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May 6, 2014

*Via Electronic Filing*

Ms. Barcy McNeal  
Administration/Docketing  
Public Utilities Commission of Ohio  
180 East Broad Street, 11<sup>th</sup> Floor  
Columbus, OH 43215-3793

**Re: Dominion East Ohio Construction Notice for Group 3 Line 12273  
Ohio Power Siting Board Case No. 14-2273-GA-BNR**

Dear Ms. McNeal:

On February 10, 2014, the Ohio Power Siting Board Staff issued a Report of Investigation approving the Construction Notice subject to a number of conditions. Condition No. 4 requires Dominion East Ohio ("DEO") to conduct no in-water work from March 15 to June 30 to reduce impacts to aquatic species and their habitat, unless coordination efforts with ODNR reflect a different course of action.

In compliance with Condition No. 4 of the Staff Report, attached for filing is a copy of an e-mail response from the U.S. Army Corps of Engineers accepting and approving DEO's proposed waiver of the in-water work restriction within Nimisila Creek in conjunction with the construction of Crossing #1 for the period of May 1 through June 30.

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

Sincerely

Sally W. Bloomfield

Attachment

Cc: Ed Steele (w/Attachment)

-----Original Message-----

From: Wilson, Cory L LRH [<mailto:Cory.L.Wilson@usace.army.mil>]  
Sent: Monday, May 05, 2014 10:55 AM  
To: Tara E Milette (Services - 6)  
Subject: RE: In-Water Work Waiver - Line 2888 (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Tara,

The ODNR - Division of Wildlife provided the following response regarding your request to waive the requirements of Nationwide Permit Regional General Condition No. 4 for Ohio Department of Natural Resources' In-Water Work Exclusion Dates for the crossing of Nimisila Creek in conjunction with the construction of Crossing #1:

"The DOW has reviewed this request and the project is eligible for a partial in-water work restriction waiver. Therefore, the DOW does not object to waiving the in-water work restrictions for the requested period from May 1 through June 30. Please note that this is a one-time waiver and waivers for subsequent years will need to be applied for separately..."

Crossing #1 was authorized via a Nationwide Permit (NWP) No. 12 verification issued by this office on January 31, 2014 and included the discharge of dredged and/or fill material into approximately 41 lf (0.011 acre) of perennial flowing stream channel (Nimisila Creek) and 0.409 acre of palustrine emergent wetland.

Your proposed waiver of the in-water work restriction within Nimisila Creek in conjunction with the construction of Crossing #1 for the period of May 1 through June 30 is acceptable and approved. Please be aware that your January 31, 2014 NWP No. 12 verification remains valid including all associated enclosures, attachments, and special conditions.

If you have any questions, please feel free to call me directly.

Have a great day!

Cory L. Wilson  
Regulatory Project Manager  
North Branch  
United States Army Corps of Engineers  
Dover Regulatory Field Office  
5336 State Route 800 N.E.  
Dover, Ohio 44622  
(330) 364-6177

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

**Commission of Ohio Docketing Information System on**

**5/6/2014 2:13:16 PM**

**in**

**Case No(s). 14-2273-GA-BNR**

Summary: Correspondence of Dominion East Ohio in Compliance with Condition No. 4 of the Staff Report electronically filed by Teresa Orahod on behalf of Sally Bloomfield