, wetlands or other water features in the actual project area.

C. Soils

According to the National Resources Conservation Service's Web Soil Survey, the Study Area is underlain by five soil types as illustrated on Figure 2. According to the Hydric Soils of Wayne County, Ohio (NRCS 2002), one of the soils on-site is listed as non-hydric but with hydric components. Below is a brief description of the soil occurring on-site.

Ravenna silt loam. 0 to 2 percent slopes (ReA): This is a moderately shallow and level soil that is somewhat poorly drained and typically found on drainage ways, depressions, and plains. Permeability is moderately high to moderately low and run off is slow. The depth to the seasonal high water table where ReA is mapped to be at 6 to 24 inches below the surface. According to the hydric soils list for the state of Ohio (NRCS), ReA is a non-hydric that may contain inclusions of hydric soil. ReA is mapped throughout Study Area.

IV. WETLAND AND WATER RESOURCES

A. General Wetlands Results

The Orrville, Ohio quadrangle of the National Wetlands Inventory (NWI) map identifies no wetlands located in the Study Area (Figure 3) (U.S. Fish & Wildlife Service, 1977).

B. Delineated Wetlands

Wetland delineation field investigations were conducted on June 18, 2009. No wetlands, streams or other Waters of the US or State of Ohio were found within the Study Area. Data were taken at three representative locations to confirm and document the upland nature of the land in the project area. All were determined to be upland areas based upon the failure to meet the required wetland criteria. Upland points one and two were found to have no hydrology present and upland point three had no hydric soils present. Data sheets appear in Appendix A.

C. Other waters of the U.S. Description

Areas identified as "other waters of the U.S." typically consist of open water ponds and/or ephemeral, intermittent, and perennial streams identified within the Study Area during the field investigations. During the delineations performed on June 18, 2009 no ponds or streams were found.

V. SUMMARY

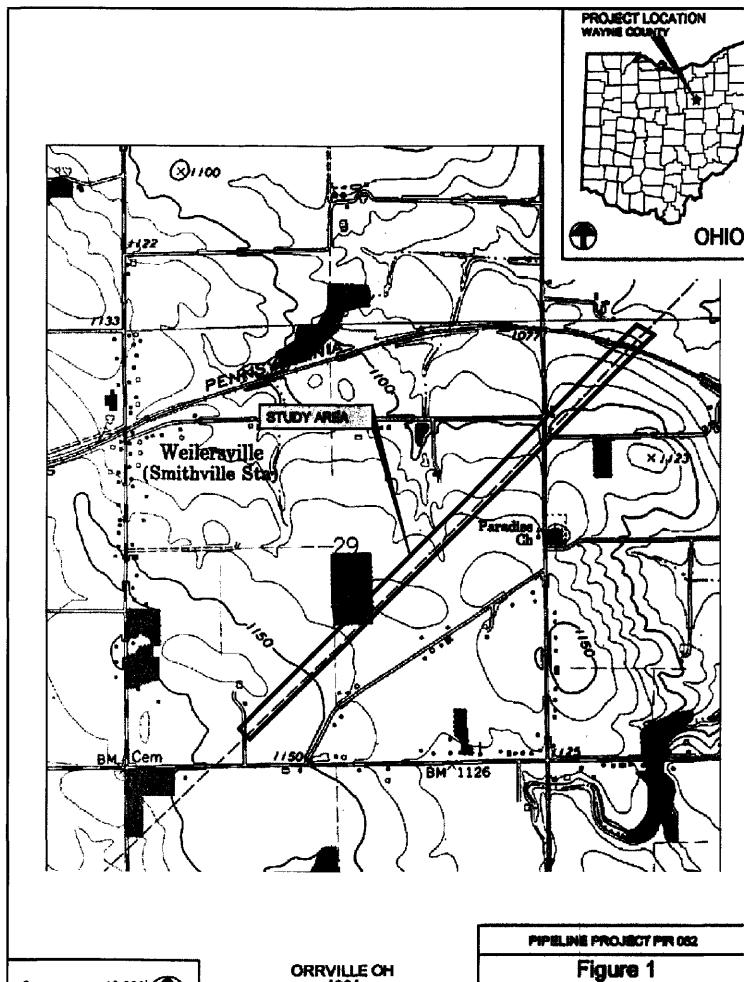
- URS Corporation conducted a wetland and water resources delineation field investigation at the Study Area on June 18, 2009.
- This investigation identified no wetlands or other waters of the US within the Study Area.

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- U.S. Geological Service. 1963. Topographic quadrangle maps (7.5-minute series). Orrville, Ohio quadrangle.

VII FIGURES



0 12,000 SCALE 1" = 12,000 ORRVILLE OH 1961 PHOTOREVISED, 1978 Figure 1
Location Map

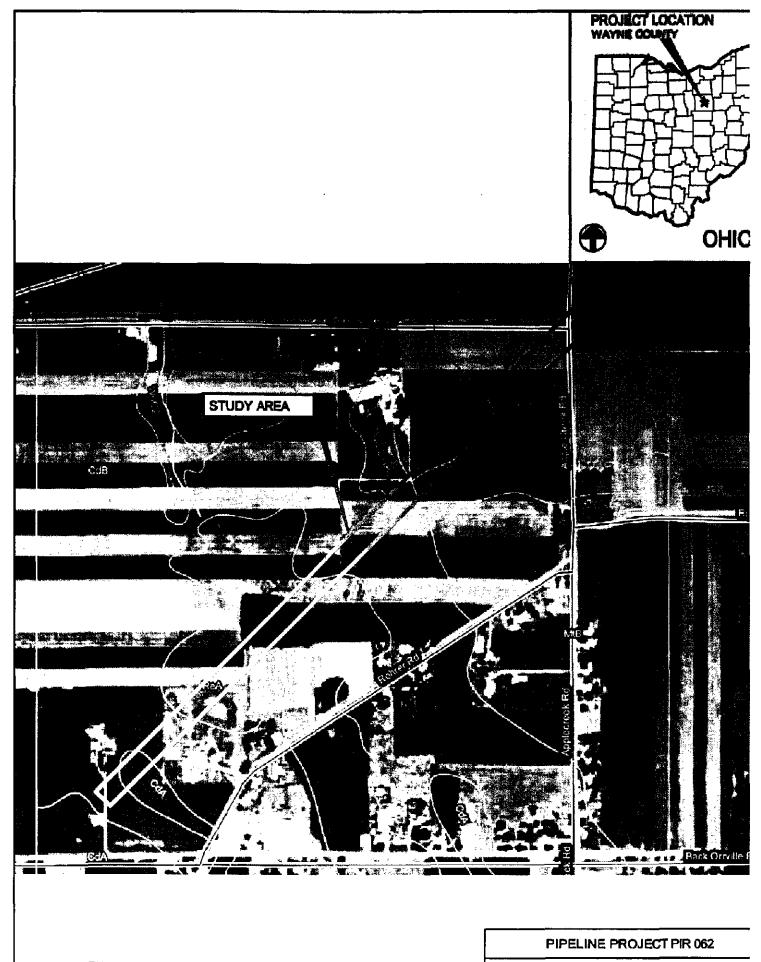
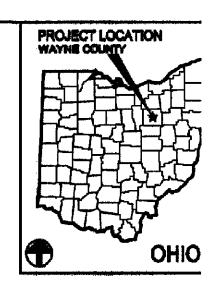
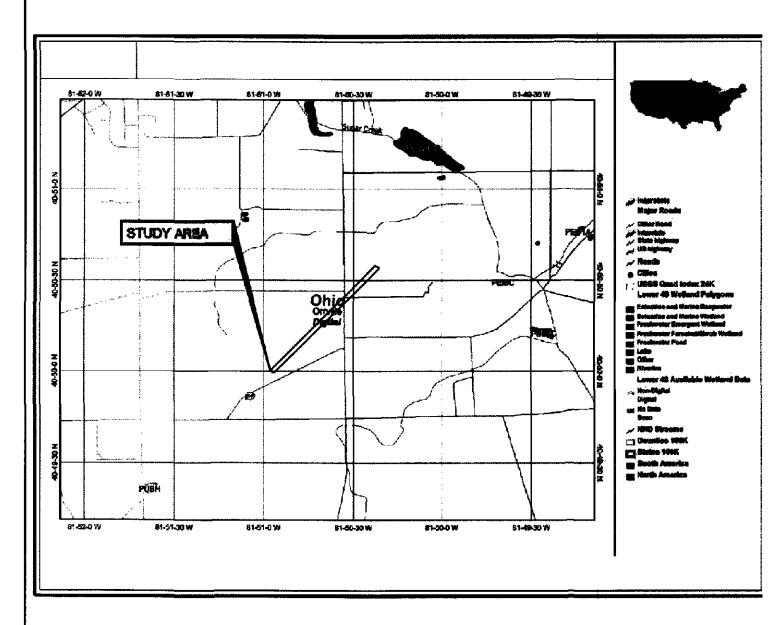


Figure 2 Soil Map

URS





ORRVILLE OH 1961 PHOTOREVISED, 1978 Figure 3 NWI Map

VIII PHOTOGRAPHS

URS

POTENTIAL INDIANA BAT HABITA' ASSESSMENT PHOTO LOG

Client Name: Dominion East Ohio Gas Site Location: Wooster PIR 062 Project No. 39939387

Photo No.

Date: 6/18/09

Description:

View to the southwest, the small shed and jeep are at the southwest end of the project. Most of the project area crosses field similar to this.



Photo No.

Date: 7/10/09

Description:

View facing northeast through pasture and hayfield to the woodlot near the center of the project area.



URS

POTENTIAL INDIANA BAT HABITA' ASSESSMENT PHOTO LOG

Client Name:

Dominion East Ohio Gas

Site Location: Wooster PIR 062 Project No. 39939387

Photo No.

Date: 7/10/09

Description:

View facing northeast.

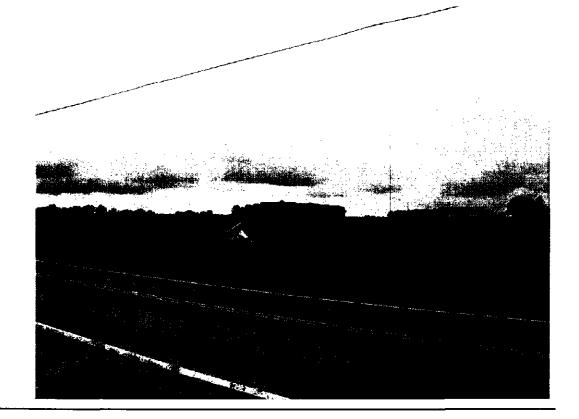


Photo No.

Date: 7/10/09

Description:

View facing southwest across Applecreek Road. The remainder of the project crosses fields similar to those already pictured.



IX DATA APPENDICES

APPENDIX A ROUTINE WETLAND DELINEATION FORMS

Routine Wetland Determination 1987 Corps Wetland Delineation Manual

Project/Site:	Domin	ion PIR 062	 !				Dat	9 :	18 July 200	9
Applicant/owner:	Domin	ion East Oh	io Gas				Col	inty:	Wayne	
Investigator(s):	Burges	ss/Kooser					Sta	to:	Ohio	
							9/1	/R:		
Do normal circums	tances e	xist on the	site?	⊠,	/es	□ No	Cor	nmunity (D:	Upland	
Is the site significat	ntly distu	ırbed (atypi	cal situation	1)? 🔲 `	res	⊠ No	Tra	nsect ID:		
Is the area a poten	tial prob	lem area?		Ο,	r'es	⊠ No	Plo	iD:	UP 1	
Explanation of atyp	ical or p	roblem area	3:				<u> </u>	····		
<u>VEGETATION</u> (F	or *strat	a, indicate 1	" = tree; S =	shrub; H =	herb; V	′ = vine)				
Dominant Plant Sp	ecies	*Stratum	% cover	Indicator	Domin	ant Plant Spec	ies	*Stratum	% cover	Indica
Zea mays		H	90	UPL						
				<u> </u>						
									1	}
	ŀ									
HYDROPHYTIC V	EGETA	TION INDIC	ATORS:	<u> </u>						
% of dominants Of	BL. FAC	W. & FAC:	n							
		•								
Check all indicator	-				حنمامينم	al francisco de máis es	محامد			
☐ Visual observa areas of prolong				= :	_	al/reproductive Int database	aua	JUMUUTIA		
Morphological	•			=	•	ent database owledge of reg	-iona	l plant come	ilian	
☐ Technical Liter	•				er (expla		JICI 14	· Marie Adula	PAN TALAND	
					et (evhu		-			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Hydrophytic vege	•		Yes	⊠ №						
Rationale for decis	ion/Rem	iarks: No d	ominant sp	ecies were	hydroph	ytes.				
HYDROLOGY	· · · · · · · · · · · · · · · · · · ·		·-·	<u>. '''</u> .						
Is it the growing se	ason?	⊠ Yes [] No			WETLAND	HYC	ROLOGY I	NDICATOR	S
Based on: So	il temp (record temp	 >)		Prima	ry Indicators:				
⊠ Ott	ner (expl	ain) Soil s u	rvey COE o	uidance	⅃	inundat				
Depth of inundation	n:		inches					Upper 12 In	iches	
Depth to free water	r in pit:		inches			☐ Water N		1		
Depth to saturated	soil:		inches	-		Sedime		nosits		
Check all that apply	y & expl	ain below:			ŀ			tterns in We	tlands	
Stream, lake or	r gage d	ata			-					
Aerial photogra	phs				Seco	ndary Indicator	_			5 11·
☐ Other						and all the second		ot Channels ed Leaves	ил Upper 1:	a inche
						==		irvey Deta		
						FAC-N		_		
						=		in in Remed	(sa)	
Wetland hydrolog	y prese	nt?	Yes	⊠ No	-			and the second		
Rationale for decis		_			of wet	and hydrology	note	j .		
				•		,				

Taxonomy	(subgroup	ies and Phase) :	Plot ID: UP 1 Drainage Class Field observations confirm mapped type? Yes No						
Profile Det Depth (inches) 0-14	Horizon AP	Matrix color (Munsell moist) 2.5Y5/4	Mottle colors (Munsell moist) None		de abundance and contrast	Texture, concretions, structure, etc. Sitty clay	Orawing of soil profile (match description)		
Hydric Soll Indicators: (check all that apply) Histosol Histic Epipedon Sulfidic Odor Aquic Moisture Regime Reducing Conditions Gleyed or Low-Chroma (*1) matrix					☐ Mg or Fe Cor☐ High Organic☐ Organic Stree	Content in Surface Layer aking in Sandy Soils ional/Local Hydric Soils Li			
•	s present? or decision/F	☐ Ye temarks: No evide	ence of the presen	ce of	hydric soil noted.				
Hydrophytic Hydric soils Wetland hy Is the samp	drology pres ding point wi	present?	☐ Yes ⊠ No ☐ Yes ⊠ No ☐ Yes ⊠ No ☐ Yes ⊠ No))					

NOTES: Active corn field

Revised 3/01

Routine Wetland Determination 1987 Corpe Wetland Delineation Manual

Project/Site:	Domir	nion PIR 062	2				Dat	e :	1 8 July 200	9
Applicant/owner:	Domir	nion East Of	nio Gas				Col	unty:	Wayne	
Investigator(s):	Burge	ss/Kooser					Sta S/T		Ohio	
Do normal circums	ntly dist	urbed (atypi		n)? 🔲	Yes 🔯 N	ס	Cor Tra	nmunity ID: neect ID:	•	
Is the area a poter	-				Yes 🔯 No	•	Plo	t ID:	UP 2	
Explanation of aty										
VEGETATION (F		ta, indicate 1 *Stratum	•	7	•	•	.i	*Stratum	Qf advers	tadia
Dominant Plant Sp Trifolium pratense	PECIES	H	% cover	Indicator FACU-	Dominant Pi	ant Sher	162	Suatum	% cover	Indic I
Trifolium repens		H	10	FACU-		<u> </u>				
Poa pratensis	·	Н Н	70	FACU						<u> </u>
	··· · ·	ļ 	ļ							
Daucus carota		Н	5	UPL	<u> </u>					ļ
Plantago major		Н	5	FACU				<u> </u>		<u> </u>
		<u> </u>			•			<u></u>	<u></u>	<u></u>
HYDROPHYTIC V	EGETA	TION INDIC	ATORS:							
% of dominants Of	BL, FAC	W, & FAC:	0							
Check all indicator	s that a	pply and exp	olain below:							
☐ Visual observa					siological/rep		ada	ctations		
areas of prolon Morphological	_		ration	=	tland plant dat				***	
Technical Liter	•	10(19			sonal knowled er (explain)	ige of rec	jiona	l plant comn	TUNITIOS	
					er (extress)					 -
Hydrophytic vege			Yes	⊠ No	م مقد بدام مساور م					
Rationale for decis	IION/K@N	narks: No d	ominant spi	ecies Were	nyaropnytes.					
HYDROLOGY			_					The state of the s		·····
Is it the growing se		<u> </u>	_ No		1		HYC	PROLOGY I	NDICATOR	18
Basedion: ☐ So ☑ Ot	•	(recora temp dain) Soil su	•	n damaa	Primary inc	licators: Inundat	ad			
Depth of inundatio		Maii i) Quii 30	inches	UIVE ICE	1 6			Upper 12 In	ches	
Depth to free water			inches			Water N		}		
Depth to saturated	•		inches		_ <u> </u>	Drift Lin Sedime		uncaite.		
Check all that app	у & өхр	lain below:			7 -	•		iposius Iterns in We	tlands	
Stream, lake o	r gage d	lata								
Aerial photogra	aphs				Secondary		•	or more Rec		O la ale a
☐ Other					-	•		ot Channels ed Leaves	in Upper T	Z INCNE
								rvey Data		
						FAC-N	tutral	Test		
	····			· · · · · · · · · · · · · · · · · · ·		Other (I	ixola	in in Remar	(\$)	
Wetland hydrolog		_		⊠ No						
Rationale for decis	ion/rem	arks: No ev	ridence of th	ne presenci	of wetland h	ydrology	note	j .		

,	/ (subgroup	ries and Phase) :	Pist ID: UP 2 Drainage Class Field observations confirm mapped type? Yes No						
Depth (inches) 0-3 3-18	Horizon A B	Matrix color (Munsell moist) 2.5Y4/3 2.5Y5/4	Mottle colors (Munsell moist) None None		tie abundance and contrast	Texture, concretions, structure, etc. Sitty clay	Drawing of soil profile (match description)		
] Histosol] Histic Epipo] Sulfidic Od] Aquic Mois] Reducing (or Iture Regime			Mg or Fe Coo High Organic Organic Stre	: Content in Surface Layer aking in Sandy Soils tional/Local Hydric Soils Li	-		
Hydric soil Rationale f Wetland D Hydrophyti Hydric soils Wetland hy Is the sam	ls present? or decision/f etermination c vegetation s present? drology presoling point w	Remarks: No evidence present? sent? ithin a wetland?	a 🔯 No	·		in in remerke)			
rationale/	remarks: (Jpland plot 2							

NOTES: Pasture/hay field

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Routine Wetland Determination 1987 Corpe Wetland Delineation Manual

Project/Site:	Domir	nion PIR 062	2				Dat	ie:	18 July 200	9
Applicant/owner:	Domir	nion East Of	nio Gas				Co	untly:	Wayne	
Investigator(s):	Burge	ss/Kooser					Sta	te:	Ohio	
g							S/T	/R:	المراجع	الرجيبي والأناء والمام
Do normal circums	tances	exist on the	site?	X.	Yes [] No	Co	mmunity ID:	Upland	
Is the site significa	-		cal situation			No		nsect ID:		
is the area a poten	•			Ο,	Yes 🗵	No	Plo	t ID:	UP 3	
Explanation of atyr		=======================================								
VEGETATION (F		· ·	•	-	=	•		4Ohaak	N	ladia.
Dominant Plant Sp Phalaris arundinad		*Stratum	% cover	Indicator FACW+	Dominan	it Plant Spec	JI Q3	*Stratum	% cover	Indica T
	ea	н	10	<u> </u>			·			
Impatiens spp.		Н	10	FACW				ļ		
Toxicodendron rad	licans	V	10	FAC						ļ
Ulmus americana		Ť	10	FACW-					1	
Acer rubrum		T	40	FAC						
Quercus rubra		T	50	FACU-						
HYDROPHYTIC V	EGETA	TION INDIC	ATORS:		<u>•</u>					
% of dominants Of	BL. FAC	W. & FAC:	83							
Check all indicator										
☐ Visual observa					siological/	reproductive	ada:	otations		
areas of prolon					tland plant	•				
	adaptat	ions			•		aiona	i plant comn	nunities	
☐ Technical Liter	ature			=	er (explain	-		•		
Hydrophytic vege	detion :	nsecont?	X Yes	□ No	· - · · · · · · · · · · · · · · · · · · ·					
Rationale for decis	,	•			rophytes					
		· · · · · · · · · · · · · · · · · · ·						·		
HYDROLOGY	0	1671 s.c	····			ANT AND		1801.007.1	NO CATO	
Is it the growing se		_] No		Briman	vve i LANL Indicators:	JHYL	DROLOGY I	NUICATOR	(3
Based on: ☐ So	-	(lecord tem) (lain) Soil su	•	widace.	Primary	indicators.	ted			
Depth of inundation		HORELY COURT GO	inches		-			Upper 12 In	ches	
Depth to free wate			inches		İ	☐ Water !		3		
Depth to saturated	•		inches			Drift Lin				
Check all that appl	у & ехр	lain below:				Sedime		eposite Itterns in We	dands	
Stream, lake o	rgage d	lata								
Aerial photogra	phs				Second	Y	•	or more Rec	•	
☐ Other								ot Channels	in Upper 1	2 Inche
						Water- Water- Water- Water-		urvey Data		
						☑ FAC-N				
					1			in in Remar	kg)	
Wetland hydrolog	y pres	ent?	Yes] No						
Rationale for decis	ion/rem	arks: Two s	econdary in	ndicators of	the prese	nce of hydro	ology	noted.		

,	(subgroup	ies and Phase) :	Plot ID: U Drainage Class Field observations confirm mapped type? Yes								
Depth (inches)	Horizon	Matrix color (Munsell moist)	Mottle colors (Munsell moist)		de abundance and contrast	Texture, concretions, structure, etc.	Drawing of soil profile (match description)				
0-3	A	10YR3/3	None	N		Silty loam					
3-16	В	5Y6/4	10YR6/8	Few	, distinct	Silty clay]				
	:]				
					ı						
Hydric Soil Indicators: (check all that apply) Histosol Histic Epipedon Sulfidic Odor Aquic Moisture Regime Reducing Conditions Gleyed or Low-Chroma (=1) matrix					Matrix chroma ≤ 2 with mottles Mg or Fe Concretions High Organic Content in Surface Layer of Sendy Soils Organic Streaking in Sandy Soils Listed on National/Local Hydric Soils List Other (explain in remarks)						
_	s present?	Ye		6							
Wetland D	Rationale for decision/Remarks: No evidence of the presence of hydric soil noted. Wetland Determination Hydrophytic vegetation present? X Yes No										
Hydric soils	-	ant?	Yes No								
-	drology pres ling point wi	ent? thin a wetland?	Yes								
Rationale/	Remarks: Y		vegetation was show hydric char	prese acter	nt, and secondar	y evidence of the preser	nce of wettend				
,	*************************************										

NOTES: Right of way in woods.

Revised 3/81