

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Construction Notice Application by)
American Transmission Systems, Incorporated for a)
Certificate of Environmental Compatibility and Public) Case Number
Need for the Boardman – Sammis 138 kV Transmission) 14-0132-EL-BNR
Line Loop to the Nevada Substation Project in Mahoning)
County, Ohio.)**

Members of the Board:

Todd Snitchler, Chairman, PUCO
David Goodman, Director, ODSA
Dr. Ted Wymyslo, Director, ODH
David Daniels, Director, ODA
Craig Butler, Interim Director, Ohio EPA
Jim Zehringer, Director, ODNR

Peter Stautberg, State Representative
Sandra Williams, State Representative
Michael Skindell, State Senator
Bill Seitz, State Senator

To the Honorable Power Siting Board:

Please review the attached Staff Report of Investigation, which has been filed in accordance with the Board's rules. The applicant's accelerated certificate application in this case is subject to an automatic approval process as required by Section 4906.03 of the Ohio Revised Code.

The application will be automatically approved on February 26, 2014, unless suspended by the Board's chairperson, the executive director, or an administrative law judge. If suspended, the Board must render a decision on the application within 90 days.

The staff report includes recommended conditions of the certificate. Prior to the automatic approval date, the applicant must file a supplement to its application that adopts these conditions. Absent such supplement, Staff will recommend that the case be suspended.

Any concerns you or your representative may have with this case must be presented to the Executive Director of the Power Siting Board at least three business days prior to February 26, 2013, which is the automatic approval date. To contact the Executive Director with concerns, you can reply to the email to which this document was attached, or use the ContactOPSB email address listed below.

Sincerely,



Kim Wissman
Executive Director
Ohio Power Siting Board
(614) 466-6692
ContactOPSB@puc.state.oh.us

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 14-0132-EL-BNR
Project Name: Boardman – Sammis 138 kV Transmission Line Loop to the Nevada Substation
Project Location: Mahoning County, Ohio
Applicant: American Transmission Systems, Incorporated
Application Filing Date: February 4, 2014
Filing Type: **Expedited** Construction Notice
Inspection Date: February 12, 2014
Report Date: February 18, 2014
Automatic Approval Date: February 26, 2014
Waiver Requests: None
Staff Assigned: G. Zeto

Summary of Staff Recommendations (see discussion below):

Application: Approval Disapproval Approval with Conditions
Waiver: Approval Disapproval Not Applicable

Project Description

The Applicant is proposing the removal an existing 138 kV tap, including two structures, and to construct two new lines, including eight structures, as a loop from the existing Boardman – Sammis 138 kV Transmission Line a short distance into the existing Nevada Substation. The Nevada Substation would be expanded by approximately 3000 square feet to accommodate the installation of two 138 to 12.5 kV transformers with associated breakers and bus work necessary for the new loop. All work associated with this project is expected to occur between March 1, 2014 and August, 2014. The cost of the project is estimated at approximately \$508,000.

Site Description

The project site is located in a sparsely developed area in Boardman Township. The site is currently occupied by the Nevada Substation and adjacent electric transmission infrastructure. The site is also bordered by railroads tracks, woodlots, wetlands, and other industrial land uses. All new construction is proposed within ATSI owned land and existing easements.

Need

The project is needed due to the major system upgrades taking place in the area. These upgrades are needed to reinforce the transmission system to address transmission issues as generation plants are retired in the region.

Nature of Impacts

Social

Aesthetic impacts are expected to be similar to the present, as the site contains existing infrastructure and viewsheds are limited to a small number of businesses in the area.

A preliminary background search of the Ohio Historical Preservation Office (OHPO) files indicated that four cultural resources, one surveyed area, and no archeological resources are within a one mile radius of the project site. None of these areas or resources are within the project site. The applicant has committed to doing archeological surveys for all areas of ground disturbance, and has coordinated archeological survey methods with OHPO. Staff recommends that the survey area also include the substation expansion, and that prior to below grade construction activates, which would not include the removal of Indiana bat habitat trees, the results of these surveys be coordinated with staff and OHPO to develop avoidance and/or mitigation plans as necessary for impacts on cultural resources as a result of this facility.

Surface Waters

The site contains five wetlands with no high quality wetlands (Category 2/3 or Category 3). The substation expansion would result in the permanent fill 0.02 acres of low quality (category 1) wetland. The applicant plans to submit a Pre-Construction Notification to the Army Corps of Engineers for this work. Wetlands would be clearly staked prior to the commencement of construction in order to minimize incidental vehicle impacts. Selective hand-clearing would be required to remove woody vegetation in wetlands that may impede construction, or interfere with operation of the transmission line. The Applicant would utilize best management practices (BMPs) to minimize impacts to surface waters. No streams would be impacted by this project.

Threatened and Endangered Species

The federal and state listed species and/or suitable habitat that may be found in the project area include the state and federal endangered Indiana bat (*Myotis sodalis*), state endangered black bear (*Ursus americanus*), state endangered northern harrier (*Circus cyaneus*), and state endangered and federal candidate species eastern massasauga (*Sistrurus catenatus*). With the exception of the Indiana bat, this project would not be expected to impact these species.

In order to avoid potential impacts to the Indiana bat, Ohio Department of Natural Resources (ODNR), U.S. Fish and Wildlife Service (USFWS), and Staff recommend that the Applicant be required to adhere to seasonal clearing dates of October 1 through March 31 for the clearing of trees that exhibit suitable Indiana bat habitat unless coordination efforts with the ODNR and the USFWS reflects a different course of action (e.g.; an authorized deviation from seasonal tree cutting dates for a period of time).

Conclusion

The construction of this project should pose only minimal negative social and environmental impacts. Staff recommends automatic approval of this case on February 26, 2014.

Staff Recommended Conditions

1. Prior to construction, the Applicant shall obtain and comply with all applicable permits and authorizations as required by Federal and State entities for any activities where such permit or authorization is required, including any permits necessary for aviation clearance. Copies of such permits and authorizations, including all supporting documentation shall be provided to Staff;
2. The Applicant shall utilize best management practices when working in the vicinity of environmentally sensitive areas. This includes, but is not limited to, the installation of silt fencing (or similarly effective tool) prior to initiating construction near streams and wetlands. The installation shall be done in accordance with generally accepted construction methods and shall be inspected regularly;
3. The Applicant shall survey the planned location of new structures, including the substation expansion area, for archeological resources that could be eligible for inclusion in the National Register of Historic Places. If such resources are present, the Applicant shall either avoid the resource or develop a mitigation plan in consultation with the State Historic Preservation Office. Such a plan shall be submitted to the Staff for review and acceptance;
4. That the Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for the removal of suitable Indiana bat habitat trees, if avoidance measures cannot be achieved. If it is not practical for the Applicant to adhere to the seasonal cutting restrictions, then the Applicant shall coordinate with USFWS and ODNR for clearance.

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 14-0132-EL-BNR

Summary: Report of investigation electronically filed by Mr. Adam S Bargar on behalf of Staff of OPSB