

## BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of AEP Ohio Transmission Company for a Certificate of Environmental Compatibility and Public Need for 138kV Elk North 138kV Extension and Elk South 138kV Extension Transmission Project.	) ) ) ) ) ) )	Case No. 11-4505-EL-BTX
--	---------------------------------	-------------------------

**MOTION FOR WAIVER OF  
AEP OHIO TRANSMISSION COMPANY**

Pursuant to Section 4906.06(A)(6), Revised Code and Rules 4906-1-03 and 4906-5-04 of the Ohio Administrative Code, AEP Ohio Transmission Company (“AEP Transco”) moves the Ohio Power Siting Board to grant certain waivers contained within Chapters 4906-1 to 4906-15 of the Ohio Administrative Code.

Specifically, AEP Transco seeks a waiver from the one year notice provision of Section 4906.06(A)(6), Revised Code and a waiver from the twenty percent commonality requirement for the alternate route should the ultimate alternative route exceed the twenty percent threshold. Good cause exists for granting the waivers and the reasons underlying such motion are set forth in the accompanying memorandum in support.

WHEREFORE, AEP Transco respectfully requests that the Ohio Power Siting Board grant a waiver from the one year notice provision of Section 4906.06(A)(6), Revised Code and a waiver from the requirement that the two proposed routes have no

more than twenty percent of the routes in common under Rules 4906-1-03 and 4906-5-04 of the Ohio Administrative Code.

Respectfully submitted,

//ss//Matthew J. Satterwhite

Matthew J. Satterwhite

Erin Miller

Columbus Southern Power Company

1 Riverside Plaza

Columbus, Ohio 43215

Telephone: (614) 716-1606

Fax: (614) 716-2950

Email: [mjsatterwhite@aep.com](mailto:mjsatterwhite@aep.com)

Counsel for AEP Ohio Transmission Company

**MEMORANDUM IN SUPPORT OF MOTION FOR WAIVER OF  
AEP OHIO TRANSMISSION COMPANY**

**I. Introduction**

AEP Ohio Transmission Company ("AEP Transco" or "Company"), on July 26, 2011, filed a notice of intent to file an application for a certificate of environmental compatibility and public need to build a 138kV transmission line feeding the Elk substation in Vinton County, Ohio. AEP is seeking to construct a 138kV electric transmission line that will service Elk substation from tap points on the existing Poston - Lick 138kV line. The entire Elk Project consists of approximately 17.5 miles of single circuit 138kV line. It is broken down into an east-west segment (7 miles) and a north-south segment (approximately 10.5 miles). The east-west route generally parallels U.S. Route 50 from the Poston - Lick tap point into Elk substation. The north-south route will occupy the existing Floodwood-Berlin 69kV centerline from Elk substation to a tap point intersecting somewhere along the Poston-Lick 138kV line. The section of the Poston-Lick 138 kV line between the two tap points (i.e. the portion through the Vinton Furnace Experimental Forest) will be removed.

**II. 4909.06(A)(6), Revised Code**

Section 4906.06(A)(6), Revised Code indicates that an application filed with the Power Siting Board must be filed not less than one year nor more than five years prior to the plan date of commencement of construction. Either period may be waived by the Board for good cause shown. AEP Transco seeks waiver of this requirement.

After meeting with Board Staff, AEP Transco endeavored to find a route that minimized the impact on the State and National Forest in the area by using existing breaks in the forest boundaries and avoid rebuilding large portions of the line in the National Forest.

AEP's delayed filing the application to work on finding the best route around the National Forest and State Forest, as shown on the attached route options (see attachment). After its delay to ensure the most appropriate path, AEP Transco needs to begin construction of the electric transmission line as soon as it is authorized by the Ohio Power Siting Board. Good cause exists for granting the requested waiver.

### **III. Rule 4906-5-04(A) of the Ohio Administrative Code**

Rule 4906-5-04(A) of the Ohio Administrative Code, requires that all applications for electric power transmission facilities include information on two routes. The rule states that "[T]wo routes shall be considered as alternatives if not more than twenty percent of the routes are common." Rules 4906-1-03 and 4906-5-04(B) of the Ohio Administrative Code allows the Board or Administrative Law Judge to waive the requirement.

AEP Transco anticipates the two best available routes to be up to 83% in common. There are alternative routes with as low as 40% in common but, as stated above, the goal was to minimize the disturbance of the National Forest and State Forest. See the attached route selection study that describes our different route alternatives. Vinton Furnace State Experimental Forest and Zaleski State Forest occupy large portions of land in this area. Because of this the east-west line route occupies the narrow corridor between these two forests and generally parallels U.S.

Route 50. The line route heading north-south will occupy an existing transmission corridor. Avoidance of the national forest is a visible catalyst for the commonality of the route. AEP Transco is attaching the route selection study as a resource for use by the Board in its consideration of this waiver. AEP Transco requests waiver of the 4906-5-04(A) of the Ohio Administrative Code requirement and shows good cause for Board approval.

#### **IV. Conclusion**

Good cause exists for granting the waivers requested by AEP Transco. AEP Transco respectfully requests that the Ohio Power Siting Board grant a waiver from the one year notice provision of Section 4906.06(A)(6), Revised Code and grant a waiver from the requirement that the two proposed routes have no more than twenty percent of the routes in common under Rule 4906-5-04 of the Ohio Administrative Code.

Respectfully submitted,

//ss//Matthew J. Satterwhite  
Matthew J. Satterwhite  
Erin Miller  
Columbus Southern Power Company  
1 Riverside Plaza  
Columbus, Ohio 43215  
Telephone: (614) 716-1606  
Fax: (614) 716-2950  
Email: [mjsatterwhite@aep.com](mailto:mjsatterwhite@aep.com)

Counsel for AEP Ohio Transmission Company

# ELK 138 KV ELECTRIC TRANSMISSION LINE PROJECT

## ROUTE SELECTION STUDY REPORT

*Prepared for:*

American Electric Power Service Corporation  
700 Morrison Road, 2<sup>nd</sup> Floor  
Gahanna, Ohio 45230



*Prepared by:*

**URS**

36 East Seventh Street, Suite 2300  
Cincinnati, Ohio 45202

Project #: 14949884

June 2011



## TABLE OF CONTENTS

1.0	INTRODUCTION .....	1
2.0	PURPOSE AND OBJECTIVES .....	2
3.0	METHODOLOGY.....	2
3.1	Study Area .....	2
3.2	Study Area Map.....	3
3.3	Siting Criteria.....	3
3.4	Route Candidate Selection Process.....	4
3.5	Route Scoring Rationale.....	7
3.6	Route Ranking.....	8

## TABLES

### Number

TABLE 1:	QUANTITATIVE ROUTING CRITERIA .....	3
TABLE 2A:	QUANTITATIVE ECOLOGICAL ROUTING COMPARISON .....	After Text
TABLE 2B:	QUANTITATIVE CULTURAL ROUTING COMPARISON .....	After Text
TABLE 2C:	QUANTITATIVE LAND USE ROUTING COMPARISON .....	After Text
TABLE 2D:	QUANTITATIVE ENGINEERING ROUTING COMPARISON .....	After Text
TABLE 2E:	QUANTITATIVE ROUTE SCORES AND RANKING .....	After Text

## FIGURES

### Number

FIGURE 1	STUDY AREA MAP
FIGURES 2A TO 2R	CONSTRAINT MAPS

## APPENDICES

### Number

APPENDIX A	VINTON FURNACE EXPERIMENTAL FOREST DEED
------------	---



## 1.0 INTRODUCTION

This document presents the Route Selection Study conducted by URS Corporation (URS) for American Electric Power (AEP) for a proposed 138 kV electric transmission line loop in Vinton County, Ohio. A portion of the new transmission line loop may extend into Jackson County, Ohio to the south or Hocking and Athens Counties to the north, depending on the route selected. As proposed, all or almost all of the new 138 kV line would be constructed as a single circuit. Due to age and condition, AEP intends to functionally replace their Floodwood-Berlin 69 kV line from Floodwood substation in Athens County to Berlin substation in Jackson County. This line currently feeds Elk distribution substation in Elk Township of Vinton County, approximately 0.25 mile east of the Village of McArthur.

The new transmission line will tap the existing Poston-Lick 138 kV line running from northeast to southwest approximately 6 to 17 miles from Elk substation. A single-circuit 138 kV transmission line will be constructed from the Poston-Lick tap to the existing Elk distribution substation. Once the new single-circuit transmission line is constructed, the existing Floodwood-Berlin 69 kV line will be taken out of service and removed. A second single-circuit 138 kV transmission line will be constructed back to the Poston-Lick 138 kV line along a different corridor to complete the loop. The proposed single-circuit construction methodology provides increased reliability by separating the feeds to Elk Substation along separate corridors reducing susceptibility to storms and other outage events. Single-circuit construction allows for the potential to construct a portion of the new 138 kV transmission loop back to the Poston-Lick line on the centerline of the Floodwood-Berlin 69 kV right-of-way. While additional right-of-way may be required, clearing, aesthetic, and other potential impacts will be limited. Certain single-circuit corridors may also allow removal of portions of the existing Poston-Lick 138 kV line depending on their relative location to existing customer feeds. The Project is referred to as the Elk 138 kV Transmission Line Project (the Elk Project).

Constructing an electric power transmission line of this length requires AEP to submit an Application for a Certificate of Environmental Compatibility and Public Need to the Ohio Power Siting Board (OPSB). Part of the Application process involves preparation of a route selection study that evaluates practical project alternatives. The Route Selection Study for the Elk Project involved collection and evaluation of engineering, environmental, cultural, and land use data in order to identify potential routes for the transmission line. The Route Selection Study identifies major constraints and uses an evaluation process to compare alternatives that avoid or minimize adverse effects to the extent practical. AEP retained URS to assist with the evaluations of environmental, land use, cultural, and engineering/construction issues during the study.

The project is located in a rural setting characterized by mixed agricultural and residential land uses, with large wooded areas and mining operations. The Ohio Department of Natural Resources (ODNR) and the United States Forest Service (USFS) own large tracts of land in the vicinity, which introduce some siting limitations. Hilly terrain is a major challenge in routing a transmission line in the project area as construction equipment may have difficulty accessing steep areas and isolated valleys. Locating transmission structures on hill tops and ridges is preferable because they generally provide a flatter surface meeting engineering requirements and allow spanning of sensitive valley areas. Hill tops and



ridges also generally provide better accessibility than side slopes, which are susceptible to landslides, and valleys. Based on these general considerations, routing methodology first considers viable structure locations, accounting for slope and maximum span, and joins them with a centerline. This route selection study details the available options and evaluates them relative to one another by both quantitative and qualitative criteria.

## **2.0 PURPOSE AND OBJECTIVES**

The purpose of this Route Selection Study is to assist in identifying routes best suited for the transmission line and to support the required regulatory filings for the project. AEP intends to prepare and submit an Application for a Certificate of Environmental Compatibility and Public Need to the OPSB for the project. The Route Selection Study will assist in the preparation of the application and has been developed in accordance with the provisions of Ohio Administrative Code (OAC) 4906-15-03 for electricity transmission facilities.

The Route Selection Study is designed to identify and compare suitable routes that minimize the overall effects on ecology, sensitive land uses, and cultural features to the greatest extent practical while maintaining economic and technical feasibility. The result of this process is the identification of Preferred and Alternate Routes as the project proceeds toward submission of the OPSB application for a Certificate of Environmental Compatibility and Public Need.

## **3.0 METHODOLOGY**

The route selection study involved three main steps:

**Step 1:** Definition of a study area:

**Step 2:** Assignment of route centerlines based on detailed ecological, cultural, land use, and engineering criteria.

**Step 3:** Scoring and ranking of routes

### **3.1 Study Area**

The proposed Elk 138 kV transmission line will tap the existing Poston-Lick 138 kV electric transmission line. This line extends from northeast to southwest through Athens, Hocking, Vinton, and Jackson Counties and forms the eastern limits of the study area. It is closest to Elk distribution substation near U.S. 50 in Vinton County. Poston Substation, at the northern end of the 138 kV line to be tapped, forms the general northern boundary of the study area. The Floodwood-Berlin 69 kV transmission line to be removed crosses Vinton County from north to south, and intersects the Poston-Lick 138 kV transmission line approximately 11 miles south of the existing Elk distribution substation. This 69 kV line formed the general western boundary with the intersection point forming the southern boundary of the triangular-shaped study area.



### 3.2 Study Area Map

The study area is shown in Figure 1. The study area currently is characterized by rolling terrain with large wooded areas, public land holdings, agricultural tracts, mining areas, and scattered residences.

### 3.3 Siting Criteria

The goal of the Route Selection Study was to identify viable routes based on the physical locations where structures could be located, while avoiding or limiting impacts to sensitive land uses, ecological, and cultural features in the project vicinity. It is desirable to maximize certain criteria along a given route, (e.g. paralleling existing corridors). These criteria are known as attributes. Undesirable criteria, such as wetlands, historic properties, etc. are termed constraints and the study seeks to avoid/minimize their proximity to the project. Therefore, the goal of routing is to maximize attributes while minimizing constraints. The criteria considered in the Route Selection Study are listed in Table 1.

TABLE 1: QUANTITATIVE SITING CRITERIA	
Criteria	Data Source
<b>Ecological</b>	
Area of Woodlots within 100-foot Right-of-way (acres)	Woodlots as digitized from aerial photography
Area of National Wetland Inventory (NWI) Wetlands within 100-foot Right-of-way (acres)	NWI wetland areas as identified by United States Fish and Wildlife Service (USFWS)
Number of Stream Crossings	USGS Topographic Maps
Threatened and Endangered Species Listings within 100 feet	ODNR Biodiversity Database
<b>Cultural</b>	
National Register of Historic Places and Districts within 1,000 feet	OHPO online database
Ohio Historic Inventory Structure within 1,000 feet	OHPO online database
Known Archaeology Sites within 1,000 feet	OHPO online database
Cemeteries within 100 feet	OHPO online database
<b>Land Use</b>	
Residences within 100 feet	Aerial photography and field observation
Residences between 100 and 1,000 feet	Aerial photography and field observation
Institutional Land Uses within 1,000 feet	Schools and places of worship - USGS maps, ESRI GIS data layer, field observation
Other Sensitive Land Uses Crossed	Includes airports, air strips, parks, preserves, park district property, designated managed areas, conservation and observatory sites, and golf courses; sources: US Forest Service, ODNR, ESRI GIS data, and field observation



TABLE 1: QUANTITATIVE SITING CRITERIA	
Criteria	Data Source
Engineering	
Number of Public Road Crossings	ESRI GIS data layer, aerial photography, USGS topographic maps
Percent of Route Closely Paralleling Existing Linear Features	Includes roads, railroads, electric transmission lines, and pipelines. AEP data layers, aerial photography, and USGS maps; Lengths calculated by GIS software
Turn Angles Greater than 20 Degrees	Calculated by GIS software
Length of Route (miles)	Calculated by GIS software

In addition to the ecological, land use, cultural, and engineering attributes and constraints, several qualitative factors were considered. These issues include construction and maintenance access, schedule, and likely right-of-way availability along the routes.

### 3.4 Route Candidate Selection Process

Based on the identified needs and technical requirements of the project, the study area was evaluated to identify candidate routes. A constraint map of the study area was developed using ArcMap GIS software. Georeferenced data layers for the identified constraints, obtained from published State and Federal materials and local planning documents, were superimposed on 2007 aerial photography obtained from the Ohio Statewide Imagery Program. A windshield survey of the project area was conducted on December 6, 2010 to verify the nature of the study area and identify possibly important constraints not included in the GIS layers. Based on the resulting constraint map and desktop review of suitable structure locations, initial corridors were identified in December 2010. These initial corridors were focused on the southern portion of the study area to avoid Zaleski State Forest and Wayne National Forest to the north and the necessary increased length for potential corridors heading in that direction. The initial corridors are provided on Figure 1.

On December 8, 2010, URS received GIS data layers associated with the ODNR Biodiversity Database. These data layers included reported known locations of special status species and managed areas in the project vicinity. The Vinton Furnace Experimental Forest was shown by the managed areas data layer within much of the study area. This managed area had not been included in any of the previous data layers obtained by URS. The Vinton Furnace Experimental Forest is reportedly a 15,849-acre area that "represents Ohio largest, last contiguous forested block still available for permanent protection" and was purchased by the State of Ohio in the summer of 2010 (<http://dnr.state.oh.us/tabid/22166/Default.aspx>).

AEP's existing Poston-Lick 138 kV line to be tapped as part of this Project crosses this forest. This resulted in most of the initial corridors crossing the Vinton Furnace Experimental Forest, as shown on Figure 1. AEP and URS initiated correspondence with ODNR regarding the ability to cross the Vinton Furnace Experimental Forest with a new transmission line. On February 4, 2011, Mr. Thomas C. Shuman, Forest Manager with ODNR-Division of Forestry, provided the deed for the property transfer



dated August 16, 2010. Appendix D, Notice of Grant Agreement and Activity and Use Restrictions, Part D of the deed states:

*No power or petroleum transmission lines may be constructed on the Property, nor shall any interests in the Property be granted for such purposes, except as necessary for ongoing administration and management of the Property as a state forest or for new or existing state, federal, or university-sponsored research or demonstration projects recommended by the Research Advisory Committee and approved by the Chief of the Division of Forestry. However, existing telephone, electric, water, or other utility lines or mains located on the Property may be maintained and repaired as necessary. Any area affected by repair work shall be the minimum necessary to accomplish the task. Upon completion of the repair work, the area shall be restored to its natural state.*

A copy of the deed is provided as Appendix A. Based on the reported sensitivity and the deed restriction prohibiting power lines, AEP decided not to further pursue any of the initial candidates that crossed the Vinton Furnace Experimental Forest. This greatly reduced the number of alternatives for a single-circuit transmission line loop. AEP added potential candidates heading north along the existing Floodwood-Berlin 69 kV line to be removed and existing 138 kV lines to Poston Substation. While these candidates are significantly longer and cross Zaleski State Forest and Wayne National Forest, they avoid Vinton Furnace Experimental Forest and would predominantly be constructed along the centerline of the existing 69 kV line to be removed. The resulting eight routes that were entirely outside the forest boundary were both quantitatively and qualitatively assessed based on their impacts and effects on the suite of evaluation criteria. These criteria are shown in Table 1. These options provide viable alternative corridors within the project study area.,. Adding additional routes would require extending the study area or crossing obviously sensitive areas where there appear to be no advantages over the selected candidates.

A total of eight candidate routes along two main corridors were fully evaluated. Figures 2A through 2I show these routes with the identified constraints.

**Route 1 (A-B-C B-D-E):** Route 1 begins at Node A where the Poston-Lick 138 kV transmission line is tapped. A single-circuit 138 kV line would generally parallel U.S. 50 with minor deviations to avoid residences and other outbuildings, as well as slopes where structure placement is very difficult to Node B. From Node B, a short, 0.4-mile double-circuit 138 kV line would be constructed north to Elk distribution substation site. Segment B-C on this route is the only proposed double-circuit construction because it allows for the use of a single corridor through a relatively congested, ecologically sensitive, and topographically challenging area. Once the feed to Elk distribution station is constructed and energized, the existing Floodwood-Berlin 69 kV line will be removed. A new 138 kV single-circuit line would be constructed south from Node B along the centerline of the existing 69 kV line to Node D. From Node D, the route would cross mining land heading east to the Poston-Lick 138 kV line, completing the transmission line loop. This route is 16.4 miles long and is the shortest candidate. An 8.6-mile portion of the Poston-Lick 138 kV line could potentially be removed between Node A and Node E, including the entire length of the line through Vinton Furnace Experimental Forest, if this candidate is constructed.



**Route 2 (A-B-C B-D-F):** Route 2 is the same as Route 1, but it would continue to follow the existing Floodwood-Berlin 69 kV line corridor (after the line is removed) south into Jackson County and the Poston-Lick 138 kV line. The total length of the route is 17.2 miles. Similar to Route 1, a 13.3-mile portion of the Poston-Lick 138 kV line could potentially be removed between Node A and Node F, including the entire length of the line through Vinton Furnace Experimental Forest, if this candidate is constructed.

**Route 3 (A-B-C-G-H-I):** Similar to Routes 1 and 2, Route 3 involves the construction of a single-circuit 138 kV line from the Poston-Lick line generally parallel to U.S. Route 50 from Node A to Node B. However, a single-circuit line would extend north from Node B into the Elk distribution substation (Node C). After removal of the Floodwood-Berlin 69 kV line, a second single-circuit 138 kV line would follow the previous 69 kV centerline north to Node G and then Node H before turning southeast and paralleling the Poston-West Lancaster 138 kV line into Poston Substation. This route is 28.9 miles long and crosses portions of Zaleski State Forest and Wayne National Forest. No portions of the existing Poston-Lick 138 kV line could be removed if this candidate is constructed due to existing customer feeds at Bolin's Mills Tap and Waterloo Tap between Node A and Node I (Poston Substation).

**Route 4 (A-B-C-G-I):** Route 4 is similar to Route 3, but it follows the existing Poston-Harrison 138 kV line into Poston Substation. Route 4 is 28.6 miles long and also crosses Zaleski State Forest and Wayne National Forest. No portions of the existing Poston-Lick 138 kV line could be removed if this candidate is constructed due to existing customer feeds at Bolin's Mills Tap and Waterloo Tap.

**Route 5 (E-D-B-C-G-H-I):** Route 5 proposes to tap the Poston-Lick 138 kV line at Node E on mining land. A single-circuit 138 kV line would be constructed across the mining land to the existing Floodwood-Berlin 69 kV line. The new 138 kV line would then parallel the 69 kV line north Elk distribution substation. Heading north from Elk distribution substation, Route 5 would be the same as Route 3. The total length of the route is 31.8 miles. No portions of the existing Poston-Lick 138 kV line could be removed if this candidate is constructed due to existing customer feeds at Bolin's Mills Tap and Waterloo Tap.

**Route 6 (E-D-B-C-G-I):** Route 6 is a combination of Route 5 north to Elk distribution substation and Route 4 north to Poston Substation with a total length of 31.5 miles. No portions of the existing Poston-Lick 138 kV line could be removed if this candidate is constructed due to existing customer feeds at Bolin's Mills Tap and Waterloo Tap.

**Route 7 (F-D-B-C-G-H-I):** Route 7 proposes to tap the Poston-Lick 138 kV line at Node F near the intersection of the 138 kV line and the existing Floodwood-Berlin 69 kV line. The route concept would construct a single-circuit 138 kV line north parallel to the 69 kV line to Elk distribution substation. From Elk distribution substation, Route 7 would be the same as Route 3 and Route 5. The total length of this route is 32.7 miles. No portions of the existing Poston-Lick 138 kV line could be removed if this candidate is constructed due to existing customer feeds at Bolin's Mills Tap and Waterloo Tap.

**Route 8 (F-D-B-C-G-I):** Route 8 is the same as Route 7 north to Elk distribution substation and Route 6 north to Poston Substation with a total length of 32.3 miles. No portions of the existing Poston-Lick 138



kV line could be removed if this candidate is constructed due to existing customer feeds at Bolin's Mills Tap and Waterloo Tap.

There are numerous methods available for route selection studies, ranging from purely quantitative to purely qualitative with degrees in between. In this study, there are eight possible outcomes due to the number of main corridors and variations. Thus, a system of numeric data collection, grouping (to simplify), and scoring was chosen to aide comparison and ranking. This quantitative approach in conjunction with a subsequent qualitative evaluation was utilized to compare the candidates to determine the final ranking.

### 3.5 Route Scoring Rationale

The route alternatives were compared by developing a ranking system based on the impacts of each route on the selected criteria (constraints and attributes). Each criterion for every route was measured, normalized, and scored as described in the following sections. After the attribute table was completed, the route candidate scores were totaled and routes ranked by total score.

Numerical scoring of the routes was conducted according to the following steps.

**Assembly of "Raw" Route Data:** Scoring was completed for each of the eight candidate routes. Where appropriate, criteria crossed by the candidate centerline were measured. Certain constraints were quantified based on their area within the proposed right-of-way (i.e. woodlots within the 100-foot right-of-way) or counted within specified distances (i.e. residences within 100 and 1,000 feet) to reflect potential aesthetic impacts.

**Data Normalization and Weighting:** In order to assign scores, the data was normalized so that each criterion could be directly compared according to the same, non-dimensional scale. The formula used to normalize each constraint in the Route Selection Study was:

$$\text{Normalized Score} = ((X_{I,J} - \text{Min Value}_J) / \text{Range}) * 100$$

\*where I= x<sup>th</sup> value in constraint and J= constraint

Using the data range for each attribute to normalize the score has two advantages. First, all the criteria were scored out of 100 and were therefore directly comparable and equally weighted (until intentional weighting is applied later, if desired). Second, the relative distribution of the data within each constraint was maintained, i.e. there was no unnecessary grouping of the data.

The weighting factors are selected for each project based on the characteristics of the study area, as well as both AEP's and URS' previous experience of siting and building linear facilities in similar settings. The study area is a rural area with scattered residences. Routing decisions have a direct result on the ecological features, residences, and property owners affected by the project. Ecological and land use constraints are clearly the major determining factors in this route selection. Given the low number of cultural resources identified by OHPO databases, the potential for low values for these categories to skew the overall scores led to a reduction the weighting for this category. Constructability issues were



generally addressed when the candidate segments were identified. For this project, AEP and URS applied a weighting factor of: (a) ecological matters – 40%; (b) cultural matters – 10%; (c) land use matters – 40%; and (d) engineering matters – 10%.

### 3.6 Route Ranking

Tables 2A through 2D provide the data and normalized scores for the ecological, cultural, land use, and engineering criteria. Table 2E provides the resulting category scores, total weighted scores, and relative ranking of the routes fully evaluated. The total route scores, with the lowest scores considered better, ranged from 7.75 to 66.16 (minimum possible score is 0; maximum possible score is 100). Of the eight routes evaluated, Route 1 (A-B-C B-D-E) and Route 2 (A-B-C B-D-F) received dramatically better (lower) scores than the other candidates. Route 1 received a score of 7.75 out of 100 and Route 2 received a score of 8.21 out of 100. Both of these routes tap the Poston-Lick 138 kV line near U.S. 50 and generally parallel the highway to Elk distribution substation. An Ohio Department of Transportation (ODOT) MR 505 Permit for ingress and egress through public right-of way, along with associated traffic control plans, would need to be submitted and approved for construction parallel to U.S. 50. The outgoing single-circuit will follow the centerline of the Floodwood-Berlin 69 kV line after it is removed. These routes compared favorably due to significantly less wooded area clearing, fewer residences, and shorter length, which are generally considered major categories when comparing transmission line routes.

Qualitative evaluations of the Routes 1 and 2 suggest no fatal flaws based on desktop and windshield reviews, although Route 1 crosses reclaimed and active mining land which could increase the difficulty of easement acquisition compared to utilizing the existing 69 kV corridor once that line is removed. These two routes also provide the advantage of potentially removing 8.6 (Route 1) to 13.3 (Route 2) miles of the Poston-Lick 138 kV line, including the entire length of the line in the Vinton Furnace Experimental Forest. The third best scoring candidate was Route 6 (E-D-B-C-G-I) with a score of 52.32 out of 100, or over 6.5 times worse than the best scoring routes. Routes 3 through 8 also do not allow for potential removal of portions of the existing Poston-Lick 138 kV line due to customer feeds between Poston Substation and just north of U.S. 50. The methodology and results utilized in this route selection study suggest that Routes 1 and 2 are excellent candidates for selection as the preliminary Preferred Route, and likely the Alternate Route.

According to OPSB rule 4906-05-04(A)(2)(a)(iii), the Preferred and Alternate Routes may not have more than 20 percent of their rights-of-way in common. However, the deed restrictions and sensitivity of the newly acquired Vinton Furnace Experimental Furnace greatly reduce the potential corridors for the Elk Project. The minimum overlap of the evaluated routes is 40% between Routes 2 (A-B-C B-D-F) and Routes 5 (E-D-B-C-G-H-I) or 6 (E-D-B-C-G-I). However, this evaluation suggests impacts in most categories, and cumulatively, along Routes 5 and 6 would be significantly higher compared to Routes 1 and 2. Selecting Route 1 or Route 2 as the Preferred Route and Alternate Route would have commonality of 83%, which is a high percentage compared to other successfully certificated OPSB transmission line projects. A waiver of the 20% rule for utilizing them as both the Preferred and Alternate Routes would be required and appears to be justified based on the constrained nature of the routing options.



This route selection study suggests Routes 1 and 2 have clear and significant advantages over the other candidates and should be identified as the Preferred and Alternate Routes. The quantitative scoring suggests a very slight advantage for Route 1. However, Route 1 would require approximately 2.8 miles of additional right-of-way across mining land compared to Route 2 which follows the existing 69 kV corridor. Route 1 also reduces the length of potential removal of the existing Poston-Lick 138 kV line by 4.6 miles compared to Route 2. Ultimately, the successful waiver of the 20% rule, the public meeting, agency and OPSB consultations, and other factors will likely shape the selection of the Preferred and Alternate Routes to be submitted in the OPSB Application.

TABLE 2A  
QUANTITATIVE ECOLOGICAL ROUTING COMPARISON

ROUTE			ECOLOGICAL								
Route	Route Length (ft)	Route Length (mi)	Woodlots		Wetlands		Streams			Threatened and Endangered Species	
			Area of Woodlots within 100- foot Right-of- way (acres)	Normalized Score for Area of Woodlots within 100- foot Right-of- way	National Wetland Inventory (NWI) Wetlands within 100- foot Right-of- way (acres)	Normalized Score for Area of NWI Wetlands within 100-foot Right-of- way	Number of Streams Crossings (c)	Normalized Score for Stream Crossings (c)	Threatened and Endangered Species Listings within 100 feet (d)	Normalized Score for Threatened and Endangered Species Listings within 1,000 feet	
(1) A-B-C-B-D-E	86,674	16.42	37	0	5	0	13	0	0	0	
(2) A-B-C-B-D-F	90,975	17.23	39	4	5	2	16	13	0	0	
(3) A-B-C-G-H-I	152,707	28.92	87	99	18	100	35	92	0	0	
(4) A-B-C-G-I	150,777	28.56	88	100	15	79	37	100	0	0	
(5) E-D-B-C-G-H-I	167,984	31.82	78	81	15	78	31	75	0	0	
(6) E-D-B-C-G-I	166,054	31.45	79	82	12	57	33	83	0	0	
(7) F-D-B-C-G-H-I	172,473	32.67	85	95	15	82	34	88	0	0	
(8) F-D-B-C-G-I	170,543	32.30	86	96	12	60	36	96	0	0	
Minimum	86,674	16.42	37		5		13		0		
Maximum	172,473	32.67	88		18		37		0		
Range	85,799	16.25	51		13		24		0		

(a) source: Woodlots as digitized from aerial photography

(b) source: NWI wetland areas as identified by United States Fish and Wildlife Service (USFWS)

(c) source: USGS Topographic Maps

(d) source: ODNR Biodiversity Database

TABLE 2B  
QUANTITATIVE CULTURAL ROUTING COMPARISON

ROUTE			CULTURAL						
Route	Route Length (ft)	Route Length (mi)	National Register of Historic Places and Districts		Ohio Historic Inventory Structures		Known Archaeological Sites		Cemeteries
			National Register of Historic Places and Districts within 1,000 feet (e)	Normalized Score for National Register of Historic Places within 1,000 feet	Ohio Historic Inventory Structures within 1,000 feet (e)	Normalized Score for Ohio Historic Inventory Structures within 1,000 feet	Known Archaeological Sites within 1,000 feet (e)	Normalized Score for Known Archaeological Sites within 1,000 feet	Normalized Score for Cemeteries within 100 feet
(1) A-B-C-B-D-E	86,674	16.42	0	0	8	63	23	47	0
(2) A-B-C-B-D-F	90,975	17.23	0	0	10	88	22	42	0
(3) A-B-C-G-H-I	152,707	28.92	0	0	11	100	33	100	0
(4) A-B-C-G-I	150,777	28.56	0	0	11	100	33	100	0
(5) E-D-B-C-G-H-I	167,984	31.82	0	0	3	0	15	5	0
(6) E-D-B-C-G-I	166,054	31.45	0	0	3	0	15	5	0
(7) F-D-B-C-G-H-I	172,473	32.67	0	0	5	25	14	0	0
(8) F-D-B-C-G-I	170,543	32.30	0	0	5	25	14	0	0
Minimum	86,674	16.42	0		3		14		0
Maximum	172,473	32.67	0		11		33		0
Range	85,799	16.25	0		8		19		0

(e) source: OHIPO online database

TABLE 2C  
QUANTITATIVE LAND USE ROUTING COMPARISON

ROUTE			LAND USE					
Route	Route Length (ft)	Route Length (mi)	Residences			Institutional Land Uses		Other Sensitive Land Uses
			Residences within 100 feet (f)	Normalized Score for Residences within 100 feet (weighted 60%)	Residences between 100 and 1,000 feet (f)	Normalized Score for Residences between 100 and 1,000 feet (weighted 40%)	Institutional Land Uses within 1,000 feet (g)	Normalized Score for Institutional Land Uses within 1,000 feet
(1) A-B-C-B-D-E	86,674	16.42	3	0	103	0	0	0
(2) A-B-C-B-D-F	90,975	17.23	3	0	121	7	0	0
(3) A-B-C-G-H-I	152,707	28.92	11	53	201	38	0	100
(4) A-B-C-G-I	150,777	28.56	10	47	198	37	0	100
(5) E-D-B-C-G-H-I	167,984	31.82	11	53	188	33	0	100
(6) E-D-B-C-G-I	166,054	31.45	10	47	185	32	0	100
(7) F-D-B-C-G-H-I	172,473	32.67	12	60	205	40	0	100
(8) F-D-B-C-G-I	170,543	32.30	11	53	202	39	0	100
Minimum	86,674	16.42	3		103		0	
Maximum	172,473	32.67	12		205		0	
Range	85,799	16.25	9		102		0	
							23,374	23,374

(f) source: Aerial photography and field observation

(g) source: Schools and places of worship - USGS maps, ESRI GIS data layer, field observation

(h) source: Includes airports, parks, designated managed areas; sources: US Forest Service, ODNR, ESRI, and field observation

TABLE 2D  
QUANTITATIVE ENGINEERING ROUTING COMPARISON

ROUTE			ENGINEERING							
Route	Route Length (ft)	Route Length (mi)	Road Crossings		Paralleling Existing Linear Corridors		Turn Angles > 20 Degrees		Route Length	
			Number of Public Road Crossings (j)	Normalized Score for Number of Public Road Crossings	Percent of Route Parallel to Existing Linear Features (k)	Normalized Score for Percent of Route Parallel to Existing Linear Features	Number of Turn Angles Greater than 20 Degrees (l)	Normalized Score for Number of Turn Angles Greater than 20 Degrees		
(1) A-B-C-B-D-E	86,674	16.42	18	0	71%	100	21	100	16.42	Normalized Score for Length of Route
(2) A-B-C-B-D-F	90,975	17.23	21	15	89%	36	14	30	17.23	
(3) A-B-C-G-H-I	152,707	28.92	35	85	94%	19	19	80	28.92	
(4) A-B-C-G-I	150,777	28.56	32	70	93%	20	19	80	28.56	
(5) E-D-B-C-G-H-I	167,984	31.82	35	85	90%	32	16	50	31.82	
(6) E-D-B-C-G-I	166,054	31.45	32	70	90%	33	16	50	31.45	
(7) F-D-B-C-G-H-I	172,473	32.67	38	100	99%	0	11	0	32.67	
(8) F-D-B-C-G-I	170,543	32.30	35	85	99%	0	11	0	32.30	
Minimum	86,674	16.42	18		71%		11		16.42	
Maximum	172,473	32.67	38		99%		21		32.67	
Range	85,799	16.25	20		27%		10		16.25	

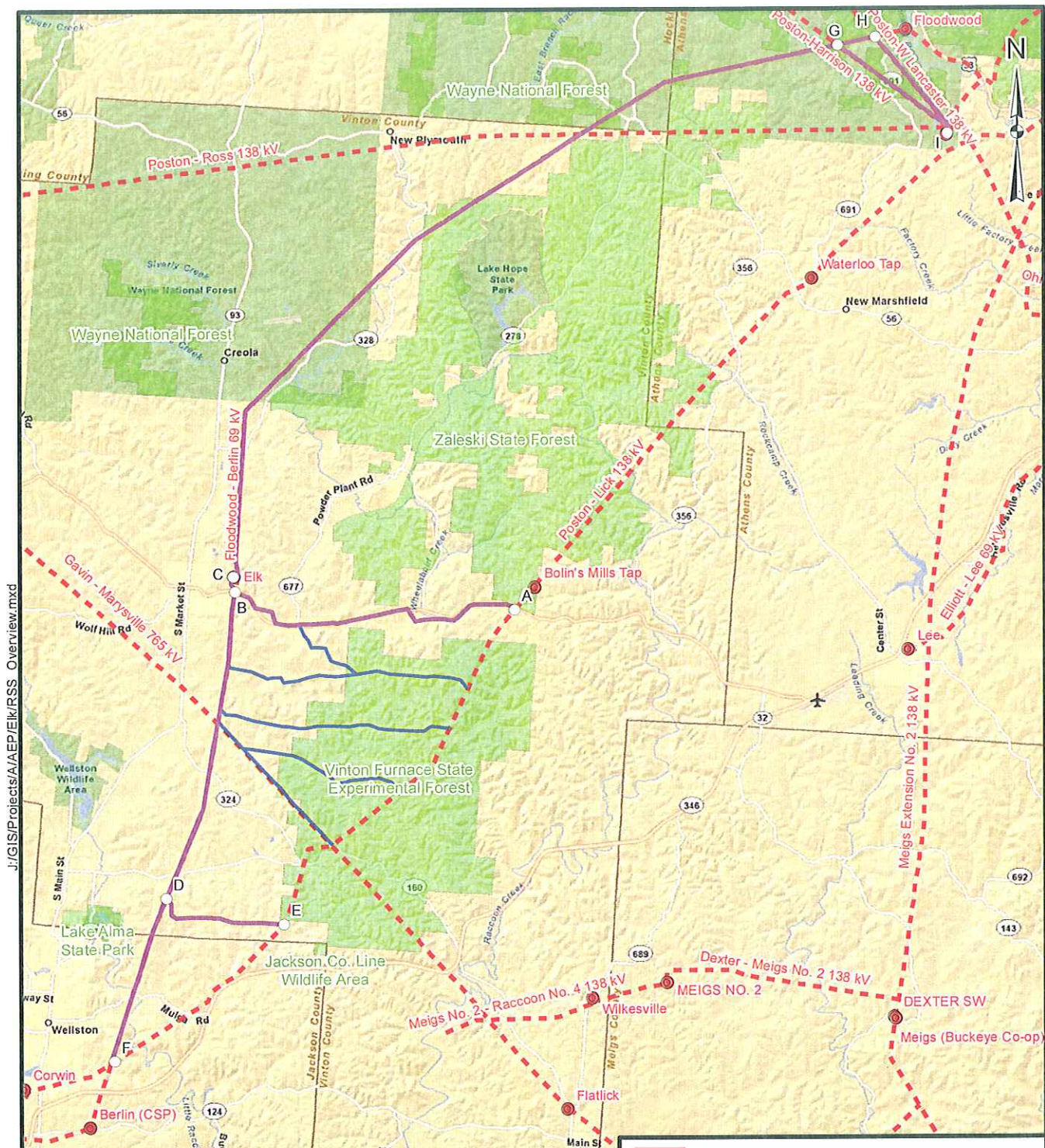
(j) source: ESRI, USGS maps, Aerial Photography

(k) Includes roads, railroads, electric lines, pipelines; source: AEP, USGS maps, aerial photography, field observation

(l) source: calculated by GIS software

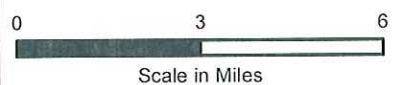
TABLE 2E  
QUANTITATIVE ROUTE SCORES AND RANKING

ROUTE	CATEGORIES					
	Normalized Ecological Score (40%)	Normalized Cultural Score (10%)	Normalized Land Use Score (40%)	Normalized Engineering Score (10%)	Total Score	Rank
(1) A-B-C-B-D-E	0.00	27.47	0.00	50.00	7.75	1
(2) A-B-C-B-D-F	4.72	32.40	2.35	21.38	8.21	2
(3) A-B-C-G-H-I	72.73	50.00	63.84	65.36	66.16	8
(4) A-B-C-G-I	69.64	50.00	61.31	61.12	63.49	7
(5) E-D-B-C-G-H-I	58.63	1.32	62.14	65.53	54.99	4
(6) E-D-B-C-G-I	55.54	1.32	59.61	61.33	52.32	3
(7) F-D-B-C-G-H-I	66.11	6.25	66.58	50.00	58.70	6
(8) F-D-B-C-G-I	63.02	6.25	64.05	45.70	56.02	5



J:\GIS\Projects\A\AEP\Elk\RSS Overview.mxd

- LEGEND:**
- Fully Evaluated Route
  - - - Preliminary Route Candidate
  - - - Existing Transmission Line
  - Existing Station
  - ODNR or USFS Managed Area



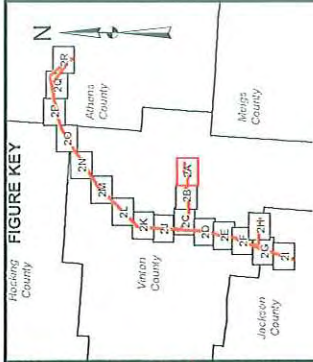
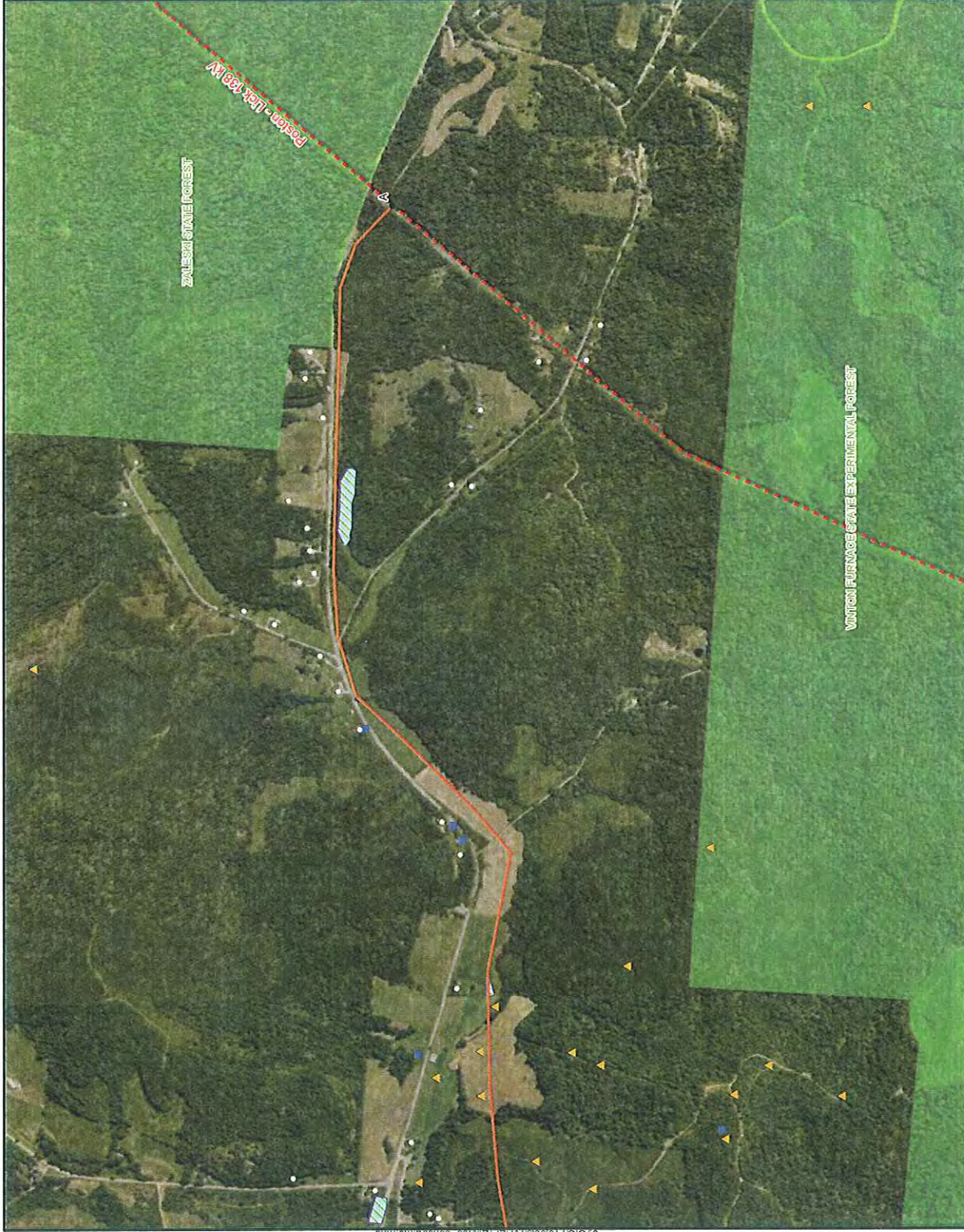
BASE MAP SOURCE:  
 ArcGIS Map Service, World\_Street\_Map  
<http://services.arcgisonline.com/arcgis/services>



Elk 138kV  
 Transmission Line Project

FIGURE 1  
 STUDY AREA MAP

CREATED BY: AG	DATE: 06/07/11
CHECKED BY: JN	SCALE: 1" = 3 miles
JOB NO. 14949884	<b>URS</b>



- FIGURE KEY**
- LEGEND:**
- Route Node
  - Candidate Route
  - - - Existing Transmission Line
  - Existing Station
  - Residence
  - School
  - Church
  - ODNR Managed Area
  - Wayne National Forest Boundary
  - National Register of Historic Places Structure
  - Known Archeological Site
  - Ohio Historic Inventory Structure
  - Cemetery
  - Known Threatened or Endangered Species Location
  - NM Area
- 0 1,000 2,000  
Scale in Feet

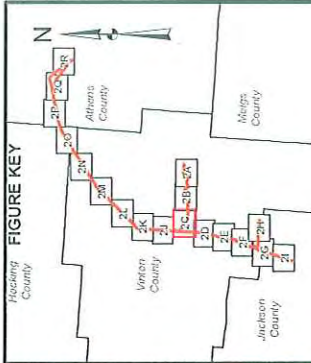
BASE MAP SOURCE:  
Ohio Statewide Imagery Program, 2007  
Vinton County, Jackson County

**AEP** Elk 138kV  
Transmission Line Project

**FIGURE 2A**  
**CONSTRAINT MAP**

CREATED BY: AG	DATE: 06/24/11
CHECKED BY: JN	SCALE: 1" = 1,000'
JOB NO. 1494884	<b>URS</b>





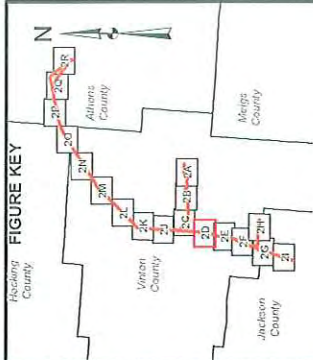
- FIGURE KEY**
- LEGEND:**
- Route Node
  - Candidate Route
  - Existing Transmission Line
  - Existing Station
  - Residence
  - School
  - Church
  - ODNR Managed Area
  - Wayne National Forest Boundary
  - National Register of Historic Places Structure
  - Known Archaeological Site
  - Ohio Historic Inventory Structure
  - Cemetery
  - Known Threatened or Endangered Species Location
  - NWI Area
- Scale in Feet
- 0 1,000 2,000

BASE MAP SOURCE:  
Ohio Statewide Imagery Program, 2007  
Vinton County, Jackson County

**AEP** Elk 138kV  
Transmission Line Project

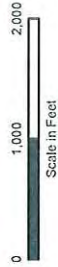
**FIGURE 2C**  
**CONSTRAINT MAP**

CREATED BY: AG	DATE: 06/24/11
CHECKED BY: JN	SCALE: 1" = 1,000'
JOB NO. 1494984	<b>URS</b>



# LEGEND:

- Route Node
- Candidate Route
- Existing Transmission Line
- Existing Station
- Residence
- School
- Church
- ODNR Managed Area
- Wayne National Forest Boundary
- National Register of Historic Places Structure
- Known Archaeological Site
- Ohio Historic Inventory Structure
- Cemetery
- Known Threatened or Endangered Species Location
- NWI Area



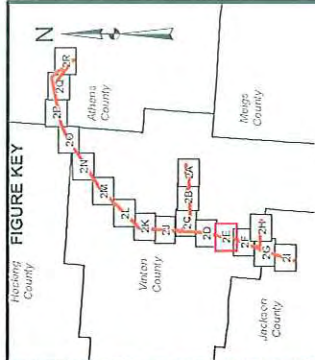
BASE MAP SOURCE:  
Ohio Statewide Imagery Program, 2007  
Vinton County, Jackson County



Elk 138kV  
Transmission Line Project

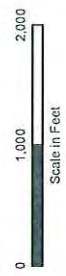
## FIGURE 2D CONSTRAINT MAP

CREATED BY: AG	DATE: 06/24/11
CHECKED BY: JN	SCALE: 1" = 1,000'
JOB NO. 14949884	URS



**LEGEND:**

- Route Node
- Candidate Route
- - - Existing Transmission Line
- Existing Station
- Residence
- School
- Church
- ODNR Managed Area
- Wayne National Forest Boundary
- National Register of Historic Places Structure
- Known Archaeological Site
- Ohio Historic Inventory Structure
- ⛶ Cemetery
- Known Threatened or Endangered Species Location
- NWI Area

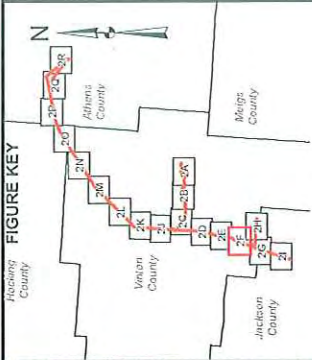


BASE MAP SOURCE:  
Ohio Statewide Imagery Program, 2007  
Vinton County, Jackson County

**AEP**  
Elk 138kV  
Transmission Line Project

**FIGURE 2E**  
**CONSTRAINT MAP**

CREATED BY: AG	DATE: 06/24/11
CHECKED BY: JN	SCALE: 1" = 1,000'
JOB NO. 14949884	<b>URS</b>



**LEGEND:**

- Route Node
- Candidate Route
- Existing Transmission Line
- Existing Station
- Residence
- School
- Church
- ODNR Managed Area
- Wayne National Forest Boundary
- National Register of Historic Places Structure
- Known Archaeological Site
- Ohio Historic Inventory Structure
- Cemetery
- Known Threatened or Endangered Species Location
- NWM Area

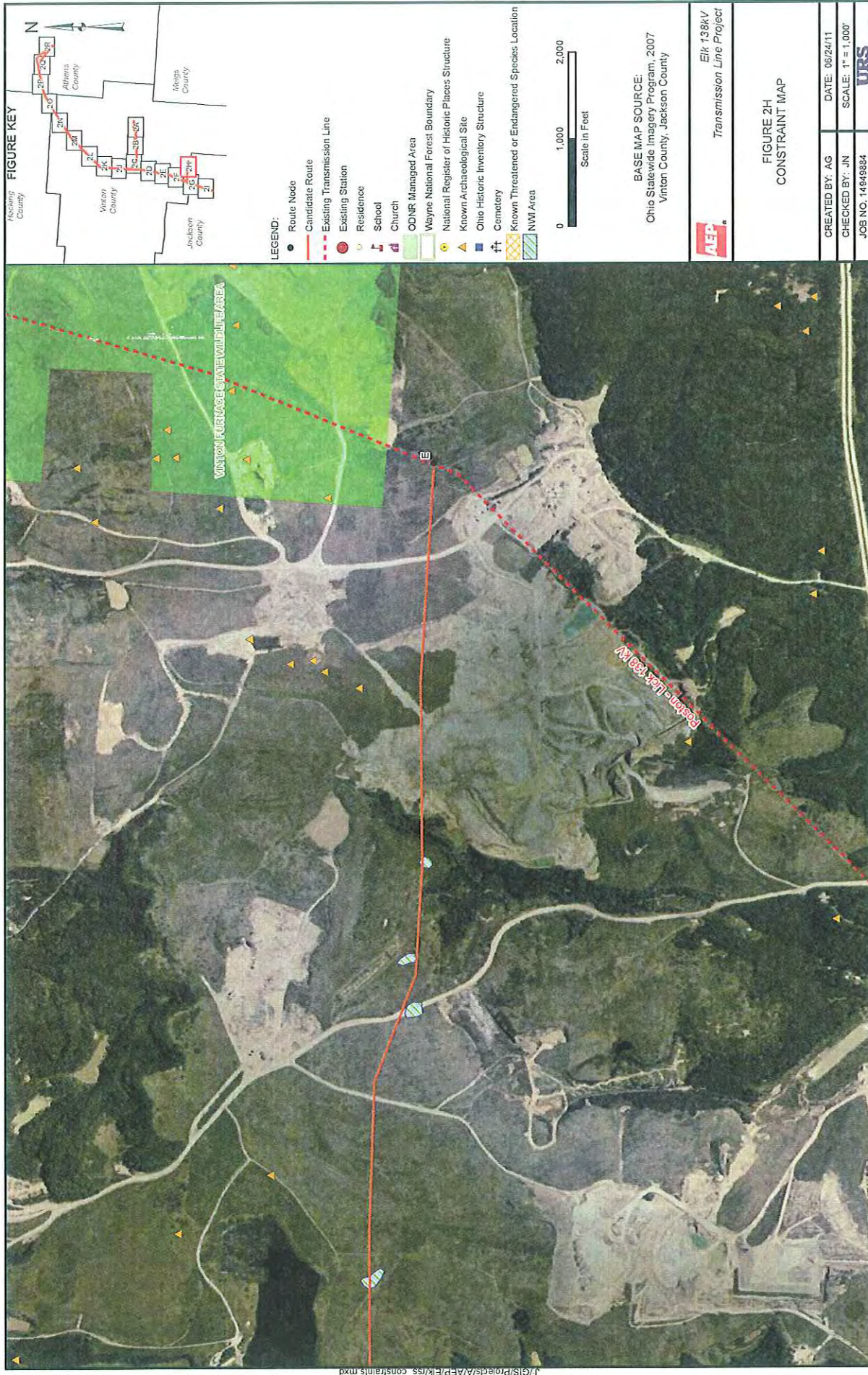
Scale in Feet

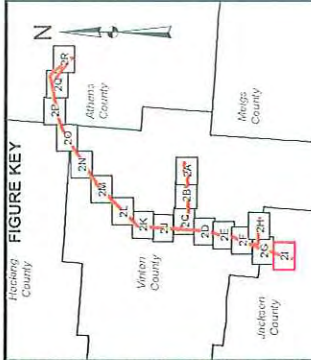
0 1,000 2,000

**BASE MAP SOURCE:**  
Ohio Statewide Imagery Program, 2007  
Vinton County, Jackson County

	Elk 138kV Transmission Line Project		
	FIGURE 2F CONSTRAINT MAP		
CREATED BY: AG	DATE: 06/24/11		
CHECKED BY: JN	SCALE: 1" = 1,000'		
JOB NO. 14949884			







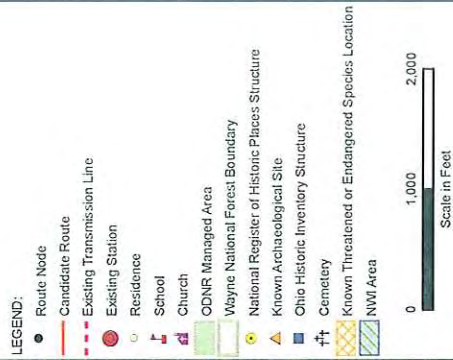
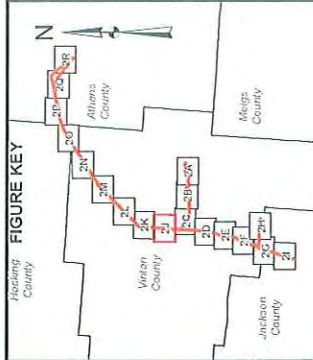
- LEGEND:**
- Route Node
  - Candidate Route
  - - - Existing Transmission Line
  - Existing Station
  - Residence
  - ⚡ School
  - ⛪ Church
  - ⚡ ODNR Managed Area
  - ⚡ Wayne National Forest Boundary
  - ⚡ National Register of Historic Places Structure
  - ⚡ Known Archaeological Site
  - ⚡ Ohio Historic Inventory Structure
  - ⚡ Cemetery
  - ⚡ Known Threatened or Endangered Species Location
  - ⚡ NWI Area
- 0 1,000 2,000  
Scale in Feet

BASE MAP SOURCE:  
Ohio Statewide Imagery Program, 2007  
Vinton County, Jackson County

**AEF** Elk 138kV  
Transmission Line Project

FIGURE 21  
CONSTRAINT MAP

CREATED BY: AG	DATE: 06/24/11
CHECKED BY: JN	SCALE: 1" = 1,000'
JOB NO. 1494884	<b>URS</b>

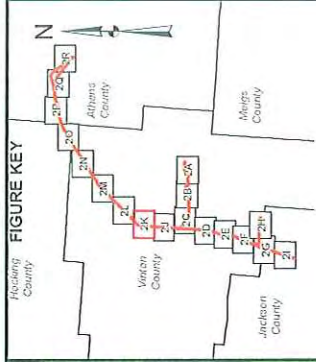


BASE MAP SOURCE:  
Ohio Statewide Imagery Program, 2007  
Vinton County, Jackson County

**AEF** Elk 138kV  
Transmission Line Project

FIGURE 2J  
CONSTRAINT MAP

CREATED BY: AS	DATE: 06/24/11
CHECKED BY: JN	SCALE: 1" = 1,000'
JOB NO. 1494884	<b>URS</b>



**FIGURE KEY**

**LEGEND:**

- Route Node
- Candidate Route
- Existing Transmission Line
- Existing Station
- Residence
- School
- Church
- ODNR Managed Area
- Wayne National Forest Boundary
- National Register of Historic Places Structure
- Known Archaeological Site
- Ohio Historic Inventory Structure
- Cemetery
- Known Threatened or Endangered Species Location
- NNM Area

Scale in Feet

0 1,000 2,000

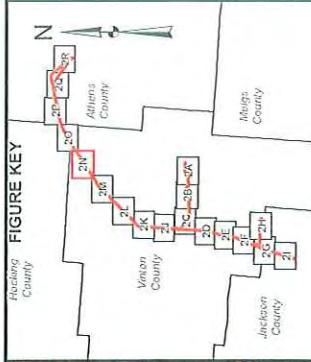
BASE MAP SOURCE:  
Ohio Statewide Imagery Program, 2007  
Vinton County, Jackson County

	Elk 138kV Transmission Line Project	
	FIGURE 2K CONSTRAINT MAP	
CREATED BY: AG	DATE: 06/24/11	
CHECKED BY: JN	SCALE: 1" = 1,000'	
JOB NO. 14849834		

URS







**FIGURE KEY**

Legend:

- Route Node
- Candidate Route
- Existing Transmission Line
- Existing Station
- Residence
- School
- Church
- ODNR Managed Area
- Wayne National Forest Boundary
- National Register of Historic Places Structure
- Known Archeological Site
- Ohio Historic Inventory Structure
- Cemetery
- Known Threatened or Endangered Species Location
- NW Area

Scale in Feet

0 1,000 2,000

BASE MAP SOURCE:  
Ohio Statewide Imagery Program, 2007  
Vinton County, Jackson County

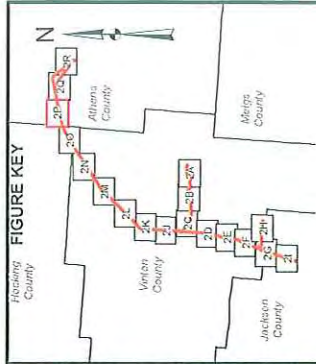
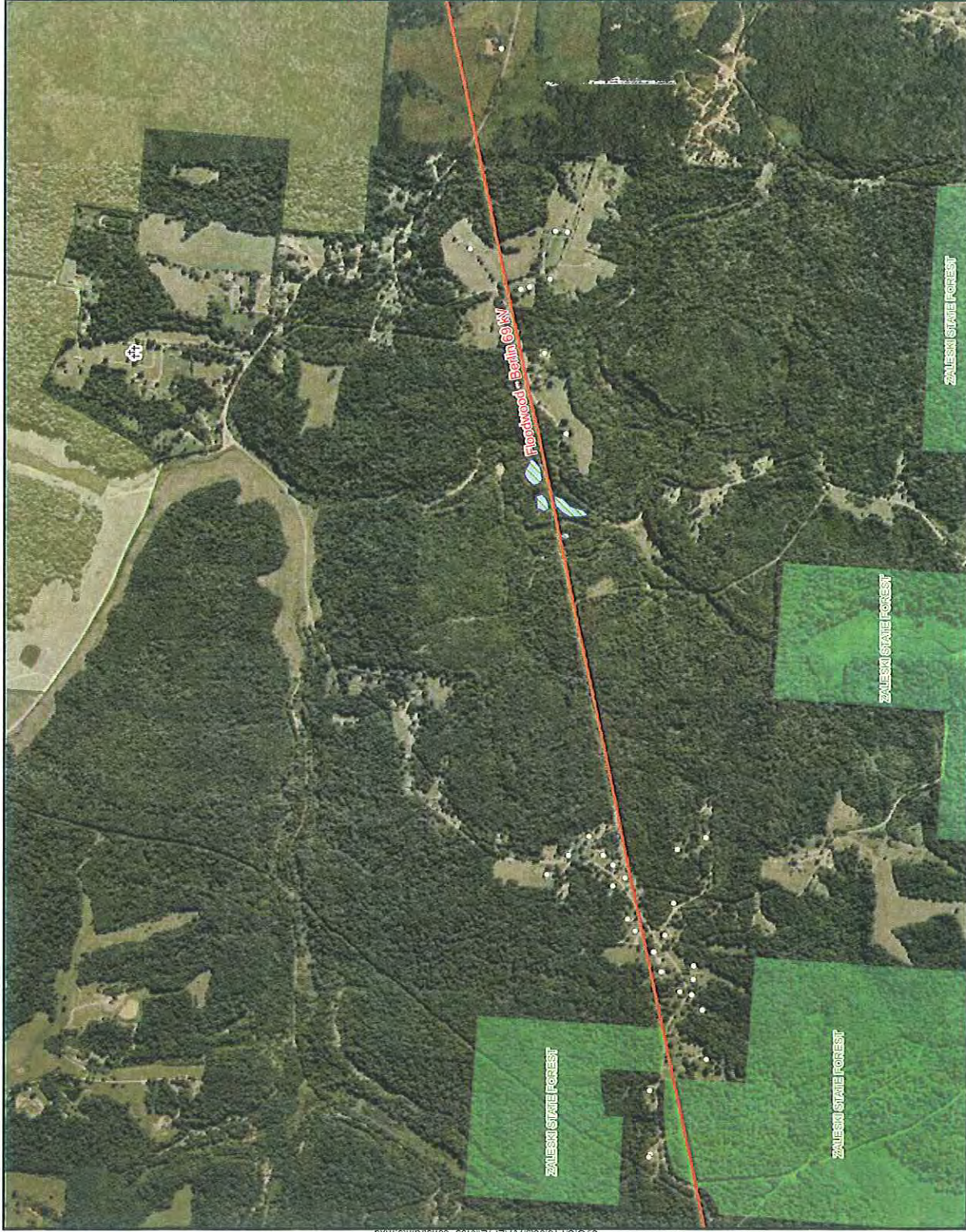
**AEF**

Elk 138kV  
Transmission Line Project

**FIGURE 2N  
CONSTRAINT MAP**

CREATED BY: AG	DATE: 08/24/11
CHECKED BY: JN	SCALE: 1" = 1,000'
JOB NO. 1494884	<b>URS</b>





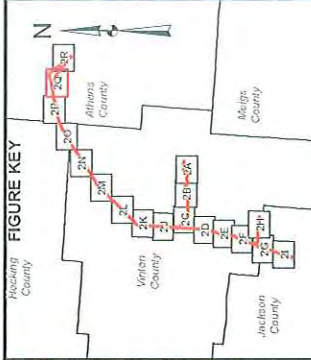
- LEGEND:**
- Route Node
  - Candidate Route
  - Existing Transmission Line
  - Existing Station
  - Residence
  - School
  - Church
  - ODNR Managed Area
  - Wayne National Forest Boundary
  - National Register of Historic Places Structure
  - Known Archaeological Site
  - Ohio Historic Inventory Structure
  - Cemetery
  - Known Threatened or Endangered Species Location
  - NW Area
- 0 1,000 2,000  
Scale in Feet

BASE MAP SOURCE:  
Ohio Statewide Imagery Program, 2007  
Vinton County, Jackson County

**ALP** Elk 138kV  
Transmission Line Project

FIGURE 2P  
CONSTRAINT MAP

CREATED BY: AG	DATE: 06/24/11
CHECKED BY: JN	SCALE: 1" = 1,000'
JOB NO. 14849884	<b>URS</b>



- LEGEND:**
- Route Node
  - Candidate Route
  - - - Existing Transmission Line
  - Existing Station
  - Residence
  - ⚡ School
  - ⛪ Church
  - ODNR Managed Area
  - Wayne National Forest Boundary
  - National Register of Historic Places Structure
  - Known Archaeological Site
  - Ohio Historic Inventory Structure
  - ⚡ Cemetery
  - Known Threatened or Endangered Species Location
  - NM Area

BASE MAP SOURCE:  
Ohio Statewide Imagery Program, 2007  
Vinton County, Jackson County

**AEP** Elk 138kV  
Transmission Line Project

FIGURE 2Q  
CONSTRAINT MAP

CREATED BY: AG	DATE: 05/24/11
CHECKED BY: JN	SCALE: 1" = 1,000'
JOB NO. 14549884	<b>URS</b>



**APPENDIX A**

**VINTON FURNACE EXPERIMENTAL FOREST DEED**

Instrument 201000002764 DR Book Page 148 1342

RECORDING REQUESTED BY AND WHEN RECORDED, PLEASE RETURN TO:

The State of Ohio  
Department of Natural Resources  
2045 Morse Road, C-4  
Columbus, Ohio 43229-6693  
Attn: Real Estate and Land Management Section

201000002764  
Filed for Record in  
VINTON COUNTY, OHIO  
ON 06-16-2011 IN RECORDER  
BOOK 148 PAGE 1342 - 1365  
WRNTY DEED 204-DO

#### LIMITED WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of One and No/100 Dollars (\$1.00) and other consideration in hand paid by THE STATE OF OHIO, DEPARTMENT OF NATURAL RESOURCES ("GRANTEE"), whose mailing address is 2045 Morse Road, C-4, Columbus, Ohio 43229-6693, Attention: Real Estate and Land Management, receipt and sufficiency of which are hereby acknowledged, DALMORE, LLC, a Delaware limited liability company ("GRANTOR"), whose mailing address is c/o The Forestland Group LLC, 1512 East Franklin Street, Suite 104, Chapel Hill, North Carolina 27514, has bargained and sold, and by these presents transfers, conveys and grants, with limited warranty covenants, unto GRANTEE certain real property located in Vinton County, Ohio and described on Exhibit A attached hereto and made a part hereof, together with all buildings, structures, and other improvements located thereon (including all buildings, improvements, appurtenances, fixtures (including trade) located on the premises and all equipment used in connection with the general operation of said premises, to include but not limited to, meters, furnaces, and related apparatus, air-conditioners, heaters, appliances, plumbing and related fixtures, built-in equipment, floor tile, shades and blinds, curtain or drapery rods and poles, screens and storm windows, shutters, trees, plants and attached vegetation), all tenements, hereditaments, easements, appurtenances and privileges thereto belonging, and all trees, timber, and crops now located thereon and GRANTEE'S interest, if any, in any sand, gravel or minerals thereon or thereunder (the "Property"), provided, however, that GRANTEE hereby reserves for itself the right to maintain, manage, store, cut, harvest and remove the timber on the Property as described on Exhibit B attached hereto and made a part hereof until June 30, 2011 (the "Timber Rights"), after which time GRANTEE'S Timber Rights shall permanently expire.

The terms "GRANTOR" and "GRANTEE" as used herein include their respective successors, executors, administrators, legal representatives and assigns where the context requires or permits.

939477.4

Instrument 201000002764 DR Book Page 148 1342

The Property is transferred expressly subject to those matters listed on Exhibit C attached hereto and made a part hereof (the "Permitted Encumbrances").

TO HAVE AND TO HOLD the Property, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEE, its successors and assigns, forever, and GRANTOR covenants with said GRANTEE that it is lawfully seized and possessed of the Property in fee simple, subject to the Permitted Encumbrances, has a good right to convey it, and the same is free from all other encumbrances, if any, made or suffered by GRANTOR, unless otherwise herein set out, and GRANTOR further covenants and binds itself, its successors and assigns, to warrant and forever defend the title to the Property, subject to the Permitted Encumbrances, to the said GRANTEE, its successors and assigns, against the lawful claims of all persons claiming by, through or under the GRANTOR, but not further or otherwise.

#### PRIOR INSTRUMENT REFERENCES (Deed Records):

County	Instrument No.	Volume	Page
Vinton	200600084786	OR 134	658

#### NOTICE OF USE RESTRICTIONS:

THE PROPERTY IS CONVEYED SUBJECT TO the following restrictive covenants imposed as conditions for grant funds received from the Forest Legacy Program. The purposes of the Forest Legacy Program, in accordance with the provisions of Title XII of the Food, Agriculture, Conservation and Trade Act of 1990, include protecting environmentally important forest areas that are threatened by conversion to non-forest uses and promoting forest land protection and other conservation opportunities. The purposes of the Forest Legacy Program also include the protection of important scenic, cultural, fish, wildlife, recreational resources, riparian area, and other ecological values.

GRANTEE acknowledges that the Property was acquired with federal funding under the Forest Legacy Program (P.L. 101-624; 104 Stat. 3359). In the event that the interests acquired are sold, exchanged, or otherwise disposed, the United States will be reimbursed the market value of its interest in the Property at the time of disposal. Provided, however, that the Secretary of Agriculture may exercise discretion to consent to such sale, exchange, or disposition upon the State's tender of equal valued consideration acceptable to the Secretary.

Federal Funding Forest Legacy Restrictions apply to all parcels in Exhibit A except the following:

Madison Township, Section 19 - 640 acres - PPN 11-00185.000  
Madison Township, South 1/2 Half, Section 25 - 320 acres - PPN 11-00186.000  
Vinton Township, Section 30 - 640 acres - PPN 16-00362.000  
Vinton Township, Section 36 - 640 acres - PPN 16-00368.000

939477.4

Instrument 201000002964 OR Book Page 148 1344  
Clinton Township, West Half of the Southeast 1/4, Section 1 - 78 acres - PPN 02-00466.000  
Clinton Township, Southeast 1/4 of the Southwest 1/4, Section 1 - 40 acres - PPN 02-00467.000

**NOTICE OF USE RESTRICTIONS:**

THE PROPERTY IS CONVEYED SUBJECT TO those certain restrictive covenants that are set forth in the "Notice of Grant Agreement", Exhibit D attached hereto and made a part hereof, provided that such restrictive covenants shall not apply to GRANTOR'S Timber Rights. Said restrictive covenants are imposed as a condition of GRANTEE'S receipt of grant funds from The Nature Conservancy in collaboration with The Conservation Fund which were used to partially fund the acquisition of the Property.

[Signature page follows]

939477.4

3

Instrument 201000002964 OR Book Page 148 1344


WITNESS as of the 11th day of August, 2010.

DALMORE, LLC, a Delaware limited liability company

By: Heartwood Forestland Fund V Side Fund II Limited Partnership, a North Carolina limited partnership, its sole Member

By: Heartwood Forestland Advisors V, LLC, a North Carolina limited liability company, its General Partner

By: The Forestland Group LLC, a North Carolina limited liability company, its Manager

By:  Hunter B. Jenkins, its Managing Director and Sr. Vice President-Dispositions

4

939477.4

Commonwealth of Virginia

CITY OF RICHMOND

Before me, Margen E. Paul, a Notary Public in and for the State of Virginia, personally appeared Hunter R. Jenkins with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the Managing Director and Senior Vice President-Dispositions of The Forestland Group LLC, a North Carolina limited liability company, the Manager of Heartwood Forestland Advisors V, LLC, a North Carolina limited liability company, the General Partner of Heartwood Forestland Fund V Side Fund II Limited Partnership, a North Carolina limited partnership, the sole Member of DALMORE, LLC, a Delaware limited liability company, the within named GRANTOR, and that he as such officer, being duly authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the GRANTOR by himself as such officer as the free act and deed of the GRANTOR.

WITNESS my hand and seal at office, on this the 11th day of August, 2010.

Margen E. Paul  
Notary Public  
Margen Elizabeth Paul  
Print Name

Notary Seal

My Commission Expires:

January 31, 2013



This instrument prepared by:

Victor P. Haley, Esq.  
Sutherland Asbill & Brennan LLP  
999 Peachtree Street, NE  
Atlanta, Georgia 30309-3996

EXHIBIT "A"

Legal Description

In addition to the real property conveyed by this Limited Warranty Deed (this "Deed"), GRANTOR has contemporaneously herewith transferred certain other real property located in Vinton County, Ohio to GRANTEE by two Limited Warranty Deeds of even date herewith (collectively, the "Additional Deeds"). It is GRANTOR'S intent that the real property described in Exhibit "A" of this Deed, together with the real property described in the Additional Deeds, be the same as all that real property located in Vinton County, Ohio described in that certain Quitclaim Deed to GRANTOR recorded in OR 134, Page 658, Vinton County Official Records. Notwithstanding the two foregoing sentences, (i) no term, provision or legal description contained in the Additional Deeds is incorporated in this Deed by reference; (ii) no term, provision or legal description contained in this Deed is incorporated in the Additional Deeds by reference, and the Additional Deeds shall be subject only to the terms contained therein; and (iii) the conveyance of the Property by this Deed remains subject to the Permitted Encumbrances, GRANTOR'S limited warranty of title, and the other terms of this Deed.

The following legal description is contained in the Prior Deed to GRANTOR Dalmore, LLC, signed and acknowledged April 21, 2006, filed for record May 26, 2006, and recorded in OR 134, Page 658, Vinton County Official Records.

TOTAL ACREAGE FOR ALL TRACTS OF LAND INCLUDED IN THIS DEED IS APPROXIMATELY 9,324.75 ACRES:

PARCEL NO. 1  
TIMBER TRACT 250  
SITUATED IN VINTON TOWNSHIP, COUNTY OF VINTON, STATE OF OHIO, BEING THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWN 9, RANGE 16, CONTAINING 39.84 ACRES, MORE OR LESS.  
PPN: 16-00358.000  
PRIOR DEED REFERENCE: VOL. 118 PAGE 451

PARCEL NO. 2  
TIMBER TRACT 250  
SITUATED IN CLINTON TOWNSHIP, COUNTY OF VINTON, STATE OF OHIO, BEING THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWN 10, RANGE 17, CONTAINING 40 ACRES, MORE OR LESS.  
PPN: 02-00468.000  
PRIOR DEED REFERENCE: VOL. 118 PAGE 451

PARCEL NO. 3  
TIMBER TRACT 250  
SITUATED IN CLINTON TOWNSHIP, COUNTY OF VINTON, STATE OF OHIO, BEING THE WEST HALF OF THE NORTHEAST QUARTER AND THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 1, TOWN 10, RANGE 17, CONTAINING 160 ACRES, MORE OR LESS.  
PPN: 02-00468.000  
PRIOR DEED REFERENCE: VOL. 118 PAGE 451

PARCEL NO. 4

TIMBER TRACT 250  
SITUATED IN CLINTON TOWNSHIP, COUNTY OF VINTON, STATE OF OHIO, BEING THAT  
PART OF EAST HALF OF THE NORTHEAST QUARTER OF SECTION 11, TOWN 10, RANGE 17,  
THAT IS SOUTH OF LANDS CONVEYED TO THE HOCKING VALLEY RAILROAD COMPANY  
AS DESCRIBED IN A DEED RECORDED IN VOLUME 52, PAGE 361 OF THE DEED RECORDS  
OF VINTON COUNTY, CONTAINING 64.50 ACRES, MORE OR LESS.  
PPN: 02-00468.000 (PARCELS 2, 3 & 4)  
PRIOR DEED REFERENCE: VOL. 118, PAGE 451 (PARCELS 1, 2, 3 & 4)

PARCEL NO. 5

TIMBER TRACT 250  
SITUATED IN THE TOWNSHIP OF CLINTON, COUNTY OF VINTON, STATE OF OHIO, AND  
BEING THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION NO. ONE  
(1), TOWNSHIP NO. TEN (10), OF RANGE NO. SEVENTEEN (17) OF SAID VINTON COUNTY  
AND TOWNSHIP AND RANGE AFORESAID CONTAINED FORTY (40) ACRES OF LAND, MORE  
OR LESS.

PPN: 02-00467.000  
PRIOR DEED REFERENCE: VOL. 100, PAGE 499

PARCEL NO. 6

TIMBER TRACT 250  
SITUATED IN THE TOWNSHIP OF CLINTON, COUNTY OF VINTON, STATE OF OHIO, AND  
BEING THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION NO. ONE (1)  
TOWNSHIP TEN (10) OF RANGE NO. SEVENTEEN (17), CONTAINING SEVENTY-EIGHT (78)  
ACRES, MORE OR LESS.

PPN: 02-00466.000  
PRIOR DEED REFERENCE: VOL. 100, PAGE 499

PARCEL NO. 8

ALL OF THE FOLLOWING ARE PART OF TIMBER TRACT 250:  
SITUATED IN THE TOWNSHIPS OF VINTON AND CLINTON, COUNTY OF VINTON, STATE OF  
OHIO, DESCRIBED AS FOLLOWS:

TRACT ONE  
SITUATED IN VINTON TOWNSHIP, TOWN 9, RANGE 16; BEING 5.34 ACRES OFF THE  
SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION  
29.

PPN: 16-00588.000

TRACT TWO

SITUATED IN VINTON TOWNSHIP, TOWN 9, RANGE 16; BEING THE SOUTH HALF OF THE  
SOUTHWEST QUARTER OF SECTION 29, EXCEPT 5.34 ACRES OUT OF THE SOUTHWEST  
CORNER, CONTAINING 74.66 ACRES, MORE OR LESS.

PPN: 16-00347.000

TRACT THREE

SITUATED IN VINTON TOWNSHIP, TOWN 9, RANGE 16;

BEING FRACTIONS 30

PPN: 16-00337.000

PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 262.0 ACRES  
AND FRACTION 36,  
PPN: 16-00342.000  
PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 262.0 ACRES

THE PRIOR TWO TRACTS CONTAINING A TOTAL OF 524 ACRES.  
ALSO, IN CLINTON TOWNSHIP, TOWN 10, RANGE 17,

SECTION 11, THE EAST HALF OF THE SOUTHEAST QUARTER;  
PPN: 02-00468.000  
PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 80 ACRES  
IN SECTION 12,

BEING THE WEST HALF OF THE SOUTHWEST QUARTER,  
PPN: 02-00468.000  
PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 80 ACRES

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER,  
PPN: 02-00468.000  
PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 40 ACRES

THE SOUTH HALF OF THE SOUTHEAST QUARTER  
PPN: 02-00468.000  
PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 80 ACRES

IN SECTION 13,

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER,  
PPN: 02-00468.000  
PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 40 ACRES

THE EAST HALF OF THE NORTHWEST QUARTER  
PPN: 02-00468.000  
PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 80 ACRES

THE NORTHEAST QUARTER,

PPN: 02-00468.000  
PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 160 ACRES

THE EAST HALF OF THE SOUTHWEST QUARTER  
PPN: 02-00468.000  
PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 80 ACRES

THE WEST HALF OF THE SOUTHEAST QUARTER

PPN: 02-00468.000  
PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 80 ACRES

THE ABOVE DESCRIBED TRACTS CONTAINING 720 ACRES, MORE OR LESS, DESCRIBING A TOTAL OF 1,244 ACRES IN THIS PARCEL PPN: 16-00342.000, 16-00337.000 (02-00468.000 AS TO TRACTS 3, 4 & 5)

PARCEL NO. 8 - TRACT FOUR

SITUATED IN VINTON TOWNSHIP, TOWN 9, RANGE 16;

BEING SECTIONS 34

PPN: 16-00366.000

PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 640.0 ACRES

AND SECTIONS 35,

PPN: 16-00367.000

PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 640.0 ACRES

AND FRACTIONS 35

PPN: 16-00341.000

PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 262.0 ACRES

FRACTION 34

PPN: 16-00340.000

PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 262.0 ACRES

FRACTION 24

PPN: 16-00335.000

PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 262.0 ACRES

FRACTION 23

PPN: 16-00334.000

PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 262.0 ACRES.

FRACTION 18

PPN: 16-00333.000

PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 262.0 ACRES

THE ABOVE DESCRIBED TRACTS CONTAINING 2,590 ACRES.

ALSO, IN CLINTON TOWNSHIP, TOWN 10, RANGE 17,

SECTION 1; BEING THE

SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER;

PPN: 02-00468.000

PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 40 AC

IN SECTION 12,

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, PPN: 02-00468.000

PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 40 ACRES

THE EAST HALF OF THE NORTHWEST QUARTER,

PPN: 02-00468.000 PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 80 ACRES

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER.

PPN: 02-00468.000 PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 40 ACRES

THE NORTHEAST QUARTER, PPN: 02-00468.000 PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 160 ACRES

AND THE NORTH HALF OF THE SOUTHEAST QUARTER. PPN: 02-00468.000 PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 80 ACRES

EXCEPTING, HOWEVER, THE BEARD CEMETERY CONTAINING .83 ACRES IN THE NORTH CENTRAL PART OF SECTION 12, 3.3 ACRES FOR THE RAILROAD RIGHT OF WAY IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, CONTAINING 436 ACRES; DESCRIBING A TOTAL OF 3026 ACRES IN THIS PARCEL.

PPN: 16-00366.000, 16-00367.000, 16-00340.000, 16-00341.000, 16-00333.000, 16-00334.000, 16-00335.000

TRACT FIVE

SITUATED IN THE TOWNSHIP OF CLINTON, TOWN 10, RANGE 17; BEING THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, CONTAINING 40 ACRES, MORE OR LESS

PPN: 02-00468.000 PRIOR DEED REFERENCE: VOL. 118 PAGE 453; 40 ACRES

TRACT SIX

SITUATED IN VINTON TOWNSHIP, TOWN 9, RANGE 16; BEING THE NORTH HALF OF SECTION 29, CONTAINING 320 ACRES, MORE OR LESS.

PPN: 16-00360.000, 16-00361.000; PRIOR DEED REFERENCE: VOL. 118 PAGE 453

TRACT SEVEN

SITUATED IN VINTON TOWNSHIP, TOWN 9, RANGE 16; BEING THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, CONTAINING 20 ACRES, MORE OR LESS. PPN: 16-00355.000; PRIOR DEED REFERENCE: VOL. 118 PAGE 453

TRACT EIGHT

SITUATED IN VINTON TOWNSHIP, TOWN 9, RANGE 16; BEING THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, CONTAINING 20 ACRES, MORE OR LESS. PPN: 16-00354.000, 16-00355.000; PRIOR DEED REFERENCE: VOL. 118 PAGE 453

TRACT NINE

SITUATED IN VINTON TOWNSHIP, TOWN 9, RANGE 16; BEING THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 29, CONTAINING 80 ACRES, MORE OR LESS. PPN: 16-00359.000 PRIOR DEED REFERENCE: VOL. 118 PAGE 453

TRACT TEN

SITUATED IN VINTON TOWNSHIP, TOWN 9, RANGE 16; BEING THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, EXCEPTING 4 ACRES OFF THE SOUTH SIDE, CONTAINING 36 ACRES, MORE OR LESS. PPN: 16-00357.000 PRIOR DEED REFERENCE: VOL. 118 PAGE 453

TRACT ELEVEN  
SITUATED IN VINTON TOWNSHIP, TOWN 9, RANGE 16; BEING 3 ACRES OFF THE SOUTH  
CENTRAL PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF  
SECTION 29.  
PPN: 16-00348.000, 16-00350.000 PRIOR DEED REFERENCE: VOL. 118 PAGE 453

TRACT TWELVE  
SITUATED IN VINTON TOWNSHIP, TOWN 9, RANGE 16; BEING 1 ACRE IN THE SOUTHWEST  
CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29.  
PPN: 16-00349.000 PRIOR DEED REFERENCE: VOL. 118 PAGE 453.

TRACT THIRTEEN  
SITUATED IN VINTON TOWNSHIP, TOWN 9, RANGE 16; BEING THE SOUTHWEST QUARTER  
OF THE SOUTHEAST QUARTER OF SECTION 29. EXCEPT 4 ACRES OUT OF THE NORTHEAST  
CORNER, AND 3 ACRES OUT OF THE SOUTHEAST CORNER, CONTAINING 33 ACRES, MORE  
OR LESS.  
PPN: 16-00356.000 PRIOR DEED REFERENCE: VOL. 118 PAGE 453

TRACT FOURTEEN  
SITUATED IN VINTON TOWNSHIP, TOWN 9, RANGE 16; BEING 3 ACRES IN THE SOUTHEAST  
CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29.  
PPN: 16-00351.000 PRIOR DEED REFERENCE: VOL. 118 PAGE 453

TRACT FIFTEEN  
SITUATED IN VINTON TOWNSHIP, TOWN 9, RANGE 16; BEING 4 ACRES IN THE  
NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF  
SECTION 29.  
PPN: 16-00352.000 PRIOR DEED REFERENCE: VOL. 118 PAGE 453

TRACT SIXTEEN  
SITUATED IN VINTON TOWNSHIP, TOWN 9, RANGE 16; BEING FRACTION 17, CONTAINING  
262 ACRES. PPN: 16-00332.000 PRIOR DEED REFERENCE: VOL. 118 PAGE 453  
ALSO IN CLINTON TOWNSHIP, TOWN 10, RANGE 17; BEING THE EAST HALF OF THE  
SOUTHEAST QUARTER OF SECTION 13, CONTAINING 80 ACRES, MORE OR LESS. PPN: 02-  
00468.000 PRIOR DEED REFERENCE: VOL. 118 PAGE 453

THE TOTAL ACRES OF THIS PARCEL IS 342 ACRES, MORE OR LESS.  
PPN: 16-00332.000  
PRIOR DEED REFERENCE: VOL. 118, PAGE 453 (PARCEL 8)

THE ABOVE 16 TRACTS WITHIN PARCEL 8 DESCRIBE 5,252 ACRES, MORE OR LESS.

PARCEL NO 23  
TIMBER TRACT 250  
SITUATE IN THE STATE OF OHIO, COUNTY OF VINTON AND IN THE TOWNSHIP OF  
CLINTON:

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION ONE (1),  
TOWNSHIP TEN (10), RANGE SEVENTEEN (17), CONTAINING FORTY-FOUR (44) ACRES,  
MORE OR LESS.

PPN: 02-00274.000  
DEED REFERENCE: VOL. 73, PAGE 387

PARCEL NO. 71 (PORTION)

TIMBER TRACT 250  
MADISON TOWNSHIP TOWN 10, RANGE 16

SECTION 19:

THE ENTIRE SECTION; CONVEYING HEREBY, IN SECTION 19, SIX HUNDRED FORTY (640)  
ACRES, MORE OR LESS.  
PARCEL NO. 11-00185.000

SECTION 25:

THE SOUTH HALF OF THE SECTION; CONVEYING HEREBY, IN SECTION 25, THREE  
HUNDRED TWENTY (320) ACRES, MORE OR LESS.  
PARCEL NO. 11-00186.000 (PORTION)

VINTON TOWNSHIP TOWN 10, RANGE 16

SECTION 30:

THE ENTIRE SECTION; CONVEYING HEREBY, IN SECTION 30, SIX HUNDRED FORTY (640)  
ACRES, MORE OR LESS.

PARCEL NO. 16-00362.000

SECTION 36:

THE ENTIRE SECTION; CONVEYING HEREBY, IN SECTION 36, SIX HUNDRED FORTY (640)  
ACRES, MORE OR LESS.  
TOGETHER WITH THE RIGHT OF WAY AS DESCRIBED AND CONVEYED IN THE DEED TO  
THE BAKER WOOD PRESERVING COMPANY RECORDED IN VOLUME 80, PAGE 113, OF THE  
DEED RECORDS OF VINTON COUNTY. PPN: 16-00368.000

PARCEL NO. 78 (PORTION)

PARCEL 5

TIMBER TRACT 250  
SITUATED IN THE COUNTY OF VINTON IN THE STATE OF OHIO, AND IN THE TOWNSHIP  
OF VINTON AND BOUNDED AND DESCRIBED AS FOLLOWS:

THE SECTIONS OR SIX HUNDRED AND FORTY ACRE EACH LOTS NUMBERED TWENTY-  
THREE (23) AND TWENTY-FOUR (24) IN TOWNSHIP NUMBERED NINE (9) OF RANGE  
NUMBERED SIXTEEN (16), IT IS THE INTENTION OF THIS CONVEYANCE TO DEED FEE

SIMPLE TITLE TO THE SURFACE OF THE ABOVE DESCRIBED REAL ESTATE CONTAINING  
1280 ACRES MORE OR LESS  
PPN'S: 16-00345.000 AND 16-00344.000  
PRIOR DEED REFERENCE: VOL. 103, PAGE 331

PARCEL NO. 82  
TIMBER TRACT 250  
SITUATED IN THE STATE OF OHIO, COUNTY OF VINTON, AND IN THE TOWNSHIP OF  
CLINTON, AND BOUNDED AND DESCRIBED AS FOLLOWS:

EAST HALF OF THE NORTHEAST QUARTER OF SECTION ONE (1), TOWNSHIP TEN (10),  
RANGE SEVENTEEN (17).

PPN: 02-00325.00  
PRIOR DEED REFERENCE: VOL. 171, PAGE 616  
Description Approved for Transfer By  
Vinton County Engineer's Office  
By NA Date 11-10-10

Vinton County Tax Parcel Information

Parcel No.	Estimated Acreage
02-00468.000	1564.00
16-00397.000	637.41
16-00360.000	158.50
16-00361.000	180.00
16-00355.000	20.00
16-00354.000	15.00
16-00353.000	5.00
16-00358.000	39.84
16-00347.000	75.00
16-00588.000	5.00
16-00358.000	89.00
16-00350.000	33.00
16-00362.000	4.00
16-00351.000	3.00
16-00357.000	36.00
16-00348.000	1.00
16-00350.000	2.00
16-00349.000	1.00
16-00366.000	640.00
16-00341.000	282.00
16-00340.000	282.00
16-00335.000	282.00
16-00334.000	282.00
16-00332.000	282.00
16-00333.000	282.00
16-00337.000	282.00
16-00342.000	282.00
11-00186.000 (South Half of Section 25, Madison Twp.)	320.00
11-00185.000	640.00
16-00368.000	640.00
16-00362.000	640.00
16-00345.000	640.00
16-00344.000	640.00
02-00325.000	80.00
02-00274.000	44.00
02-00466.000	76.00
02-00467.000	40.00
Total	9,324.75

EXHIBIT "B"

Retained Timber

The timber, in the amounts specified beneath each numbered item below, on the portions of the Property more particularly described as follows:

1. The shaded area shown as "Thinning (61 Acres)" on Exhibit "B-1" attached hereto and made a part hereof, located in Section 34, Fraction 34, and Fraction 30, Township 9, Range 16, Vinton Township.

Sale Name	Sale Number	Acres	Pine Pulpwood Volume (tons)	Hardwood Pulpwood Volume Tons	Stringer Volume MBF	Stringer Tons
Sumac Pine	550-04-32	61	2,804	283	0	0

2. The shaded area shown as "Harvest Area (71 Acres)" on Exhibit "B-2" attached hereto and made a part hereof, located in Sections 12 and 13, Township 10, Range 17, Clinton Township.

Sale Name	Sale Number	Acres	Pine Pulpwood Volume (tons)	Hardwood Pulpwood Volume Tons	Stringer Volume MBF	Stringer Tons
Deer Lick HWD	550-03-34	71	0	2,840	281,774	2,334

3. The shaded area shown as "Harvest Area (82 Acres)" on Exhibit "B-3" attached hereto and made a part hereof, located in Sections 23 and 24, Township 9, Range 16, Vinton Township.

Sale Name	Sale Number	Acres	Pine Pulpwood Volume (tons)	HWD Pulpwood Volume Tons	Stringer Volume MBF	Stringer Tons
Fox Tract Pine	550-02-35	82	4,399	189	0	0

EXHIBIT "B-1"

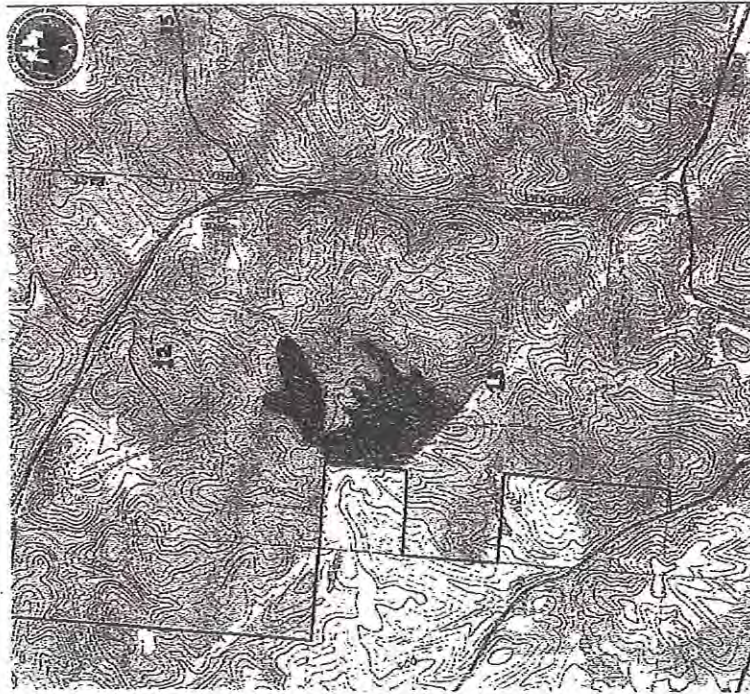


Receptor: Compartment 4  
Sumac Pine  
Clearcut  
Vinton County, Ohio  
Sale Area (for Acres)  
Sale Number: 550-04-32

Thinning (61 Acres)

0 1,320 2,640 3,960 Feet

EXHIBIT "B-2"

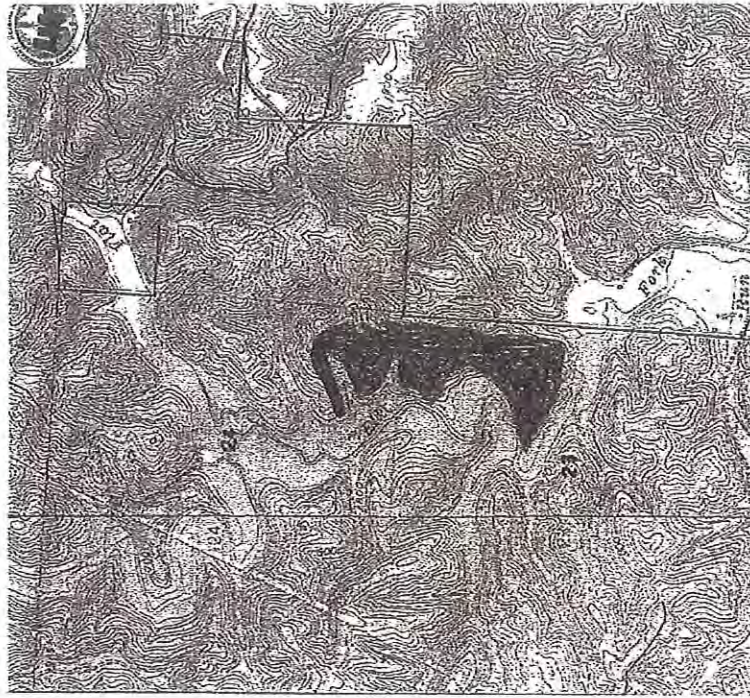


Recreation: Compartment 3  
Deer Lick HWD  
Verde River  
Verde County, Ohio  
Sale Area: 71 Acres  
Sale Number: 550-03-34  
FSCISW/MCOC-000092

Harvest Area (71 Acres)



EXHIBIT "B-3"



Recreation: Compartments 1&2  
Fox Track Pine  
Verde County, Ohio  
Sale Area: 82 Acres  
Sale Number: 550-02-35  
FSCISW/MCOC-000092

Harvest Area (82 Acres)



EXHIBIT "C"

Permitted Encumbrances

1. Ad valorem taxes not yet due and payable.
2. Existing zoning restrictions.
3. Rights of third persons and/or public authorities and utilities in and to that portion of the Property located within the boundaries of roads, highways, easements and rights-of-way, whether of record or which may be disclosed by an physical inspection or survey of the Property.
4. All matters which would be revealed by an accurate survey of the Property.
5. Riparian rights of others in and to any creeks, rivers, lakes or streams located on the Property.
6. All matters of record.
7. Rollback taxes, if any.
8. Rights of third parties in and to any unrecorded agreements previously disclosed by Grantor in writing to Grantee.
9. All prior reservations or conveyances of mineral rights and interests.
10. Any loss or claim due to lack of access to any portion of the Property.
11. Rights of third parties in and to the equipment and personal property located at those certain facilities on the Property known as the Vinton Furnace Experimental Conference Center, also known as the "REMA Training Complex," situated in Section 30, Township 9, Range 16, Vinton Township, Vinton County, Ohio.

EXHIBIT "D"

Notice of Grant Agreement and Activity and Use Restrictions

Notice is hereby given that the State of Ohio Department of Natural Resources ("OH DNR") acquired the property that is more fully describe on Exhibit A of this Deed (the "Property") with financial support provided by a grant program (the "REX East Migratory Bird Account Grant Program"), funded by the Rockies Express Pipeline LLC and administered by The Conservation Fund with advice and consultation from the United States Fish and Wildlife Service ("USFWS"). The \$1,500,000 Grant (the "Grant") was made pursuant to a Grant Agreement between The Conservation Fund and The Nature Conservancy, dated July 26, 2010 (hereinafter "the Grant Agreement"), which Grant Agreement was assigned by The Nature Conservancy to the OH DNR by a letter agreement dated July 26, 2010. The Grant was provided to acquire the Property for the conservation of migratory bird habitat, and OH DNR, by entry into this Notice of Grant Agreement, and as an express condition to the funding of this Grant OH DNR has agreed to permanently encumber the Property with certain activity and use restrictions as more fully described herein, to protect such migratory bird habitat. OH DNR, TCP and USFWS acknowledge and agree that USFWS shall be deemed a third party beneficiary to this Notice of Grant Agreement for and only for the sole purpose of giving USFWS the right to monitor and enforce the activity and use restrictions contained herein.

The parties to the Grant Agreement and USFWS acknowledge that the Property is encumbered by and subject to that certain Stumpage Agreement dated December 16, 2005, between Scioto Land Company, LLC, and Chillicothe Paper Inc., as amended by that certain Amendment of Stumpage Agreement dated as of or about February 17, 2006, among Escanaba Timber LLC, Scioto Land Company, LLC and Chillicothe Paper, Inc.; as further amended by that certain Timber Volume Allocation Agreement, dated April 21, 2006, among Scioto Land Company, LLC, Dalmore, LLC and P. H. Glafelter Company, successor to Chillicothe Paper, Inc.; as further amended and assigned by that certain First Amendment to and Partial Assignment of Stumpage Agreement dated January 25, 2007, among P.H. Glafelter Company, Dalmore, LLC, and the State of Ohio (as amended and assigned, the "Stumpage Agreement"). The parties to the Grant Agreement and USFWS acknowledge that when OH DNR acquired the Property, it entered into an assignment and assumption agreement whereby Dalmore, LLC assigned to OH DNR all of Dalmore, LLC's right, title and interest in and to the Stumpage Agreement. Further, the parties to the Grant Agreement and USFWS acknowledge that the Grant Agreement and this Notice of Grant Agreement and Activity and Use Restrictions are subject to the Stumpage Agreement as assumed by OH DNR.

- A. The Property shall be kept in its current state, meaning that no new or additional commercial, industrial, or residential developments, or buildings, billboards or other structures of any kind, either temporary or permanent, shall be placed or erected on the Property, unless otherwise expressly provided hereunder. Structures or facilities

necessary for administration and management of the Property as a state forest or for new or existing state, federal, or university-sponsored research or demonstration projects shall be permitted after recommendation by the Research Advisory Committee, an advisory committee established by OH DNR in accordance with Section IV.6 of the Grant Agreement, and approval of the Chief of the OH DNR Division of Forestry. New permanent structures shall be located within a 50-acre designated administrative area centered on the location of the administrative buildings currently in place on the Property. Ownership and sponsorship signs are acceptable on the edges and in existing entrances of the Property.

B. There shall be no filling, excavating, or removal of top soil, sand, gravel, rock, minerals or other materials on or at the Property, nor any building of roads or change in topography of the land in any manner, other than that caused by the forces of nature or as reserved herein, or caused by activities necessary for administration and management of the Property as a state forest or for new or existing state, federal, or university-sponsored research or demonstration projects recommended by the Research Advisory Committee and approved by the Chief of the Division of Forestry. This paragraph shall not prohibit the extraction of minerals legally held or owned by parties not subject to the terms of this Agreement. The OH DNR shall notify and consult with the USFWS in the event that any such future mineral extraction is to occur on the Property.

C. The control, management and eradication of animal or plant species on the Property must be pursuant to a Stewardship Plan prepared in accordance with Section IV.5. of the Grant Agreement. Methods must comply with State and Federal requirements and manufacturer guidelines.

D. No power or petroleum transmission lines may be constructed on the Property, nor shall any interests in the Property be granted for such purposes, except as necessary for ongoing administration and management of the Property as a state forest or for new or existing state, federal, or university-sponsored research or demonstration projects recommended by the Research Advisory Committee and approved by the Chief of the Division of Forestry. However, existing telephone, electric, water, or other utility lines or mains located on the Property may be maintained and repaired as necessary. Any area affected by repair work shall be the minimum necessary to accomplish the task. Upon completion of the repair work, the area shall be restored to its natural state.

E. There shall be no construction of towers for wind energy or communication or otherwise on the Property, except as necessary for new or existing state, federal, or university-sponsored research or demonstration projects recommended by the Research Advisory Committee and approved by the Chief of the Division of Forestry. Prior to construction of any towers, project proponents must demonstrate to the Research Advisory Committee that the project will not cause harm to birds of conservation concern. When deemed necessary, the Research Advisory Committee

may recommend that post-construction mortality surveys be conducted using current best practices.

F. No trees, ground cover, or other vegetation shall be removed or moved, except as part of a state, federal, or university-sponsored research or demonstration project, including but not limited to biomass capture and timber harvesting, or except as necessary for ongoing administration and management of the Property as a state forest including to maintain foot paths and trails, create new foot paths and trails as described in the approved 5-year forest management and annual work plans, restore natural habitat, promote natural vegetation, or protect life and Property as described in the Stewardship Plan. Prescribed burning and timber harvesting shall be permitted as specified in the Stewardship Plan.

G. The Property shall at all times be kept free of garbage, trash, and machinery, except equipment and machinery necessary for management and administration of the Property and for new or ongoing state, federal or university-sponsored research and demonstration projects, and no other unsightly material shall be allowed to accumulate or be stored thereon. In the event that unauthorized disposal of garbage, trash, or machinery has or will occur on the Property, the Division of Forestry shall be responsible for its removal as soon as practical.

H. The Property shall not be used for agricultural purposes, including grazing.

I. Use of recreational vehicles, including snow mobiles, all terrain vehicles or other motorized vehicles, shall not be permitted on the Property except for management purposes specified in the approved Stewardship Plan, or where required for state, federal, or university-sponsored research projects or for purposes of compliance with the Americans With Disabilities Act.

J. The Property shall not be subdivided into smaller parcels, whether through legal or de facto subdivision.

K. Rights of Access. The OH DNR and its successors or assigns hereby grants to the USFWS a right of access to the Property in order to monitor compliance with and otherwise enforce the activity and use restrictions specified in this Agreement.

L. These activity and use restrictions shall be binding upon the OH DNR and its successors and assigns and shall run with the land in perpetuity unless the Default Clause set forth below in Section M of this Notice of Grant Agreement is invoked.

M. Default Clause.

1. Should OH DNR fail to comply with any of the terms and conditions contained in this Notice of Grant Agreement, the USFWS, as a third party beneficiary of this Agreement may provide written notice of said non-compliance to the OH DNR, requesting that said non-compliance be corrected within a reasonable stated time. If the OH DNR

fails to remedy said non-compliance within the stated time, the OH DNR shall, at the OH DNR's discretion, either:

- A. Replace the Property acquired pursuant to the Grant Agreement with property of equal value at current market prices and with equal wildlife and migratory bird benefits as the original Property. Replacement property shall be subject to the USFWS' approval; or
  - B. Reimburse The Conservation Fund in an amount equal to the current fair market value of the Property acquired pursuant to this Grant Agreement, and in an amount proportionate to the original REX East Migratory Bird Account investment.
2. In the event it is determined by the OH DNR that it is no longer desirable to hold lands or interests in lands acquired with REX EAST MIGRATORY BIRD ACCOUNT funding and those lands are conveyed, exchanged, or otherwise disposed of, after providing notice to USFWS, the OH DNR, at its discretion, shall:
- A. Replace the Property acquired pursuant to this Grant Agreement with property of equal value at current market prices and with equal wildlife and migratory bird benefits as the original Property. Replacement property shall be subject to the USFWS' approval; or
  - B. Reimburse The Conservation Fund in an amount equal to the current fair market value of the Property acquired pursuant to this Grant Agreement, and in an amount proportionate to the original REX East Migratory Bird Account investment.
3. In the event OH DNR and the USFWS are unable to resolve a default in accordance with the provisions of paragraphs 1 or 2 of this Default Clause, the USFWS may exercise its third party enforcement rights, noted above, including but not limited to the right to bring a civil action for injunctive or other equitable relief for any violation of the activity and use restrictions contained in this Notice of Grant Agreement.
4. Failure to invoke the Default Clause shall not be deemed a waiver of the USFWS' right to invoke said clause due to subsequent violating activities on the part of the OH DNR, its successors, assigns, or any Transferee.

The OH DNR is placing this Notice on record as confirmation of its obligations under the Grant Agreement to ensure the protection and conservation of migratory bird habitat on the Property.

The OH DNR acknowledges that, pursuant to the Grant Agreement, the above-stated activity and use restrictions may not be changed without first obtaining written approval from the USFWS which, as the principle federal agency with trust responsibilities over migratory birds, provides technical advice to The Conservation Fund.

To the extent that this Notice of Grant Agreement involves the expenditure of money chargeable to an appropriation, the financial obligations of OH DNR hereunder are subject to section 126.07 of the Ohio Revised Code, which provides that such expenditures are not valid and enforceable unless the director of budget and management first certifies that there is a balance in the appropriation not already obligated to pay existing obligations. In the event the State legislature does not provide funds in sufficient amounts to discharge these obligations, OH DNR shall use its best efforts to satisfy any requirements for payments under this Notice of Grant Agreement from any other source of funds legally available for this purpose. If OH DNR is unable to satisfy its obligations hereunder the USFWS may exercise any legal rights it has to protect its interest related to this Notice of Grant Agreement.

TRANSFERRED

AUG 16 2010

CINDY OWINGS  
VINTON COUNTY AUDITOR

This Conveyance has been examined  
and the Office has complied with  
Section 319.20 of the Revised Code.  
Fee  
Exempt

CINDY OWINGS, COUNTY AUDITOR

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**8/3/2011 11:51:43 AM**

**in**

**Case No(s). 11-4505-EL-BTX**

Summary: Motion Motion for Waiver electronically filed by Mr. Matthew J Satterwhite on behalf of American Electric Power Service Corporation