BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the Application of Buckeye Wind LLC to Amend its Certificate Issued in Case No. 08-666-EL-BGN

Case No. 13-360-EL-BGA

Application to Amend

the Buckeye Wind LLC Certificate

Granted March 22, 2010 in Case No. 08-666-EL-BGN

Introduction and Overview

Buckeye Wind LLC (hereinafter referred to as the "Applicant"), a wholly-owned subsidiary of EverPower Wind Holdings, Inc, has received a certificate to construct a windpowered electric generation facility consisting of 54 wind-powered electric turbines, along with access roads, electrical interconnect, construction staging areas, operations and maintenance facilities, and a substation (collectively, the "Project") to be located in Goshen, Rush, Salem, Union, Urbana, and Wayne Townships, Champaign County, Ohio. The Ohio Power Siting Board (the "Board") issued an Opinion, Order and Certificate in Case No. 08-666-EL-BGN on March 22, 2010 (the "Certificate"). The original Application for a certificate of environmental compatibility and public need was filed on April 24, 2009.

Through this petition, hereinafter referred to as the "Petition," the Applicant is proposing to amend the Project's collection line design and the location and size of three construction staging areas. In addition, the Applicant is proposing to relocate the project substation on the same parcel, relocate four turbine access roads and construct one new access road. The Applicant recently obtained land control of additional acreage within the Project area allowing it to improve the Project's design by shifting collection lines from overhead public right-of-ways to underground locations on private property leased by the Applicant. In addition, the Applicant has decided to relocate and resize all three construction staging areas and relocate the substation on the same parcel so that the same construction staging areas and substation may be used for both the Buckeye I project and Buckeye II project. Four access roads will require relocation as a result of the collection line design, staging area shift and substation shift and one new access road will be constructed.

The eastern and southern construction staging areas and substation are within the same parcels as previously located, but are being shifted slightly to accommodate landowner requests. The western construction staging area is being moved 1.3 miles west. The western construction staging area relocation was selected after analyzing component delivery routes, which indicated this location was preferred to the previous one. The substation is shifting by 1,000 feet center to center, with the shift putting the substation 1,227 feet from the nearest non-participating residence versus 1,531 feet as originally designed. The Buckeye I project and the Buckeye II project will both utilize the same construction staging areas and the substation. All relocated construction staging areas, access roads and the substation will be located in active agricultural fields. The new access road will also be located in active agricultural fields, but will have limited, temporary forest impacts of 0.14 acres. Also, the buried collection lines are located in approximately 93% active agricultural or other disturbed land.

Given the above changes, the Applicant is submitting this Petition to the Board for its review and approval of these project design changes. Because the proposed changes in the facility will not result in a material increase in any environmental impact of the facility nor cause a substantial change in the location of any of the Project's turbines, the Applicant respectfully requests that the Board approve this Petition without the necessity of an evidentiary hearing.

4906-17-01 Applicability and Definitions

(A) Application Filing Requirements

This Petition seeks to amend the Certificate in regard to the Project's collection line design, the location and size of three construction staging areas, the location of four access roads and the Project's substation, and the number of access roads, which will increase by one. The Petition does not seek changes in any other part of the Certificate as approved by the Board. To

avoid submitting unnecessary and redundant information, the Applicant has requested waivers from various rules in Chapter 4906-17. For example, information regarding turbine locations, operational noise, blade shear and ice throw is not applicable to the Petition.

(B) <u>Definitions</u>

As used in this Petition:

(1) "Project area" means the total wind-powered electric generation facility, including associated setbacks.

(2) "Wind-powered electric generation facility" or "wind-energy facility" or facility means all the turbines, collection lines, any associated substations, and all other associated equipment.

4906-17-02 Project Summary

The Applicant has requested a waiver in part from the requirements of this rule (Appendix A) because much of the information required is not applicable to the proposed amendment. Under this waiver, the Applicant is not providing information relating to the turbines and other facilities previously reviewed by the Board in Case No. 08-666-EL-BGN and presented in the Application. Instead, the Applicant is providing the following information: (1) a project summary and overview of the proposed changes to the collection line system, access roads, substation and construction staging areas under Rule 4906-17-02(A)(2); (2) a description of how the locations for the revised collection line system, four relocated access roads, relocated substation, relocated construction staging areas and the new access road were selected pursuant to Rule 4906-17-02(A)(3); (3) a discussion of the principal environmental considerations for the revised collection line system provided access for the revised collection line design and other proposed changes pursuant to Rule 4906-17-02(A)(4);

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and (4) an explanation of the current Project schedule, including turbine construction pursuant to Rule 4906-17-02(A)(5).

(A) <u>4906-17-02(A) Project Summary and Facility Overview</u>

(2) Description of the Proposed Facility

Through this Petition, the Applicant is proposing to shift all of the overhead collection line system to underground electrical collection lines. The Applicant previously planned on working extensively with the Dayton Power & Light Company to arrange for the construction, operation and maintenance of the above ground portions of the 34.5 kv electrical collection lines associated with the Facility. The Facility was initially designed for approximately 39.8 miles of overhead collection lines. The Applicant now proposes to construct all of the electrical interconnection system underground. The majority of the relocated collection lines will be constructed in the same collection line routes as those in the Buckeye II project docketed as Case No. 12-160-EL-BGN. Figure 04 to this Petition shows the revised collection line layout for the Buckeye I project and delineates areas where the collection lines are shared with the Buckeye II project. Although collection lines may be shared between the projects, the Buckeye I project is separate from the Buckeye II project and subject to the Certificate.

In addition to revising the collection line system design, the Applicant seeks approval to relocate and resize three construction staging areas for the Project. Initially, all construction staging areas were planned to be 3.75 acres for the Buckeye I project. Two construction staging areas are being relocated at the landowners' requests on the same parcels as currently permitted. The third parcel is being relocated approximately 1.3 miles, to a separate parcel on which the Applicant has rights to install a construction staging area. The southern construction staging area will be 9.5 acres, the western construction staging area 3.4 acres, and the eastern construction

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staging area 10 acres. Importantly, the relocation and resizing of the staging areas will allow both the Buckeye I project and Buckeye II project to use the same staging areas.

The Applicant is also seeking approval to relocate the Project substation on the same parcel as initially approved. The substation is being shifted to match the location for the Buckeye II project's substation. As noted previously, the substation is shifting by 1,000 feet center to center, with the shift putting the substation 1,227 feet from the nearest non-participating residence versus 1,531 feet as originally designed. The new locations for the substation and staging areas are shown on Figure 04.

Additionally, the Applicant is seeking approval to relocate four access roads and construct one new access road. Figure 06 illustrates the proposed changes to the access roads. The proposed access road running east to west to turbine 44 is being relocated from its approved location pursuant to a prior informal recommendation by Staff to eliminate a stream crossing. The proposed access road running north to south to turbine 36 is being relocated approximately 500 feet east from its OPSB approved location to accommodate a landowner request and will follow a relocated Buckeye I collection line. The proposed access road running diagonally to turbine 21 is being relocated approximately 400 feet to run along the southwest corner of the eastern construction staging area that is being relocated within the same parcel. The proposed access road running north and south between turbines 16 and 18 will be a new access road that will start at an approved access road location south of turbine 16 and will then follow an approved collection line route toward turbine 18, reducing the need to use Perry Road. The proposed access road running north and south to turbine 40 is being relocated to follow a relocated collection line route, which also provides a greater buffer distance to a nearby wetland.

(3) <u>Site Selection for Collection Lines, Construction Staging Areas, Relocated</u> <u>Access Roads and Substation</u>

As noted above, the Applicant had planned on working extensively with the Dayton Power & Light Company to arrange for the construction, operation and maintenance of the above ground portions of the 34.5 ky electrical collection lines associated with the Facility. After obtaining additional land rights, the Applicant is now able to construct all of the electrical interconnection system underground utilizing many of the same routes used for the Buckeye II project, which was the primary criteria for the location for the new underground collection lines. Relocated construction staging areas were selected in close cooperation and coordination with the landowners on whose property they would be located. Two of the relocated construction staging areas were a direct result of input from landowners in which the landowner requested that they be relocated within the same parcel. The third construction staging area relocation was selected after analyzing component delivery routes, which indicated this location was preferred to the previous one. As noted above, the construction staging area sizes are being changed to match the size of the construction staging areas of the Buckeye II project so that both projects can use the same staging areas. The substation is being relocated so that the same substation can be used for both the Buckeye I and Buckeye II projects. The substation will be located in the same parcel as the original substation.

The Applicant is also proposing to relocate four access roads and construct one new access road. The proposed access road running east to west to turbine 44 is being relocated from its approved location pursuant to Staff's recommendations to eliminate a stream crossing. The proposed access road running north to south to turbine 36 is being relocated approximately 500 feet east from its OPSB approved location to accommodate a landowner request and will follow a relocated Buckeye I collection line. The proposed access road running diagonally to turbine 21

is being relocated approximately 400 feet to run along the southwest corner of the eastern construction staging area that is being relocated within the same parcel. The proposed access road running north and south between turbines 16 and 18 will be a new access road that will start at an approved access road location south of turbine 16 and will then follow an approved collection line route toward turbine 18, reducing the need to use Perry Road. The proposed access road running north and south to turbine 40 is being relocated to follow a relocated collection line route, which also provides a greater buffer distance to a nearby wetland.

(4) <u>Principal Environmental Considerations</u>

The modifications to the collection line system will result in no overhead electric lines. This design change is a significant improvement because, unlike the use of overhead poles, there will be minimal permanent disturbance associated with the shift to underground collection lines. This will reduce the overall permanent disturbance of the Project. As with the current underground collection lines, construction impacts of the relocated collection lines will be temporary in nature, and confined to the properties of participating landowners. All construction staging areas will be located in active agricultural fields and the relocated buried collection lines will be located in approximately 93% active agricultural or other disturbed land. The relocated substation and new and relocated access roads will also be located in agricultural lands. The new access road will require a stream crossing near turbine 18 where an existing collection line crosses. A crossing is already in place at the stream and that structure may be utilized or improved depending on further analysis. The new access road will also have limited, temporary forest impacts of 0.14 acres during installation of the access road. The relocation of the collection lines, relocation and resizing of the construction staging areas, addition and relocation of access roads, and relocation of the substation will continue to result in the cumulative Facility

conversion of approximately 68 acres of land from its current use to built facilities (0.5% of the 13,500 acres of leased land).

(5) <u>Current Project Schedule</u>

The Certificate for this Project was issued in March 2010 with a final decision on the matter from the Supreme Court of Ohio in March 2012. Final designs are anticipated to be completed in the third quarter of 2013. Construction is anticipated to begin in the fourth quarter of 2013 and run through the middle of 2014. The Facility is anticipated to be placed in service at the end of 2014 after operational testing is complete. Additional information about the Project schedule can be found in Section 4906-17-03(B) of this Petition.

4906-17-03 Project Description and Schedule

The Applicant has requested a waiver in part from the requirements of this rule (Appendix A) as some of the requirements are not applicable to the proposed changes. Under this waiver, the Applicant is providing (1) a detailed description of the changes to the collection line system, the relocation of the construction staging areas, access roads and the substation and construction of one new access road under Rule 4906-17-03(A); (2) updated land area requirements including any changes to the construction impact areas pursuant to Rule 4906-17-03(A)(1)(b); and (3) an updated detailed schedule for the Project pursuant to Rule 4906-17-03(B).

(A) <u>4906-17-03(A) Detailed Project Description</u>

The Applicant is permitted to construct, own, and operate a wind-powered electric generation facility. As permitted, the Project is designed for a combination of overhead and underground collection lines and up to three construction staging areas. The Applicant is proposing to install all of the collection line system underground. Figure 04 shows the revised

interconnection system layout for the Facility. Due to landowner preferences and component delivery analyses, the Applicant is proposing to relocate all three construction staging areas. Additionally, because the Buckeye I project and Buckeye II project will now share construction staging areas, two relocated construction staging areas are expanding in size and one relocated construction staging area is contracting in size. The substation is being relocated so that the same substation can be utilized for both the Buckeye I and Buckeye II projects. The substation is shifting by 1,000 feet center to center, with the shift putting the substation 1,227 feet from the nearest non-participating residence versus 1,531 feet as originally designed. Additionally, four access roads are being relocated and one new access road is being constructed for the reasons discussed in Section 4906-17-02(A)(2).

(1) Description Details for the Project

(b) Land Area Requirements

Table 03-1 presents the estimated footprint for the Facility's collection lines, relocated and new access roads and staging areas, based on revised impact assumptions.

Facility Components	Typical Area of Vegetation Clearing	Area of Total Soil Disturbance (temporary and permanent)	Area of Permanent (fill/structures) Disturbance
Access Roads	55' wide per linear foot of road	40' wide per linear foot of road	20' wide per linear foot of road
Buried Electrical Collection Cable	25' wide per linear foot of cable	25' wide per linear foot of cable	none
Staging Areas (up to 3)	7.6 acres average	7.6 acres average	none
Substation	5 acres	5 acres	1.75 acres

Table 03-1. Impact Assumptions

(2) <u>Description of Major Equipment</u>

The initial Application called for approximately 39.8 miles of overhead collection lines in public right-of-ways and approximately 25.6 miles of underground collection lines. The Applicant's proposed collection line change would result in approximately 42.3 miles of underground collection lines and no overhead lines. Of the 42.3 miles of buried interconnect, approximately 17.3 miles (40%) will be installed co-linear with Project access roads and 25 miles (60%) will be installed in separate locations.

With respect to the construction staging areas, information on the proposed construction staging areas was presented at pages 11, 15-16 and 46 of the original Application. The location of all three staging areas has changed. Instead of being located at the intersection of State Route 814 and U.S. Route 36, one construction staging area will be at the intersection of U.S. Route 36 and Three Mile Road on a parcel previously identified for a wind turbine. The two other construction staging areas will be relocated within the same parcel in which they were previously located. Also, the size of all three staging areas has changed. Instead of being 3.75 acres each, the southern construction staging area will be 9.5 acres, the western staging area 3.4 acres, and the eastern staging area 10 acres. These three construction staging areas will be used for both the Buckeye I and Buckeye II projects.

The substation is shifting by 1,000 feet center to center, with the shift putting the substation 1,227 feet from the nearest non-participating residence versus 1,531 feet as originally designed. The substation will be utilized for both the Buckeye I and Buckeye II projects. Additionally, four access roads will be relocated and one new access road will be constructed for the reasons discussed in Section 4906-17-02(A)(2).

(B) <u>4906-17-03(B) Detailed Project Schedule</u>

(1) <u>Schedule</u>

Below is a detailed project schedule for the Board's review. The original Application estimated the start of construction in 2010 with an in-service date of mid-2011. The Applicant has been working diligently on various issues, including working toward obtaining an incidental take permit from the U.S. Fish and Wildlife Service for the Project. The Applicant estimates that the preparation of the final design will be completed in the third quarter of 2013 and that construction of the facility will begin in the fourth quarter of 2013 and run through the middle of 2014, followed by system testing. The Facility will be placed in service at the end of 2014.

Buckeye I Wind Farm Estimated Project Schedule

4906-17-04 Project Area Analyses

Considering the limited nature of the proposed Certificate amendment, the Applicant has requested a waiver in full from the requirements of this rule as not being applicable (Appendix A).

4906-17-05 Technical Data

The Applicant has requested a waiver in part from the requirements of this rule that are not applicable (Appendix A). Under this waiver, the Applicant will not provide information relating to the turbines and other facilities previously reviewed by the Board in Case No. 08-666-EL-BGN and presented in the Application. The Applicant will provide the following information and items: (1) an updated map of 1:12,000 scale of the project area site pursuant to Rule 4906-17-05(A)(3); (2) a description of Project area site activities related to the proposed relocations pursuant to Rule 4906-17-05(B)(1) and (3) an updated Project layout map of 1:12,000 scale as required by Rule 4906-17-05(B)(2) with the exception that grade elevations where modified during construction will not be shown (grade elevations to be modified during construction will be shown on the Project's detailed design drawings). In addition, the Applicant will provide (1) information on how the proposed change in collection line design relates to the collection line system for the proposed Buckeye II Wind Farm, docketed as Case No. 12-0160-EL-BGN and (2) information on the construction staging areas for the Project and the proposed shift of the construction staging areas, relocated access roads, new access road and the relocated substation.

The applicable subsection of the rule is listed in this section, with the remainder of the rule's subsection subject to the sought waiver.

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(A) $\underline{4906-17-05(A)}$

(1) Project Area Map

See the attached Figure 1 which is a map of 1:12,000 scale of the project area site showing topographic contours, existing vegetative cover, land use and classifications and individual structures and installations.

(B) 4906-17-05(B) Layout and Construction

(1) Project Area Site Activities

Buried Collection System Installation

As mentioned previously, electrical interconnects will generally follow Facility access roads, but will also follow field edges and cut directly across fields in some places. The proposed layout of the collection system is illustrated on Figure 05-2 and Figure 04. Where buried cable is proposed to cross active agricultural fields, the location of any subsurface drainage tiles will be determined (through consultation with the landowner) to avoid damaging these lines during cable installation.

Direct burial methods through use of a cable plow, rock saw, and/or trencher will be used during the installation of underground interconnect lines whenever possible. Direct burial with a cable plow will involve the installation of bundled cable (electrical and fiber optic bundles) directly into a "rip" in the ground created by the plow blade. The rip disturbs an area approximately 24 inches wide with bundled cable installed to a minimum depth of 36 inches. An area up to 25 feet wide must be cleared of tall-growing woody vegetation, if necessary, and will be disturbed by the tracks of the installation machinery. However, this disturbance does not involve excavation of the soil. Generally, no restoration of the rip is required, other than surficial compaction and smoothing. Similarly, surface disturbance associated with the passage of machinery is typically minimal. Should additional surface restoration be required, a small excavator or small bulldozer will closely follow the installation, smoothing the area. Direct burial with a trencher involves the installation of bundled cable in a similar fashion to cable plow installation. The trencher or rock saw uses a large blade or "saw" to excavate an open trench. A 24-inch-wide trench is generally opened with a sidecast area immediately adjacent to the trench. Similar to cable plow, this direct burial method installs the cable a minimum of 36 inches deep (48 inches in active agricultural fields) and requires only minor clearing and surface disturbance (up to 25 feet wide for the installation machinery and access).

Installation of utility lines in an open trench will be used in areas where the previously described direct burial methods are not practicable, or in areas where the location of subsurface drainage tiles cannot be confirmed. Areas appropriate for open trench installation will be determined at the time of construction and may include areas with unstable slopes, excessive unconsolidated rock, standing or flowing water, and/or suspected drainage tiles. Open trench installation is generally performed with a backhoe and generally results in a disturbed trench 36 inches wide and a minimum of 36 inches deep. The overall temporary footprint of vegetation and soil disturbance may be a maximum of 25 feet due to machinery dimensions and backfill/spoil pile placement during installation. In agricultural areas, all topsoil within the work area will be stripped and segregated from excavated subsoil. Replacement of spoil material will occur immediately after installation of the buried utility. Subgrade soil will be replaced around the cable, and topsoil will be replaced at the surface. Any damaged tile lines will be repaired, and all areas adjacent to the open trench will be restored to original grades and surface condition. Restoration of these areas will be completed through seeding and mulching of all exposed soils or by other appropriate farming methods in active agricultural fields.

Relocated Access Road, Staging Area and Substation Installation

Figure 06 illustrates the Buckeye I OPSB approved access roads and proposed changes to access roads. The proposed access road running east to west to turbine 44 is being relocated from its approved location pursuant to Staff's informal recommendation to eliminate a stream crossing. The proposed access road running north to south to turbine 36 is being relocated approximately 500 feet east from its OPSB approved location to accommodate a landowner request and will follow a relocated Buckeye collection line. The proposed access road running diagonally to turbine 21 is being relocated approximately 400 feet to run along the southwest corner of the eastern construction staging area that is being relocated within the same parcel. The proposed access road running north and south between turbines 16 and 18 will be a new access road that will start at an approved access road location south of turbine 16 and will then follow an approved collection line route toward turbine 18, reducing the need to use Perry Road. The proposed access road running north and south to turbine 40 is being relocated to follow a relocated collection line route, which also provides a greater buffer distance to a nearby wetland.

Access road construction will be initiated by vegetation clearing that is deemed necessary. It is assumed that a 55-foot-wide corridor will be cleared along access roads. The actual cleared area will vary on a case-by-case basis depending on factors such as topography and vegetation, and where possible, adjusted to avoid sensitive ecological resources. Road construction will involve topsoil stripping and grubbing of stumps, as necessary. Stripped topsoil will be stockpiled along the road corridor for use in site restoration. Any grubbed stumps will be removed, chipped, or buried. Following removal of topsoil, subsoil will be graded, compacted, and surfaced with gravel or crushed stone (depth to be determined on a case by case basis), and a geotextile fabric or grid will be installed beneath the road surface if necessary, to provide additional support.

The typical finished access road will be no greater than 20 feet in width with occasional wider pull-offs to accommodate passing vehicles, and earthen shoulders on either side to accommodate crane traffic. Maximum permanent road width will be 20 feet. During construction, access road installation and use could result in temporary soil disturbance of a maximum width of 40 feet. In agricultural areas, topsoil will be stripped and wind-rowed along the access road to prevent construction vehicles from driving over undisturbed soil and adjacent fields. Once construction is complete, temporarily disturbed areas will be restored, including removal of excess road material and rocks greater than 12 inches, and returned to their approximate pre-construction contours.

In addition, approximately 5 acres will be cleared for the substation and a total of approximately 23 acres for the construction staging areas. As with other temporary disturbed areas, once construction is complete, temporarily disturbed areas will be restored, including removal of excess road material and rocks greater than 12 inches, and returned to their approximate pre-construction contours.

(2) <u>Layout</u>

See the attached Figure 05-2 which is a map of 1:12,000 scale of the proposed Facility layout. The buried collection lines will generally follow Facility access roads, but will also follow field edges and cut directly across fields in some locations where needed. Where buried collection lines are proposed to cross active agricultural fields, the location of any subsurface drainage tiles will be determined. As indicated on Figure 04, much of the collection line system is able to be shared with the Buckeye II Wind Project. Only 6.35 miles of the relocated collection lines will be separate from collection lines proposed for the Buckeye II Wind Project. Additionally, 0.55 miles of Phase I collection currently designed to be overhead will be converted to underground lines at the same location as previously approved.

At pages 11, 15-16 and 46 of the original Application, there was a discussion about the development of three construction staging areas to be located on leased private lands. Two of the construction staging areas will be along US Route 36 and the other at intersection of St Route 56 and Pisgah Road. These sites were to accommodate material storage, parking for construction workers, and construction trailers. The staging areas were anticipated to be approximately 3.75 acres each, with an additional 0.7 acre at the US Route 36 and Three Mile Road site for trailers, for a cumulative total of approximately 12 acres. The size of all three construction staging areas will change. The southern construction staging area will be 9.5 acres, the western construction staging area 3.4 acres, and the eastern construction staging area 10 acres for a cumulative total of 22.9 acres. The sizes of the Buckeye I project staging areas have changed to match the sizes of the Buckeye II project staging areas because the same staging areas will now be utilized for both projects. All three construction staging sites are going to be relocated but will remain in active agricultural fields. The eastern and southern locations are within the same parcel as previously located, but are being shifted slightly to accommodate landowner requests. The western location is being moved 1.3 miles west. The western location relocation was selected after analyzing component delivery routes, which indicated this location was preferred to the previous one.

Furthermore, the substation is shifting by 1,000 feet center to center, with the shift putting the substation 1,227 feet from the nearest non-participating residence versus 1,531 feet as originally designed. The substation will remain in the same parcel. This shift is occurring so the substation can be utilized for both the Buckeye I and Buckeye II projects. Additionally, four

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access roads will be relocated and one new access road will be constructed as noted on Figure 06 and as described above in Section 4906-17-02(A)(2).

4906-17-06 Financial Data

Considering the limited nature of the proposed Certificate amendment, the Applicant has requested a waiver in part from the requirements of this rule that are not applicable (Appendix A). In accordance with the waiver, the Applicant is providing a description of the current ownership of the project area, including the areas impacted by the new collection line design, the construction staging area relocation, the new access road and relocation of four others and the substation relocation as required by subsection 4906-17-06(A).

4906-17-06(A) Current and Proposed Ownership Status

As of this date, the Applicant has rights to all parcels on which the facility will be located, including all parcels on which the collection lines will be relocated. The Applicant also has access to the parcels on which the third staging area and new access road will be located. No further land rights are required to support this proposed amendment to the Certificate.

4906-17-07 Environmental Data

The Applicant has requested a waiver in full from the requirements of this rule, which are not applicable to this Petition (Appendix A).

4906-17-08 Social and Ecological Data

The Applicant has requested a waiver in part from the requirements of this rule that are not applicable to the changes proposed in this Petition (Appendix A). Each subsection of the rule are as follows:

(A) $\underline{4906-17-08(A)}$ – Health and Safety

The Applicant has requested a waiver in full from this subsection. None of the information required by this subsection is relevant or applicable to the change in the collection line design, the relocation of the construction staging area, the relocation of the substation or the relocation of the four access roads and construction of one new access road.

(B) <u>4906-17-08(B) – Ecological Impact</u>

The Applicant has requested a waiver in part from this subsection, and is providing following information: (1) A map of 1:24,000 scale showing the information required under Rule 4906-17-08(B)(1)(a); (2) vegetation and animal life surveys in areas where the relocated collection lines are routing through forestland or scrub-shrub pursuant to Rule 4906-17-08(B)(1)(b),(c); (3) a summary of steam crossing and wetland delineation studies performed by the Applicant for this Petition pursuant to Rule 4906-17-08(B)(1)(d); (4) a list of major species from the surveys pursuant to 4906-17-08(1)(e); and (5) an estimate on the impact of construction of the relocated collection lines, staging areas, access roads and substation as required under 4906-17-08(B)(2), including any potential impact on the rayed bean mussel and eastern massasauga rattlesnake.

In support of the preparation of this Petition, Hull & Associates and Buckeye Wind LLC have updated Phase 1 mapping including open spaces, have performed stream and wetland delineations and vegetation and animal surveys for the proposed modifications, and updated agricultural impacts due to the proposed changes.

(1)(a) Open Spaces and Facility Map

Figure 5 shows the Facility and lands within a 0.5-mile radius of the proposed Facility. Among other information, Figure 5 shows the following features:

- The proposed Project area boundary.
- Undeveloped or abandoned land such as wood lots, wetlands, or vacant fields.
- Recreational areas, parks, wildlife areas, nature preserves, and other conservation areas.

(1)(b) Vegetation Survey Results

In February 2013, Hull & Associates surveyed the vegetative communities and animal life within the forestland and scrub-shrub areas that could be potentially impacted by the relocated collection lines. The survey area included a 25 foot width buffer centered on the alignment of the proposed relocated buried electrical lines totaled 91.2 acres, representing the area of land disturbance that will occur to install the relocated buried electrical interconnects. The survey area was evaluated using the vegetation mapping performed for the Buckeye II Wind Farm Project area. Approximately 84.26 acres (92.8%) of the survey area is active or fallow agricultural land. The remaining 6.6 acres (7.2%) of the survey area is forested and scrub-shrub vegetation areas. With the addition of .14 acres of temporary disturbance in a forested area by the new access road, 6.74 acres of forested and scrub-shrub areas will be disturbed. Certain generalized vegetative community types occur within the survey area, including active and fallow agricultural areas, scrub-shrub areas, and forest areas. Ecological impact to agricultural areas from the relocation of buried interconnects is assumed to be negligible. The forest vegetative community type is further subdivided into upland woods, upland ridge woods (upland woods occurring on sloped terrain), and riparian woods (woods occurring adjacent to stream corridors).

Hull identified scrub-shrub and forested vegetative community types within the survey area as follows:

- Scrub-Shrub: The scrub-shrub community type comprises approximately 2.8 acres (3.0%) of the survey area. This community type is an intermediate successional stage between old field and forest. The scrub shrub community is dominated by upland shrubs and small trees; common species include green ash (*Fraxinus pensylvanica*), maples (*Acer* spp.), hackberry (*Celtis occidentalis*), raspberry and/or blackberry (*Rubus* spp.), multiflora rose (*Rosa multiflora*), and honeysuckles (*Lonicera* spp). The scrub-shrub type can occur on flat to sloping terrain, but usually does not occur on steep slopes.
- Forest: The forest community type comprises approximately 3.8 acres (4.2%) of the survey area and 3.94 acres with the addition of the new access road. The forest community type is further subdivided as follows:
 - Upland Woods: This community type comprises approximately 1.9 acres of the Forest community type within the survey area and 2.04 acres when taking into consideration the impact of the new access road. This community occurs on flat to gently sloping terrain on well-drained soils. Species typically observed within the canopy of this community type include honey locust (*Gleditsia triacanthos*), white oak (*Quercus alba*), shagbark hickory (*Carya ovata*), green ash, ironwood (*Ostrya virginiana*), American elm (*Ulmus americana*), black cherry (*Prunus serotina*), cottonwood (*Populus deltoides*), tupelo (*Nyssa sylvatica*), white ash (*Fraxinus americana*), osage orange (*Maclura pomifera*), burr oak (*Quercus naba*), and post oak (*Q. stellata*), while the shrub layer is dominated by honeysuckle shrubs.
 - Upland Ridge Woods: This wooded community type occurs on steeply sloped
 ridges that are inaccessible for agricultural purposes and comprises approximately

1.0 acres of the Forest community type within the survey area. Upland forest species found here include black cherry, catalpa (*Catalpa speciosa*), sugar maple, hackberry, white oak, red oak, sycamore (*Platanus occidentalis*), and green ash in the canopy, hop hornbeam (*Carpinus caroliniana*), paw paw (*Asimina triloba*), honeysuckles, and blackberries in the shrub layer. Species observed in the herb layer include *Geum* sp., *Aster* sp., and garlic mustard (*Alliaria petiolata*), and may also include a diverse herbaceous spring flora.

Riparian Woods: Riparian woods occur along streams and creeks and within floodplains, and comprise approximately 0.9 acres of the Forest community type within the survey area. Riparian woods typically occur on moderately well-drained alluvial soils. Species typically observed within the canopy include black cherry, honey locust, box elder (*Acer negundo*), green ash, American elm, cottonwood, burr oak, osage orange, red maple (*Acer rubrum*), red oak, tupelo, mockernut hickory (*Carya tomentosa*), Ohio buckeye (*Aesculus glabra*), and hackberry. Species within the shrub layer include honeysuckles, hawthorn (*Crataegus* spp.), spicebush (*Lindera benzoin*), and multiflora rose.

(1)(c) Animal Life Survey Results

Hull compiled a list of vertebrate fauna likely to occur in each habitat type identified within the survey area, based on field observations and published data. The results of these surveys are presented below by habitat type.

• Animal life in Scrub-Shrub habitat: Mammals that utilize scrub-shrub habitats include white-tailed deer, red fox, coyote, groundhog, striped skunk, eastern cottontail rabbit, field mouse, and meadow vole. A variety of songbird species utilize scrub-shrub communities for nesting and rearing young, including indigo bunting, dark-eyed junco, robin, eastern towhee, sparrows, mourning dove, cardinal, and kingbird. Reptiles are not common in scrub-shrub habitats within the survey area, but a few snake species such as garter snakes or eastern hognose snake could inhabit these areas.

- Animal life in Upland Woods and Upland Ridge Woods habitat: Mammalian species that utilize mature upland forest and upland ridge habitats within the survey area include white-tailed deer, red fox, gray fox, coyote, raccoon, opossum, eastern cottontail rabbit, fox squirrel, gray squirrel, red squirrel, and eastern chipmunk. In addition, several bat species may utilize these wooded plant community types for roosting, foraging or as travel corridors, particularly when wetlands or streams are also present in the woods or in the immediate vicinity. Bird species that utilize forested habitats in the survey area may include scarlet tanager, blue jay, Baltimore oriole, black-capped chickadee, a variety of woodpecker species, vireos, and various raptor and owl species. Reptilian species that utilize forested habitats in the survey area may area include eastern box turtle, eastern fox snake, and several garter snake species.
- Animal life in Riparian Woods habitat: Mammals expected within the riparian woods
 habitat are similar to those described above for the upland woods and upland ridge
 habitats, with the addition of species that prefer to be located in or near small
 streams/wetlands, such as muskrat, mink, long-tailed weasel, beaver, and various bat
 species. Bird species that utilize these community types include various warbler species,
 goldfinch, cedar waxwing, wood thrush, hermit thrush, numerous woodpecker species,
 nuthatches, screech owl, barred owl, great-horned owl, whip-poor-will, eastern wild
 turkey, and various hawk species. Reptilian species that utilize forested habitats in the

Project Area include eastern box turtle, eastern fox snake, and several garter snake species.

- Animal species of commercial value: Animal species of commercial value are also present in the survey area. Ohio DNR regulates the hunting and trapping of furbearers in Champaign County, including muskrat, raccoon, red fox, gray fox, coyote, mink, opossum, striped skunk, weasel, and beaver. Given the remoteness of the survey area from urbanized areas, it is possible that hunting, trapping, and predator culling occur, and that furbearing animals are harvested and sold as regulations permit; however this type of commercial activity is probably very limited in this area.
- Animal species of recreational value: The survey area contains habitats suitable for animal species of recreational value. Forest and scrub-shrub areas within the survey area support populations of white-tail deer, ringneck pheasant, and wild turkey, all of which have been observed in the vicinity of the survey area. These habitats are used by hunters during hunting season. The average diversity of birds expected within the survey area is unlikely to attract more than a few avocational birdwatchers.

(1)(d) Summary of Ecological Impact Studies

In addition to the vegetation and animal life surveys, wetlands and streams in the area of the relocated collection lines, staging areas and access roads have been assessed and delineated. The delineation identified a total of 21 wetlands, all or a portion of which were within 100 feet of the relocated project components; fifteen Ohio Category 1 wetlands, one Ohio Category 1/2 gray zone wetland assumed to be Modified Category 2, four Ohio Modified Category 2 wetlands and one Ohio Category 2 wetland. See Table 8-10 for a summary of delineated wetlands. The delineation identified a total of 35 streams all or a portion of which were within 100 feet of the

relocated project components. Several streams were delineated at more than one relocated project component location, resulting in a total of 43 stream segments delineated within 100 feet of the relocated project components; eleven Modified Class I Primary Headwater Habitat (PHWH) streams, sixteen Modified Class II PHWH streams, two Class II PHWH streams, one Modified Warm Water Habitat stream, two Warm Water (WWH) streams, two Exceptional Warm Water Habitat (EWH) streams, eight Cold Water Habitat (CWH) streams and one stream that is both EWH and CWH were identified near the relocated project components. See Table 8-11 for a summary of evaluated stream crossings. See Section 4906-17-08(B)(2)(a) below for additional detail about streams and wetlands in the Project Area.

(1)(e) List of Major Species

Federally-Listed Species

The survey area contains habitats with the potential to support a single federally-listed animal species, the Indiana bat (endangered). Review of the United States Department of the Interior's federally-listed species by Ohio counties list (USFWS, 2012) indicates that the survey area is within the range of two federally-listed and one candidate species: Indiana bat (endangered), rayed bean mussel (endangered), and eastern massasauga (candidate). However, suitable habitat for rayed bean mussel and eastern massasauga are not present within the survey area. A brief discussion on each species follows.

Indiana bat (*Myotis sodalis*): The Indiana bat is a migratory bat that hibernates in caves and mines in the winter. In spring, reproductive females emerge from their hibernaculum and migrate, forming maternity colonies in wooded areas to bear and raise their young. Trees (dead, dying, or healthy) with exfoliating or defoliating bark, or trees containing cracks or crevices, provide suitable summer roosts. Indiana bats require a mosaic of

habitats for feeding, preferring to forage along streams/rivers and above waterbodies, but also utilizing upland forests, clearings with successional old field vegetation, the borders of croplands, wooded fencerows, and pastures. EverPower, together with the USFWS, has determined that actions associated with the Facility have the potential to incidentally take Indiana bats, listed as federally endangered under the Endangered Species Act (ESA). Indiana bats could be injured or killed by colliding with or coming in close proximity to operational turbines. Section 10 of the ESA allows for incidental take of ESA listed species through the issuance of an Incidental Take Permit (ITP) by the USFWS and implementation of associated Habitat Conservation Plan (HCP). The HCP analyzes potential impacts to the Indiana bat from construction, operation, maintenance, and decommissioning of the project and describes how the project will meet the criteria for issuance of an ITP set forth in section 10(a)(2) of the Endangered Species Act and the implementing regulations, 50 Code of Federal Regulations (CFR) 17.22. Securing an ITP and development and implementation of the associated HCP are conditional requirements of the Certificate. Additional conditions in the Certificate also provide mitigation during construction activities, such as the tree clearing plan required by Condition 8(f) and the presence of an environmental specialist required by Condition 13.

• Rayed bean mussel (*Villosa fabalis*): The rayed bean mussel is typically found in small, headwater creeks (usually in or near shoal or riffle areas), and in the shallow, wave-washed areas of lakes. This species occurs only in water bodies that provide perennial water flow. This species has been recorded in the vicinity of the Little Darby Creek, and is potentially present in its perennial tributaries as well. The rayed bean mussel has the potential to occur in the vicinity of the relocated collection lines, and the USFWS

recommends that surveys for the presence of the rayed bean mussel be conducted where the Facility will directly or indirectly affect habitat types known to support this species. To comply with this request, Hull conducted a presence/absence mussel survey where appropriate habitat types were encountered during field reviews of stream crossings. A few shells of common mussel species were found, but no live mussels or fresh dead shells were observed. Irrespective of this finding, Buckeye will directionally drill beneath all perennial stream corridors that have the required base flow and substrate to support rayed bean mussels and that will be crossed by relocated collection lines. Furthermore, an erosion and sediment control plan and Stormwater Pollution and Prevention Plan (SWPPP) will be developed and implemented for the entire Project, which will control potential sedimentation, siltation, and run-off that could negatively affect mussels and other aquatic life. Most mussel species require good water quality and erosion and sediment control measures implemented through the National Pollutant Discharge Elimination System (NPDES) permit will preserve the existing water quality level. In summary, impacts to aquatic habitat will be minimal as a result of the avoidance measures and erosion and sediment control measures that will be implemented by Buckeye Wind and enforced by its NPDES permit during construction and decommissioning.

• Eastern massasauga (*Sistrurus catenatus catenatus*): This rare rattlesnake has declined drastically since the mid-1970s rangewide, and now occurs in primarily in disjunct, isolated populations. Massasaugas inhabit the edges of open-canopied wetlands with adjacent early successional uplands, and move seasonally between the upland and wetland habitats. Specifically, areas occupied by extant populations of massasaugas

possess the following characteristics: (1) open, sunny areas intermixed with shaded areas, presumably for thermoregulation; (2) presence of the water table near the surface for hibernation; and (3) variable elevations between adjoining lowland and upland habitats (Szymanski, 1998; Lee & Legge, 2000). Eastern massasauga was historically known from over 30 Ohio counties, but extensive farming has drastically reduced both numbers and habitat. Since 1976, the species has only been reported from eight Ohio counties, mostly in the central and eastern portions of the state. No potential suitable habitat in the area of the relocated collection lines or staging areas exists for this rattlesnake.

State-Listed Species

There are no records of state-listed species within 0.25 mile of the proposed relocated project components. However, the survey area contains habitats with the potential to support state-listed animal species. The table below shows the state-listed animal species with potential habitat within the survey area, along with general habitat requirements and Ohio state status for each species.

Animal Species ¹				
Scientific Name	Common Name	General Habitat	Ohio Status ²	
Falco peregrinus	peregrine falcon	variety/nests on tall structures	E	
Myotis sodalis	Indiana bat	woodlands	E3 .	
Taxidea taxus	badger	variety	SC	

¹ (Hull & Associates, 2012)

² E = Endangered, T = Threatened, SC = Species of Concern (ODNR, 2012).

 $^{-1}$ E = Endangered, T = Threatened, P = Potentially Threatened, SC = Species of Concern (ODNR, 2012a).

² This species is also federally-listed as Endangered.

All staging areas, the four relocated access roads and the substation are located in active agricultural fields. The buried collection lines are located in approximately 93% active agricultural lands. The new access road will also be located in active agricultural areas, and will

³ This species is also federally-listed as Endangered.

only have temporary forest impacts of 0.14 acres. The impact of construction on animal species of commercial or recreational value is expected to be minimal. While the ecological communities within the survey area are important to a variety of vertebrate species, impacts from buried interconnect or construction will be narrowly confined to linear corridors and will not adversely affect usage of these habitats.

(B)(2) <u>Construction</u>

(a) Estimation of Impact of Construction on Undeveloped Areas

Although the majority of the collection line system is being relocated to disturbed areas, potential ecological impacts may occur during construction as a result of the installation of the relocated collection lines in undeveloped areas. Electrical cables will be placed into an excavated ditch and buried. The ditching operation will cause soil and vegetation disturbance of a total width of 25 feet. The alignment of the ditching operation can be adjusted in the field to avoid any significant features such as large trees. It is estimated that impacts to ecological habitats and animal species due to buried interconnect construction will be minimal throughout the survey area.

Although impacts will be minimal, potential impacts to upland and wetland communities are discussed below.

Upland Habitats

Collection line construction will result in temporary and permanent impacts to vegetation within the Project Area. Construction activities that will result in impacts to vegetation include site preparation, earth-moving, and excavation/backfilling activities associated with construction/installation of the construction staging areas and buried electrical interconnect. These activities will result in the cutting and clearing of vegetation, the removal of stumps and root systems, and increased exposure/disturbance of soil. Along with direct loss of (and damage

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to) vegetation, these impacts can result in a loss of wildlife food and cover, increased soil erosion and sedimentation, increased risk of colonization by non-native invasive species, and disruption of normal nutrient cycling. However, it is not anticipated that any plant species occurring in the area of the relocated collection lines will be extirpated or significantly reduced in abundance as a result of construction activities, especially as approximately 93 percent of the relocated collection lines will be buried in active agricultural fields.

Wetland & Surface Water Habitats

Over 93 percent of the relocated collection lines are located in currently or recently active agricultural fields. Also, the relocated staging areas, the four relocated access roads and the substation will be located in agricultural land. The new access road will also be located in active agricultural areas, and will only have limited, temporary forest impacts of 0.14 acres. The road will cross a low-grade stream by utilizing an existing road crossing that may or may not be improved after further analysis of the crossing structure is complete. Given the proposed changes, direct and indirect impacts to wetlands and surface waters in the vicinity of relocated collection lines, staging areas, the substation and access roads will be negligible.

Hull & Associates conducted a surface water and wetland delineation for the area within 100 feet of the relocated project components that construction could potentially impact. Hull conducted the delineation in May, June, and November 2008, in August 2009, in June, October, and December 2011 and in February 2013. At the time of surface water evaluation activities conducted in 2008, the Interim Midwest Regional Supplement to the 1987 Wetland Delineation Manual had not yet been implemented. Wetland delineation work conducted in August 2009 and June 2011 for this report used the Midwest Supplement, which was implemented in Interim form on November 25, 2008 and in final form in November 2009. Use of the Midwest Supplement

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resulted in small changes in field procedures and delineation criteria, as well as the use of new delineation data forms.

A surface water evaluation consists of an initial surface water determination to establish the absence or potential presence of surface waters at a given site and make a preliminary determination of federal and/or State of Ohio surface water jurisdiction. If surface waters are determined to be present, the surface water determination is followed by delineation (as necessary) to establish jurisdictional boundaries of wetlands, streams, ditches and other water bodies.

Federal regulations define a jurisdictional wetland as an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. According to current wetland criteria, a wetland has: (1) hydric (i.e., wetland) soils, (2) evidence of inundated or saturated conditions (wetland hydrology), and (3) a predominance of wetland vegetation. When all three of these criteria are met, a wetland is present and is subject to federal and/or state regulations and permitting.

Currently the USACE has sole authority to verify delineations of surface waters and to determine whether wetlands or other water bodies are isolated or non-isolated. Verification occurs after review of a delineation report, which typically includes a field visit by USACE staff. Delineations are typically valid for a period of five years from the date of the USACE delineation verification letter.

Hull compiled existing information about the site from the following sources:

Natural Resources Conservation Service (NRCS) Soil Survey of Champaign County,
 Ohio – the soil survey identifies soil mapping units within the Facility, including hydric

soil mapping units, non-hydric soil mapping units that may contain inclusions of hydric soil units, and non-hydric soil mapping units;

- County Listings of Hydric Soils and Non-hydric Soils with Hydric Inclusions Hydric or non-hydric status for each soil unit was determined using the Natural Resources
 Conservation Service Web Soil Survey 2.0; and
- United States Department of Interior National Wetlands Inventory (NWI) Maps These data provide an indication of the presence of wetland and open water areas across the Facility, as defined by the U.S. Fish and Wildlife Service (USFWS) classification system. The notation of a wetland on a NWI Map indicates that wetlands may occur or have occurred in the area. Often, those wetlands depicted on NWI maps are the wettest spots in a given area. NWI map information is used to supplement knowledge about a site and cannot take the place of field observations due to minimal ground truthing, map age, map scale, and wetland criteria that differ from USACE wetlands criteria.

Hull used this preliminary information to perform screening of the areas for the relocated project components to plan and focus on-site investigations. All areas were examined using confirmatory soil sampling and wetland and stream data collection.

Wetland Delineation & Evaluation Methods

In wetland delineation, data is collected concerning the vegetation, soils, and hydrology present in various plant communities to determine if the criteria for a jurisdictional wetland are met, and the wetland/non-wetland boundaries are flagged. The wetland/non-wetland boundaries and the sample locations are then surveyed and placed on a site map. From the wetland map, the acreage of each wetland can be calculated. A preliminary determination is also made as to

whether each wetland is isolated and thus under the jurisdiction of the State of Ohio Isolated Wetland Permit Program, or non-isolated, and thus under federal Clean Water Act jurisdiction.

As previously indicated, field delineation activities performed during 2008 were conducted according to methods outlined in the 1987 US Army Corps of Engineer's wetlands delineation manual, while field activities performed during 2009 and 2011 were conducted according to the 1987 Manual plus the methods outlined in the 2008 Midwest Supplement. Hull located the wetland edges in the field using these procedures, subsequent USACE memoranda and regulatory guidance, and basic principles of plant community ecology. Plant communities within the Facility were characterized using the three criterion wetland delineation approach. The wetland indicator status of plant species was determined using Reed (1988). After characterizing the vegetation, hydrology, and soils of a plant stand type, and becoming familiar with the soil, vegetation, and/or hydrologic cues that indicate wetland edge, Hull flagged the wetland edges with collection of additional soil or hydrologic data where needed to refine the edge.

Primary hydrologic indicators observed within wetlands during field activities included soil saturation within the upper 12 inches, water marks, water-stained leaves, sediment deposits, drift deposits and inundation. Secondary hydrologic indicators observed within some of the wetlands during field activities included the FAC-neutral test, geomorphic position, crayfish burrows, surface soil cracks, saturation visible on aerial imagery, drainage patterns, and local soil survey data.

Hull performed an evaluation of wetlands using Ohio's Rapid Assessment Method for Wetlands, Final Version 5.0 (ORAM). The ORAM value assessment is based on review of resource materials, data obtained in the field, and the acreage as determined by delineation and

mapping. The wetland value information is provided to the Ohio EPA for the purpose of placing wetlands into the appropriate wetland Category described in Ohio's Wetland Water Quality Standards (Sections 3745-1-05 and Sections 3745-1-50 through 3745-1-54).

There are three possible Ohio Wetland Anti-degradation tiers to which wetlands may be assigned:

- Category 1 Lowest value category. Generally limited to small, low diversity wetlands and wetlands with a predominance of nonnative invasive species.
- Category 2 Middle value category. Wetlands in this category are of moderate diversity but do not contain rare, threatened, or endangered species. They are generally degraded, but are capable of attaining higher value. Most wetlands in Ohio are expected to fall into this category.
- Category 3 Highest value category. Wetlands in this category may be large, diverse, represent rare plant community types, contain rare, threatened or endangered species, or any combination of these and several other factors.

The delineation identified a total of 21 wetlands, all or a portion of which were within 100 feet of the relocated project components; fifteen Ohio Category 1 wetlands, one Ohio Category 1/2 gray zone wetland assumed to be Modified Category 2, four Ohio Modified Category 2 wetlands and one Ohio Category 2 wetland. See Table 08-10 for a summary of delineated wetlands.

Wetland ID	Figure Number	NWI Community Type ¹	Wetland Size (acres)	ORAM Score ² 4	ORAM Category	Isolation Status
A	10	PUBFh	0.39	42	Modified 2	Isolated
В	10	PEMCd	2.9	41.5	Modified 2	Nonisolated
Н	10	n/a	0.02	37.5	Modified 2	Nonisolated
Ι	10	PUBGh	0.66	37	Modified 2	Nonisolated
J	11	PEMA	0.74	7.5	1	Isolated
K	11	PEMC	1.44	17.5	1	Nonisolated
_					1/2 Gray Zone; assumed	
	10	n/a	0.01	31	Modified 2	Nonisolated
M	11	n/a	0.19	11	1	Isolated
<u> N</u>	6	n/a	0.02	14	1	Nonisolated
Q	4	n/a	0.04	29	1	Nonisolated
Т	11	PEMIC	0.2	14	1	Isolated
U	17	n/a	0.07	20	1	Isolated
V	17	PEM1A	~0.20**	25	1	Isolated
W	6	PEM1C	0.19	10	1	Isolated
FF	17	n/a	0.39	16.5	1	Nonisolated
GG	16	n/a	~0.30- 3**	25	1	Nonisolated
JJ	6	PEM1A	0.19	27	1	Nonisolated
КК	7	PFO1A/PSS1C	~0.30- 3**	45	2	Nonisolated
NN	11	PSS1C/PUBGh	~0.30- 3**	28	1	Nonisolated
KA	6	n/a	0.05	14	1	Isolated
KB	6	n/a	0.38	20	1	Nonisolated

Table 08-10. Delineated We	tlands within 100	feet
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1 NWI = National Wetlands Inventory 2 ORAM = Ohio Rapid Assessment Method of Wetlands v. 5.0 ** Wetland size estimated, extended out of delineation area.

Through careful design, all temporary and permanent impacts to identified wetlands will be avoided during construction of the relocated project components. A short portion of the collection line system will cross Wetland Q and Wetland KA. To avoid the wetlands, that portion of the collection line system will be installed by boring underneath each wetland. For

those wetlands near construction areas, steps may include prominently flagging or temporarily fencing the wetland edges prior to construction, proper implementation of a SWP3, and utilizing sediment and erosion control measures. Additional information on proposed mitigation measures can be found in Section 4906-17-08(B)(2)(c) of this Petition.

Stream Delineation & Evaluation Methods

In stream delineation, the location and length of streams is determined from existing mapping information and/or via surveying streams in the field. Note that some streams too small to be included on U.S. Geological Survey (USGS) topographic maps may nevertheless be under CWA jurisdiction. Jurisdictional streams generally have a defined channel, an Ordinary High Water Mark and discernible bed and bank features, and may have other morphological features typical of streams including riffles and pools, meanders, and a floodplain.

Streams identified on US Geological Survey (USGS) topographic maps are generally found to be under the Clean Water Act jurisdiction of the USACE. Additional streams may be identified in the field by the presence of a defined bed and bank, and Ordinary High Water Mark (OHWM) and other stream morphological features. Suspected stream channels are examined upstream to identify the source of water and downstream to determine if the channel ends in a wetland, a confluence with another stream, a culvert inlet, or another fate.

Hull evaluated streams within the Facility using the Ohio Qualitative Habitat Evaluation Index (QHEI) scoring method, or the Ohio Headwater Habitat Evaluation Index (HHEI) as applicable. Both methods yield a numerical score for the stream reach evaluated, which is then used to estimate the probable existing aquatic life use of each stream. The HHEI and the Ohio Headwater Macroinvertebrate Field Evaluation Index (HMFEI) are used on primary headwater habitat (PHWH) streams with drainage area less than one square mile and with maximum pool depths less than 40 centimeters. Headwater streams are small first-order swales, creeks, and streams that are the origin of most rivers. These small streams join together to form larger streams and rivers, or run directly into larger streams and lakes. Ohio EPA defines a headwater stream as a stream with a watershed less than or equal to 20 square miles. Many streams and drainage ways have a watershed of less than one square mile; these are referred to as primary headwater streams. There are three possible categories to which PHWH streams may be assigned:

- Class I Lowest value category. These streams are limited to intermittent or ephemeral streams with warm water conditions. They may contain ephemeral warm water communities, but are often dry for long periods of time.
- Class II Middle value category. These streams are perennial or intermittent with warm water conditions. They generally contain species of animals that are adapted to warm water streams, including certain amphibians and pioneering fish species, along with invertebrates such as odonate larvae.
- Class III Highest value category. These streams are perennial with cold water conditions, and are usually groundwater fed. They contain species of animals adapted to the year-round presence of cool water, including certain amphibians or fish species, along with insect larvae such as mayflies, stoneflies, and caddisflies.

In addition to natural channels, different classes of headwater streams can also have modified channels. Many primary headwater streams are being modified through channelization and/or riparian removal, as part of activities related to agricultural activities and urban/suburban development. Such modification is the primary origin of habitat degradation in smaller streams and a leading source of impairment to the water quality of larger streams into which they flow. The QHEI is used for streams with drainage areas greater than one square mile and/or with pool depths greater than 40 centimeters. This index was designed to provide a measure of habitat quality that corresponds to physical factors that affect communities of fish and aquatic invertebrates, and is based on six main metrics: substrate, instream cover, channel morphology, channel and bank condition, pool and riffle quality, and gradient. These larger and deeper streams have sufficient amounts of water throughout the year to support year-round fish communities. Scores from the QHEI are used to assign each stream to one or more of the following aquatic life use designations, as defined by Ohio Water Quality Standards Water Use Designations (OAC 3745-1-07):

- Warmwater Habitat (WWH) Capable of supporting and maintaining a balanced community of warmwater aquatic organisms. This is the most widely applied use designation assigned to rivers and streams in Ohio.
- Limited Warmwater Habitat (LWWH) Temporary aquatic life habitat use designation created in the 1978 Ohio Water Quality Standards for streams not meeting specific warmwater habitat criteria. This aquatic life use designation is being phased out
- Exceptional Warmwater Habitat (EWH) Capable of supporting and maintaining an
 exceptional or unusual community of warmwater aquatic organisms with the general
 characteristics of being highly intolerant of adverse water quality conditions and/or being
 rare, threatened, endangered, or of special status.
- Modified Warmwater Habitat (MWH) Incapable of supporting and maintaining a balanced community of warmwater aquatic organisms because of extensive and irretrievable modifications to the physical habitat Seasonal Salmonid Habitat (SSH) –

Capable of supporting the passage of salmonids from October to May, and large enough to support recreational fishing.

- Coldwater Habitat (CWH) Capable of supporting populations of coldwater aquatic
 organisms on an annual basis and/or put-and-take salmonid fishing. These water bodies
 are not necessarily capable of supporting the successful reproduction of salmonids and
 may be periodically stocked.
- Limited Resource Water (LRW) Incapable of supporting and maintaining a balanced community of aquatic organisms because of natural background conditions or irretrievable human-induced conditions.

The boundaries of all wetland areas and sample points were captured in the field using Trimble GeoXT mapping-level portable Global Positioning System (GPS) receivers. Differentially corrected GPS data were determined to be accurate within 0.5 to 2.0 feet. The wetland areas and sample points were placed in a GIS database and assembled with other available geographically referenced information using ARC-GIS v.9.0 software. The delineation identified a total of 35 streams all or a portion of which were within 100 feet of the relocated project components. Several streams were delineated at more than one location, resulting in a total of 43 stream segments delineated within 100 feet of the Facility; eleven Modified Class I Primary Headwater Habitat (PHWH) streams, sixteen Modified Class II PHWH streams, two Class II PHWH streams, one Modified Warm Water Habitat stream, two Warm Water (WWH) streams, two Exceptional Warm Water Habitat (EWH) streams, eight Cold Water Habitat (CWH) streams and one stream that is both EWH and CWH were identified near the relocated project components. Characteristics of jurisdictional streams being crossed by the relocated collection lines and the new access road are summarized below in Table 08-11.

ID	Name	Flow	ALU Designation	Crossing ID
2	Stream B-2	Ephemeral	Modified Class II PHWH	S12
	Stream BB (Treacle			
3	Creek)	Intermittent	EWH	S13
4	Stream CC	Ephemeral	Modified Class I PHWH	S10
6	Stream D-2	Ephemeral	Modified Class II PHWH	S29
			Listed: WWH;	
			Measured: Modified	G 1 1
8	Stream E (Dugan Run)	Intermittent	Class II PHWH	
9	Stream II	Ephemeral	Modified Class I PHWH	S17
11	Stream J-2	Intermittent	WWH	S27
12	Stream JJ	Intermittent	Modified WWH	S14
13	Stream K	Ephemeral	Modified Class I PHWH	S28
	Stream L (Little			
14	Darby)	Intermittent	EWH and CWH	S7
15	Stream LL	Ephemeral	Class II PHWH	S19
16	Stream MM	Ephemeral	Modified Class I PHWH	S20
17	Stream O	Perennial	СѠН	S21, S22
18	Stream OO	Ephemeral	Modified Class II PHWH	S18
5	Stream S	Ephemeral	Modified Class I PHWH	S 5
19	Stream QQ	Ephemeral	Modified Class I PHWH	S23
23	Stream WW	Ephemeral	Modified Class II PHWH	S25
25	Stream XX	Ephemeral	Modified Class II PHWH	S24
	Stream Y (Buck			
26	Creek)	Intermittent	CWH	S9
	Stream Y-2 (Buck			
27	Creek)	Intermittent	CWH	S16
	Stream Y-3 (Buck	.	CUM	615
28	Creek)	Intermittent	С₩Н	815
29	Stream YY	Ephemeral	Modified Class I PHWH	S30

Table 08-11. Jurisdictional Streams crossed by relocated collection lines and an access road

For all identified stream crossings, effective techniques are available and will be used to avoid or minimize stream impacts that would require Clean Water Act Section 404 and 401 permits. The relocated staging areas and substation require no stream crossings. The one new access road will cross an ephemeral stream (Stream S) using an existing road crossing that may or may not be improved (widening or structural support) depending on the analysis of the road crossing structure. Most relocated collection line crossings of intermittent and ephemeral streams will trench through the stream and will be done when the stream is dry or flow is low. If water is present at the time an intermittent or ephemeral stream is crossed, Buckeye Wind will horizontally directionally drill underneath the stream regardless of its beneficial use classification. In cases when only buried electrical collection lines cross a perennial stream, the collection line will be directionally bored underneath the stream.

The relocated collection lines, access roads and staging areas are located entirely on leased private land. Therefore, no construction-related impacts will occur at recreational areas, parks, wildlife areas, nature preserves, or other conservation areas as identified in rule 4906-17-08(B)(1)(a)(iii).

(B)(2)(b) Estimation of Impact of Construction on Major Species

Siting collection lines, access roads, staging areas and the substation away from sensitive habitats, such as forestland, streams and wetlands, minimizes impacts to wildlife. Construction-related impacts to wildlife are anticipated to be limited to potential incidental injury and mortality due to construction activity and vehicular movement, construction-related silt and sedimentation impacts on aquatic organisms, habitat disturbance/loss associated with clearing and earth-moving activities, forest fragmentation, and displacement of wildlife due to increased noise and human activities. Each of these potential impacts is described below. None of the construction-related impacts related to the relocated collection lines, staging areas, access roads and substation will be significant enough to affect local populations of any resident or migratory wildlife species.

Incidental Injury & Mortality

Incidental injury and mortality should be limited to sedentary/slow-moving species such as small mammals, reptiles, and amphibians that are unable to move out of the area being disturbed by construction. If construction occurs during the nesting season, wildlife subject to mortality could also include the eggs and young offspring of nesting birds, as well as immature mammalian species that are not yet fully mobile. More mobile species and mature individuals should be able to vacate areas that are being disturbed. Approximately 93% of the relocated collection lines and all of the relocated construction staging areas, access roads and the substation are sited in active agricultural land that provides limited wildlife habitat, and which currently (and historically) experiences frequent agricultural-related disturbances. Additionally, the new access road will have limited, temporary forest impacts of 0.14 acres but will be permanently located in active agricultural areas. In addition, clearing of areas enrolled in the Conservation Reserve Program (CRP) will be conducted before March 1 and after July 15 to avoid potential disruption of breeding activities. Consequently, incidental species injury and mortality impacts are anticipated to be minor.

Siltation & Sedimentation

Earth-moving activities associated with collection line construction have the potential to cause siltation and sedimentation impacts down slope of the area of disturbance. The relocated collection lines, staging areas, access roads and the substation will be sited away from wetlands and streams to the extent practicable. To prevent adverse effects to water quality and aquatic habitat during construction, runoff will be managed under an NPDES construction storm water permit, a general permit for stormwater discharges associated with construction activity within the Big Darby Creek watershed, and the associated SWP3. An erosion and sediment control plan will be developed prior to construction that will use appropriate runoff diversion and collection devices. Also, because approximately 93 percent of the relocated collection lines are being sited in active agricultural land, soil disturbance/exposure due to construction will generally occur in areas already subject to regular plowing, tilling, harvesting, etc.

Habitat Loss

All relocated construction staging areas, access roads and the substation will be located in active agricultural lands and buried collection lines will be located in approximately 93% active agricultural or other disturbed land, which generally provides habitat for a limited number of wildlife species. In addition, these areas are already subject to periodic disturbance in the form of mowing, plowing, harvesting, etc. However, hayfields and pastureland do provide habitat for open country/grassland avian species (such as bobolink, red-winged blackbird, and savannah sparrow), and will be disturbed by collection line construction. The new access road will also be located in active agricultural areas, but will have limited, temporary forest impacts of 0.14 acres. Scrub-shrub, and forested communities will experience minimal construction-related disturbance. As Table 8-9 below demonstrates, based on the current relocated collection line and access road layout, approximately 3.94 acres of forest and 2.8 acres of scrub-shrub habitat will be temporarily disturbed. The only permanent loss to forestland habitat will be 0.28 acres.

	Total Disturbance	Temporary Disturbance	Permanent Loss
Community	(acres)	(acres)	(acres)
Forestland	3.94	3.66	0.28
Scrub-Shrub	2.80	2.80	0
Residential	0.28	0.28	0
Agricultural Lands	114.2	89.41	24.79

*91.2 acres relocated lines + 22.9 acres laydown areas + .14 acres new access road.

Forest Fragmentation

The proposed relocation of collection lines, access roads, the substation, and staging areas and the new access road will result in a permanent loss of 0.28 acres of forestland. No forests will be significantly fragmented by the proposed collection line and access road

relocation because any forested habitat impacted will occur at the edge of relatively small blocks or woodlots.

Disturbance/Displacement

Some wildlife displacement may also occur due to increased noise and human activity as a result of construction. The significance of this impact will vary by species and the seasonal timing of construction activities.

(B)(2)(c) Description of Short-term and Long-term Mitigation Procedures

Various procedures will be used to reduce impacts during construction, including impact minimization measures, site restoration, and mitigation. Each of these procedures is described in detail below:

Impact Minimization Measures

Mitigation measures to avoid or minimize impacts to vegetation will include identifying/delineating sensitive areas where no disturbance or vehicular activities will be allowed, limiting areas of disturbance to the smallest size practicable, siting components in previously disturbed areas (e.g., existing farm lanes), educating the construction workforce on respecting and adhering to the physical boundaries of off-limit areas, employing best management practices during construction, and maintaining a clean work area within the designated construction sites. Following construction activities, temporarily disturbed areas will be seeded (and stabilized with mulch and/or straw if necessary) to reestablish vegetative cover in these areas. Native species will be allowed to re-vegetate these areas, except in active agricultural fields.

To avoid or minimize impacts on surface waters, preliminary and final design is guided by the following criteria during the siting of collection lines, construction staging areas, access roads and the substation: Relocated staging areas, access roads and the substation are sited to completely avoid wetlands and surface waters. The new access road will cross a Class 1 ephemeral stream that will be crossed by previously approved collection lines at the same location. Relocated collection lines will avoid crossing wetlands by either boring below the wetland or siting the collection lines to avoid the wetlands. Also, efforts will be made to cross streams at existing or previously disturbed locations and techniques that minimize constructionrelated impacts to surface waters will be utilized.

Other on-site environmental or logistical constraints, (such as stands of mature forest, landowner concerns, and other current land use), may make further avoidance of streams unfeasible. Where crossings of surface waters are required, Buckeye will employ best management practices associated with applicable streamside activities. Specific mitigation measures for protecting wetlands and surface water resources will include designating no equipment access areas and restricted activity areas, employing low impact stream crossing techniques, developing and implementing a sediment and siltation control plan and a storm water pollution prevention plan, and implementing spill prevention, containment and countermeasure controls. Each of these mitigation measures is described below.

No Equipment Access Areas: Except where crossed by permitted access roads, wetlands and surface waters will be designated "No Equipment Access," thus prohibiting the use of motorized equipment in these areas.

Restricted Activity Areas: A buffer zone of 50 feet, referred to as a "Restricted Activity Area", will be established wherever a collection line traverses, or comes in proximity to, wetlands and surface waters. The 50-foot buffer zones will be depicted on construction drawings. Construction vehicles will be allowed in this zone. However, in order to provide

further protection to wetlands and surface waters, restricted activities within this buffer zone will include:

- No deposition of slash;
- No accumulation of construction debris;
- No application of herbicide;
- No degradation of stream banks;
- No equipment washing or refueling and
- No storage of any petroleum or chemical material.

Low Impact Stream Crossing Techniques: Buckeye will adhere to any permit special conditions pertaining to low impact stream crossing techniques, including seasonal restrictions and/or alternative stream crossing methods, such as temporary bridging and installation of crossings "in the dry." Open-bottomed or elliptical culverts may be utilized on certain streams to minimize loss of aquatic habitat and restriction of fish passage. Utilizing these techniques should avoid or minimize any adverse impacts on fish and other aquatic organisms.

Storm Water Pollution Prevention Plan (SWP3): To avoid and minimize impacts to aquatic resources resulting from construction-related siltation and sedimentation, an approved SWP3 will be implemented. To protect surface waters, wetlands, and groundwater, silt fencing, hay bales and other sediment and erosion control measures will be installed and maintained throughout Facility development. The location of these features will be indicated on construction drawings and reviewed by the contractor prior to construction.

Spill Prevention, Containment, and Countermeasure (SPCC): SPCC measures will be implemented to prevent the release of hazardous substances into the environment. These measures will not allow refueling of construction equipment within 100 feet of any stream or wetland, and all contractors will be required to keep materials on hand to control and contain a petroleum spill. These materials will include a shovel, tank patch kit, and oil-absorbent

materials. Any spills will be reported in accordance with ODNR regulations. Contractors will be responsible for ensuring responsible action on the part of construction personnel.

Site Restoration

Following completion of construction of relocated project components, temporarily impacted areas will be restored to their pre-construction condition. Restoration activities are anticipated to include the following:

- Pre-construction contours and soil/substrate conditions will be established in all disturbed areas, to the extent practicable.
- Disturbed stream banks will be stabilized per the conditions of any formal state-issued permit.
- Buried electrical interconnect routes will be restored to pre-construction contours (as necessary) and allowed to regenerate naturally.
- Restoration of disturbed agricultural fields will be accomplished by decompacting the soil, removing rocks, and re-spreading stockpiled topsoil.
- Disturbed soils throughout the Project Area will be re-seeded with an annual cover crop to stabilize exposed soils and control sedimentation and erosion.
 Seeding outside of active agricultural fields will be restricted to native seed mixes.

These actions will assure that, as much as possible, the site is returned to its pre-construction condition and that long-term impacts are minimized.

Mitigation Measures

Buckeye Wind has made a strenuous effort to avoid federally regulated surface water impacts from discharge of fill material, and is exploring methods for crossing streams during construction that do not involve any impacts to streams for relocated collection lines, including using horizontal direction drilling. These avoidance efforts notwithstanding, a limited amount of permanent and temporary surface water impact from discharge of fill material is unavoidable during construction of the relocated collection lines. It appears that all proposed surface water impacts can be covered under a Clean Water Act Section 404 general permit (e.g., the Nationwide Permit program) and that individual Section 404 and 401 permits will not be necessary. If required by the USACE and Ohio EPA during the permitting process, the Applicant will undertake a suitable compensatory mitigation project to mitigate for unavoidable permanent stream impacts associated with the Facility. Any necessary compensatory mitigation would be developed in consultation with the USACE and Ohio EPA during the permitting process.

(C) 4906-17-08(C) – Economics, Land Use and Community Development

The Applicant has requested a waiver in full from this subsection. None of the information required by the rule is relevant or applicable to the change in the collection line design, the relocation of the construction staging areas, access roads, and substation or the new access road.

(D) 4906-17-08(D) – Cultural Impact

The Applicant has sought a waiver in part from the requirements of this subsection that are not applicable to the amendment. The Applicant is providing a map, Figure 08-1, in accordance with subsection 4906-17-08(D)(1) and will estimate the impact of the collection line redesign on the landmarks set forth in the map (subsection 4906-17-08(D)(2)). The Applicant has sought a waiver from the remainder of the rule including parts (4), (5) and (6) as these

information requirements have no bearing on the collection line redesign, the relocation of the construction staging areas, the four access roads and the substation or the new access road.

(D)(1) Cultural Impact Map

Attached as Figure 08-1 is a map of 1:24,000 scale showing registered landmarks of historic, religious, archaeological, scenic, natural or other cultural significance within five miles of the proposed Facility.

(D)(2) Cultural Landmark Impact

The relocation of the collection lines will eliminate overhead collection lines and new poles in the Project Area. This will minimize any effect that the collection lines would have on registered landmarks and other areas identified under (D)(1) of this rule. The Applicant estimates no impacts to the areas identified under (D)(1) of this rule as a result of the relocation of the collection lines, access roads, staging areas and the substation.

(E) 4906-17-08(E) – Public Responsibility

The Applicant has sought a waiver in full from the requirements of this subsection as the required information does not relate to the changes proposed in this Petition.

(F) 4906-17-08(F) – Agricultural District Impact

Subsection 4906-17-08(F) requires an applicant to provide the Board with information regarding the facility's impact on agricultural land. The Applicant has requested a waiver in part from this rule (Appendix A) and is providing information related to the relocated project components. The applicable sections of the rule are as follows.

(F)(1) Agricultural Land Map

Agricultural land use is a significant component of the area for the relocated project components. All of the area disturbed by the four relocated access roads is agricultural. The

new access road will also be located in agricultural areas, with an estimated impact of 2.12 permanent loss to agricultural areas. The extent of agricultural lands and agricultural district lands within the Project Area are depicted on Figure 08-2.

(F)(2) Potential Impacts and Proposed Mitigation

Significant impacts to agricultural land have been avoided through careful design, which deliberatively sited the relocated collection lines, staging areas, access roads and the substation in active agricultural areas or in nearby field edges/hedgerows to the extent practicable. Table 07-23 quantifies impacts to agricultural lands by land use. Compared to Table 07-23 in the initial application, a reduction in 78 acres of total disturbance is anticipated with a reduction of 12 acres of permanent loss as a result of the redesigned collection line system.

Agricultural Land	Total Disturbance (acres)	Temporary Disturbance (acres)	Permanent Loss (acres)
Confined Feeding Operations	0.46	0.46	0
Croplands	295.6	244.13	51.47
Farmsteads	1.07	1.04	0.03
Nurseries and Ornamental Horticulture	0	0	0
Orchards and Groves	0	0	0
Other Agricultural Lands	0.56	0.28	0.28
Pasture	19.48	15.45	4.03
TOTAL	317.17	261.36	55.81

Table 07-23.	Impacts	to Agricultura	I Land.

(F)(2)(a)(i) Field Operations

All of the impacts to agricultural land as a result of the buried interconnects and relocated staging areas will be temporary. The substation impact remains the same while the relocated access roads will only result in an additional 1.06 acres of permanent impact. In locations where buried cable crosses agricultural fields, construction equipment may disturb a width of up to 25 feet of soil. However, this will represent a temporary disturbance only and, as the cable will be

buried at a depth of 48 inches in agricultural fields, will not have a long term impact on farming practices (e.g. plowing). Along with these direct impacts to agricultural land, movement of equipment and material during construction could result in damage to growing crops, damage to fences and gates, and/or temporary blockage of farmers' access to agricultural fields. However, as described in the following section, facilities have been located so as to minimize loss of active agricultural land and interference with agricultural operations. Such impacts are not anticipated during Facility operation and maintenance.

(F)(2)(a)(ii) Irrigation

Irrigation systems are not in widespread use in the Project Area. Potential interference to irrigation operations is very limited and coordination with affected landowners will alleviate potential for significant long-term disruption.

(F)(2)(a)(iii) Field Drainage Systems

Facility construction could result in damage to subsurface drainage systems (tile lines). Avoidance of damage to drainage systems will be incorporated in Facility design, and mitigation measures will be implemented as outlined below.

(F)(2)(b) Mitigation Measures

Mitigation measures to protect and restore agricultural soils have been incorporated into the siting of components, and additional measures will be undertaken during Facility construction, operation and maintenance. These mitigation measures include:

- Avoiding disturbance of surface and subsurface drainage features (ditches, diversions, tile lines, etc).
- Repairing all inadvertently damaged tile lines.
- Limiting vehicular access to construction roads only.
- Temporarily fencing/securing open excavation areas in active pastureland to protect livestock.

- Subsoil de-compaction and rock picking prior to re-spreading of topsoil in temporarily disturbed areas.
- Stabilizing restored agricultural areas with seed and/or mulch.
- Removing and disposing of all construction debris offsite at the completion of restoration.
- Compensation for damaged/lost crops.
- Coordination with landowner to assure that interference with irrigation is appropriately minimized during construction and avoided during operation and maintenance.

Proposed mitigation measures also include full restoration of temporarily disturbed agricultural land. Restored areas will include staging areas. The restoration process will generally involve the following sequence of activities: (1) removal of gravel or other temporary fill; (2) de-compaction of compacted subsoils using a deep ripper; (3) disking and removal of stones from de-compacted subsoil; (4) re-spreading of stockpiled topsoil over de-compacted subsoil so as to reestablish pre-construction contours to the extent practicable; (5) disking and removal of stones from re-spread topsoil and (6) seeding and mulching topsoil. Seed selection in agricultural fields will be based on guidance provided by the landowner.

(F)(3) Impact on the Viability of Agricultural Land

The impact of the facility construction and operation/maintenance taking into account the relocated collection lines, staging areas access roads and substation is quantified above in Table 07-23, and addresses impacts to the following agricultural land uses:

- Confined Feeding Operations;
- Croplands;
- Farmstead;
- Nurseries and Ornamental Horticulture;
- Orchards and Groves;
- Other Agricultural Lands and

• Pasture.

The relocations proposed in this will not physically impact any agriculturally related structures, and aside from temporary disturbance during construction activities, are largely compatible with farming practices. Furthermore, the relocations proposed in this Petition along with the new access road will not result in any substantial change in land use.

WHEREFORE, Buckeye Wind LLC respectfully requests that the Board approve this Petition and issue the requested Amendment of its March 22, 2010 Opinion, Order and Certificate without the necessity of a hearing as the proposed changes will not result in a material increase in any environmental impact of the facilities nor cause a substantial change in the location of all or a portion of such facility.

Respectfully submitted,

s/ Michael J. Settineri M. Howard Petricoff (0008287) Michael J. Settineri (0073369) Miranda R. Leppla (0086351) Vorys, Sater, Seymour and Pease LLP 52 East Gay Street P.O. Box 1008 Columbus, Ohio 43216-1008 (614) 464-5462 (614) 719-5146 mhpetricoff@vorys.com mjsettineri@vorys.com mrleppla@vorys.com

Attorneys for Buckeye Wind LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the following parties of record in Case No. 08-666-EL-BGN via U.S. Mail on this 19th day of March, 2013.

Jack A. Van Kley Christopher A. Walker Van Kley & Walker, LLC 132 Northwoods Blvd., Suite C-1 Columbus, Ohio 43235 jvankley@vankleywalker.com cwalker@vankleywalker.com

Chad Endsley Chief Legal Counsel Ohio Farm Bureau Federation 280 N. High St., P.O. Box 182383 Columbus, Ohio 43218-2383 <u>cendsley@ofbf.org</u>

G.S. Weithman, Director of Law City of Urbana 205 S. Main Street Urbana, Ohio 43078 diroflaw@ctcn.net

Gene Park Piqua Shawnee Tribe 1803 Longview Drive Springfield, Ohio 45504 <u>Ewest14@woh.rr.com</u>

Daniel A. Brown Brown Law Office LLC 204 S. Ludlow St., Suite 300 Dayton, Ohio 45402 dbrown@brownlawdayton.com Werner Margard John Jones Assistant Attorneys General 180 East Broad Street, 9th Floor Columbus, Ohio 43215 werner.margard@puc.state.oh.us john.jones@puc.state.oh.us

Jane A. Napier Assistant Prosecuting Attorney Champaign County 200 N. Main Street Urbana, Ohio 43078 janccpo@ctcn.net

Sarah Chambers Thompson Hine LLP 41 South High Street, Suite 1700 Columbus, Ohio 43215-6101 Sarah.Chambers@ThompsonHine.com

s/Michael J. Settineri Michael J. Settineri

> Buckeye Wind LLC Case No. 13-360-EL-BGA

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Summary: Application electronically filed by Mr. Michael J. Settineri on behalf of Buckeye Wind LLC