

COLUMBUS I CLEVELAND CINCINNATI-DAYTON MARIETTA

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Sally W. Bloomfield 614.227.2368 sbloomfield@bricker.com May 19, 2014

Via Electronic Filing

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

Re: Vectren Energy Delivery of Ohio, Inc. OPSB Case No. 13-1651-GA-BTX

Dear Ms. McNeal:

On March 17, 2014, the Ohio Power Siting Board ("Board") issued a Certificate of Environmental Compatibility and Public Need subject to a number of conditions.

Condition No. 21 of the Board's Order requires the following:

Prior to the commencement of construction activities that require permits, licenses, or authorizations by federal or state laws and regulations, Vectren shall obtain and comply with such permits, licenses, or authorizations. Vectren shall provide copies of permits and authorizations, including all supporting documentation, to Staff within seven days of issuance or receipt by the Applicant. Vectren shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.

In compliance with Condition No. 21 of the Board's Opinion, Order and Certificate, attached for filing is a copy of the letter from the U.S. Army Corps of Engineers authorizing coverage under Nationwide Permit 12. Vectren is currently waiting on one final authorization/permit, which is from the Ohio Department of Natural Resources for the pipeline crossing under the dam at the airport.

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

Sincerely,

Sally N Bloomfuld

Sally W. Bloomfield

Attachment

Cc: Ed Steele (w/Attachment) Christopher Miller, counsel for City of Dayton (w/Attachment)



DEPARTMENT OF THE ARMY HUNTINGTON DISTRICT, CORPS OF ENGINEERS 502 EIGHTH STREET HUNTINGTON, WEST VIRGINIA 25701-2070

MAY 16 2014

Regulatory Division North Branch LRH-2014-88-GMR-Mill Creek & Unnamed tributaries to the Stillwater River

PRELIMINARY JURISDICTIONAL DETERMINATION NATIONWIDE PERMIT NO. 12 VERIFICATION

Mr. Tom Jones Vectren Energy Delivery of Ohio 4285 North James H. McGee Blvd. Dayton, Ohio 45417

Dear Mr. Jones:

REPLY TO ATTENTION OF

I refer to the pre-construction notification (PCN), received in this office on February 3, 2014, concerning a proposal to discharge dredged and/or fill material into a total of 0.24-acre of waters of the United States in conjunction with the relocation of the Z-167 natural gas pipeline. The proposed project is located near the Dayton International Airport and begins at 100 Corporate Drive, in the City of Vandalia, Montgomery County, Ohio. The proposed project corridor extends west and south from the Miami County and Montgomery County Line, north of Old Springfield Road crossing Mill Creek and unnamed tributaries to the Stillwater River (Latitude 39.8988, Longitude -84.2462). The Mill Creek and the unnamed tributaries to the Stillwater River are indirect tributaries to the Great Miami River, a traditional navigable water (TNW) of the United States. Your PCN has been assigned the following file number: LRH-2014-88-GMR- Mill Creek & Unnamed tributaries to Stillwater River. Please reference this file number on all future correspondence related to this project.

The United States Army Corps of Engineers (Corps) authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act (Section 404) requires a Department of the Army (DA) permit be obtained prior to discharging dredged or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 (Section 10) requires a DA permit be obtained for any work in, on, over or under a navigable water.

Based on the information provided and other information available to us, this office has determined a total of approximately 1,269 linear feet of stream (Streams 1-5) and 3.8-acres of wetlands are present within the proposed project corridor and may be waters of the United States in accordance with the Regulatory Guidance Letter for Jurisdictional Determinations (JDs) issued by the Corps on June 26, 2008 (Regulatory Guidance Letter No. 08-02). As indicated in the guidance, this PJD is non-binding and cannot be appealed (33 C.F.R. 331.2) and only provides a written indication that waters of the United States, including wetlands, may be present on-site.

You have declined to exercise the option to obtain an approved JD in this instance and at this time. However, for the purposes of the determination of impacts, compensatory mitigation, and other resource protection measures for activities which require authorization from this office, the streams and wetlands identified above will be evaluated as if it is a water of the United States. Enclosed please find a signed copy of the PJD for your records.

The proposed project site, as described in the DA permit application referenced above, has been reviewed in accordance with Section 404 and Section 10. Based on your description of the proposed work, and other information available to us, it has been determined that this project will not involve activities subject to the requirements of Section 10. However, this project will include the discharge of dredged or fill material into waters of the United States subject to the requirements of Section 404.

In the submitted PCN materials received in this office on February 3, 2014, you have requested a DA authorization to discharge dredged and/or fill material into approximately 415 linear feet of streams and 0.24-acre of wetlands to install a natural gas pipeline in association with the relocation of the Z-167 pipeline. The proposed project will involve the construction of a total of five (5) pipeline stream and/or wetland crossings to install a 12" pipeline using open trench methods and temporary timber mats for construction access. The proposed right-of-way (ROW) at each crossing is less than or equal to 50 feet wide. All temporary fills will be removed upon project completion and the area restored to pre-construction contours.

In addition, the proposal involves the use of horizontal directional drilling to install the pipeline under perennial streams. This method of pipeline installation does not involve a discharge of dredged and/or fill material into waters of the United States and is not subject to regulation under Section 404 of the Clean Water Act.

All work will be conducted in accordance with the drawings titled *Vectren Dayton Airport 12'' Pipeline Relocation, Montgomery County, Ohio: Typical Stream Crossing; Typical Mat Bridge; Typical Wetland Crossing* prepared by Utility Technologies International Corporation, dated January 2014 and submitted with the PCN materials.

Based on the provided information, it has been determined the discharge of dredged and/or fill material into waters of the United States in conjunction with the proposed project meets the criteria for Nationwide Permit (NWP) 12 (enclosed) under the February 21, 2012 Federal Register, Reissuance of NWPs (77 FR 10184) provided you comply with all terms and conditions of the enclosed material, the enclosed special conditions, and the 401 Water Quality Certification (WQC) issued by the Ohio Environmental Protection Agency (Ohio EPA) and the on March 30, 2012.

In view of the above, your proposed project is authorized subject to the terms and conditions of the enclosed material and enclosed special conditions. It is your responsibility to ensure that your work conforms to all of the conditions listed within the enclosed material. Please be aware this NWP verification does not obviate the requirement to obtain any state or local assent required by law for the activities.

This verification is valid until the expiration date of the NWPs, unless the NWP authorization is modified, suspended, or revoked. The verification will remain valid if the NWP authorization is reissued without modification or the activity complies with any subsequent modification of the NWP authorization. All of the existing NWPs are scheduled to be modified, reissued, or revoked on March 18, 2017. Prior to this date, it is not necessary to contact this office for re-verification of your project unless the plans for the proposed activity are modified. Furthermore, if you commence or under contract to commence this activity before March 18, 2017, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

Enclosed is a copy of the NWP to be kept at the project site during construction. Upon completion of the work, the enclosed certification must be signed and returned to the address above. If you have any questions concerning the above, please contact Ms. Laurie Moore at the Cincinnati Field Office at (513) 825-1901, by mail at the above address, or by email at laurie.a.moore@usace.army.mil.

Sincerely,

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Teresa D. Spagna Regulatory Project Manager North Branch

Enclosures

Copies furnished:

Ms. Melinda Stahl Utility Technologies International 4700 Homer Ohio Lane Groveport, Ohio 43125

SPECIAL CONDITIONS FOR THE NATIONWIDE PERMIT NO. 12 VERIFICATION VECTREN ENERGY Z-167 NATURAL GAS PIPELINE RELOCATION PROJECT CITY OF VANDALIA, MONTGOMERY CO., OHIO LRH-2014-88-GMR PAGE 1 OF 3

- 1. All authorized work shall occur in accordance with pre-construction notification information submitted to this office and the drawings titled *Vectren Dayton Airport 12*" *Pipeline Relocation, Montgomery County, Ohio: Typical Stream Crossing; Typical Mat Bridge; Typical Wetland Crossing* prepared by Utility Technologies International Corporation, dated January 2014.
- 2. Enclosed is a copy of Nationwide Permit 12, which shall be kept at the site during construction. A copy of the nationwide permit verification, special conditions, and the enclosed construction plans must be kept at the site during construction. The permittee shall supply a copy of these documents to their project engineer responsible for construction activities.
- 3. Upon completion of the activity authorized by this nationwide permit verification, the enclosed certification must be signed and returned to this office.
- 4. Should new information regarding the scope and/or impacts of the project become available that was not submitted to this office during our review of the proposal, the permittee shall submit written information concerning proposed modification(s) to this office for review and evaluation, as soon as practicable.
- 5. Construction activities will be performed during low flow conditions. Additionally, appropriate site specific best management practices for sediment and erosion control will be fully implemented during construction activities at the site.
- 6. The project site lies within the range of the Indiana bat (*Myotis sodalis*), a Federallylisted endangered species. Since first listed as endangered in 1967, their population has declined by nearly 60%. Several factors have contributed to the decline of the Indiana bat including the loss and degradation of suitable hibernacula, human disturbance during hibernation, pesticides, and the loss and degradation of forested habitat, particularly stands of large, mature trees. Fragmentation of forest habitat may also contribute to declines. Summer habitat requirements for the species are not well defined but the following are considered important:
 - a. Dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas;
 - b. Live trees (such as shagbark hickory and oaks) which have exfoliating bark;
 - c. Stream corridors, riparian areas, and upland woodlots which provide forage sites.

SPECIAL CONDITIONS FOR THE NATIONWIDE PERMIT NO. 12 VERIFICATION VECTREN ENERGY Z-167 NATURAL GAS PIPELINE RELOCATION PROJECT CITY OF VANDALIA, MONTGOMERY CO., OHIO LRH-2014-88-GMR PAGE 2 OF 3

Suitable habitat for the Indiana bat may be located within the proposed project site. The permittee shall preserve trees and associated habitats exhibiting any of the characteristics listed above wherever possible. The permittee shall preserve trees and associated habitats exhibiting any of the characteristics listed above wherever possible. Should suitable habitat be present that cannot be saved during construction activities, these trees shall only be cut prior to April 1 and after September 30. If the permittee is unable to adhere to the seasonal tree-cutting restriction, further consultation under Section 7 of the Endangered Species Act will be necessary. The United States Fish and Wildlife Service may be contacted by mail at 4625 Morse Road, Suite 104, Columbus, Ohio, by fax at (614) 416-8994, or phone at (614) 416-8993. The permittee must also contact the Regulatory Division in the event adherence to the seasonal tree-cutting restriction cannot be met.

- 7. The proposed project lies within the range of the northern long-eared bat (Myotis *septentrionalis*), a proposed endangered species. During winter, northern long-eared bats hibernate in caves and abandoned mines. Summer habitat includes a variety of habitat ranging from bark, cavities or crevices of live trees and snags to caves or mines to human made structures such as buildings, barns, etc. The northern long-eared bats are most likely not dependent on a certain species of trees for roosts; rather, certain tree species will form suitable cavities or retain bark and the bats will use them opportunistically. Summer habitat requirements for the species are not well defined but the following are considered important:
 - a. Roosting habitat in dead or live trees and snags with cavities, peeling or exfoliating bark, split tree trunk and/or branches, which may be used as maternity roost areas;
 - b. Foraging habitat in upland and lowland woodlots and tree lined corridors; and
 - c. Structures such as barns and sheds.

Suitable habitat for the northern long-eared bat may be located within the proposed project site. The permittee shall preserve trees and associated habitats exhibiting any of the characteristics listed above wherever possible. Should suitable habitat be present that cannot be saved during construction activities, these trees shall be cut prior to April 1 and after September 30. If the permittee is unable to adhere to the seasonal tree-cutting restriction, further consultation under Section 7 of the Endangered Species Act will be necessary. The United States Fish and Wildlife Service may be contacted by mail at 4625 Morse Road, Suite 104, Columbus, Ohio, by fax at (614) 416-8994, or phone at (614) 416-8993. The permittee must also contact the Regulatory Division in the event adherence to the seasonal tree-cutting restriction cannot be met.

SPECIAL CONDITIONS FOR THE NATIONWIDE PERMIT NO. 12 VERIFICATION VECTREN ENERGY Z-167 NATURAL GAS PIPELINE RELOCATION PROJECT CITY OF VANDALIA, MONTGOMERY CO., OHIO LRH-2014-88-GMR PAGE 3 OF 3

- 8. No area for which grading has been completed will be unseeded or unmulched for longer than 14 days. All disturbed areas will be seeded and/or revegetated with native species and approved seed mixes (where practicable) after completion of construction activities for stabilization and to help preclude the establishment of non-native invasive species.
- 9. In the event any previously unknown historic or archaeological sites or human remains are uncovered while accomplishing the activity authorized by this nationwide permit authorization, the permittee must cease all work in waters of the United States immediately and contact local, state and county law enforcement offices (only contact law enforcement on findings of human remains), the Corps at 304-399-5210 and Ohio Historic Preservation Office at 614-298-2000. The Corps will initiate the Federal, state and tribal coordination required to comply with the National Historic Preservation Act and applicable state and local laws and regulations. Federally recognized tribes are afforded a government-to-government status as sovereign nations and consultation is required under Executive Order 13175 and 36 CFR Part 800.
- 10. Section 7 obligations under Endangered Species Act must be reconsidered if new information reveals impacts of the project that may affect federally listed species or critical habitat in a manner not previously considered, the proposed project is subsequently modified to include activities which were not considered during Section 7 consultation with the United States Fish and Wildlife Service, or new species are listed or critical habitat designated that might be affected by the subject project.

LRH-2014-88-GMR. Vectren Z-167	BMR. Ve	ctren Z-16	7 12" Natural Gas Pipeline	ITAI UAS TI					
Stream/Wetland	Latitude	Longitude	~	Flows to	Numeri c Score (HHEI/ QHEI/ ORAM	Class/ Category of aquatic resource	Total amount of aquatic resource in review area If (acres)	Amount of impact If (acres)	Type of Impact
Stream 1, Brush Creek	39.9217	-84.2318	Ephemeral	North under North under Montgomery County Line Rd, Ginghamsbu rg-Fredrick Rd, Troy- Frederick Rd, Kessler- Frederick- Garland Rd, into Stillwater River @ 39.9272, -	56	Class 1	201 If (0.03- acres)	0	No impact proposed, stream avoided
Stream 2, Mill Creek -First Crossing	39.9105	-84.2380	Perennial	North under Old Springfield Rd, Dog Leg Rd, N Montgomery County Line Rd,	24 34	Modified	202 lf (0.06- acres)	0	Pipeline installation using HDD and temporary bridge/timber mat

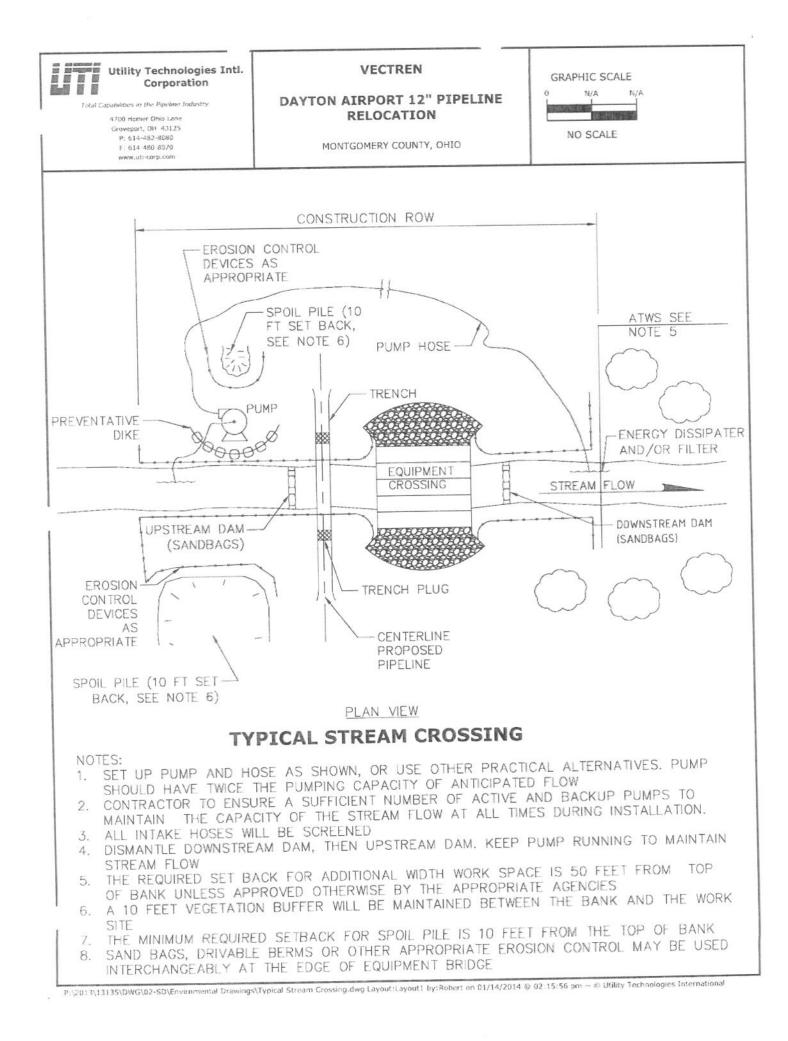
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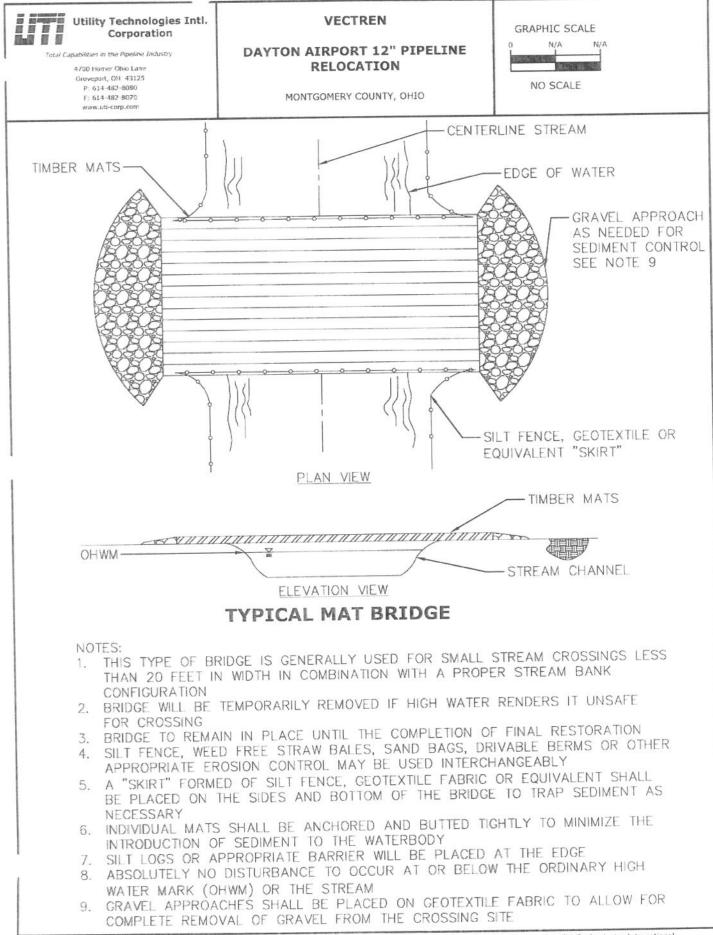
	No impact proposed on Mill Creek at this location. This was the alternate route crossing on Mill Creek.	Pipeline installation using HDD and temporary bridge/timber mat	Pipeline installation using open trench and temporary bridge/timber mat
	0	0	10 If (0.001- acres)
	208 If (0.09- acres)	201 lf (0.04- acres)	239 lf (0.03- acres)
	HWW	Class 2	Class 1/2
	43	67	17/45
Pike, S Kams Rd, and into Stillwater River @ 39.9251, 84.2944	North under Dog Leg Rd, Nontgomery County Line Rd, Frederick Pike, S Kams Rd, and into Stillwater River @ 39.9251, -	South under Keshner Rd, 170, Kinmont Rd, Fredrick Pike, Little York Rd, Meeker Rd, and into Stillwater River @ 39.8438, -	Flows south into stream 3
	Perennial	Perennial	Ephemeral
	-84.2407	-84.2549	-84.2493
	39.9148	39.8833	39.8836
	Stream 2, Mill Creek -Second Crossing	Stream 3, UT to Stillwater River	Stream 4, UT Stillwater River

		1		
bridge/timber mat		No impact proposed; wetland avoided	Pipeline installation using open trench; timber matting	Pipeline installation using open trench;
18 IF (0.001- acres)	28 If (0.002- acres)	0	44 If (0.03- acres)	200 lf (0.12-
218 If (0.02- acres)	1,269 If (0.27- acres	0.13- acres	0.22- acres	1.89- acres
Class 2	STREAM TOTALS =	Cat.1	Cat.1	Cat. 1/2 (gray)
40		24	54	31
Flows north under West National Road in a culvert pipe system, into drainage channels along the south side of the Dayton International Airport and into Mill		Culvert along Peters Pike and north to Stream 5	Culvert Culvert under West national Road and into offsite stream on north side of airport which flows to Stream 5	flows east to nearby
Intermittent		Emergent	Emergent	Emergent
-84.2275		-84.2278	-84.2243	-84.2413
39.8860		39.8849	39.8877	39.9031
Stream 5, UT to Mill Creek		Wetland 1, adjacent to stream 5	Wetland 2, adjacent to Stream 5	Wetland 3,

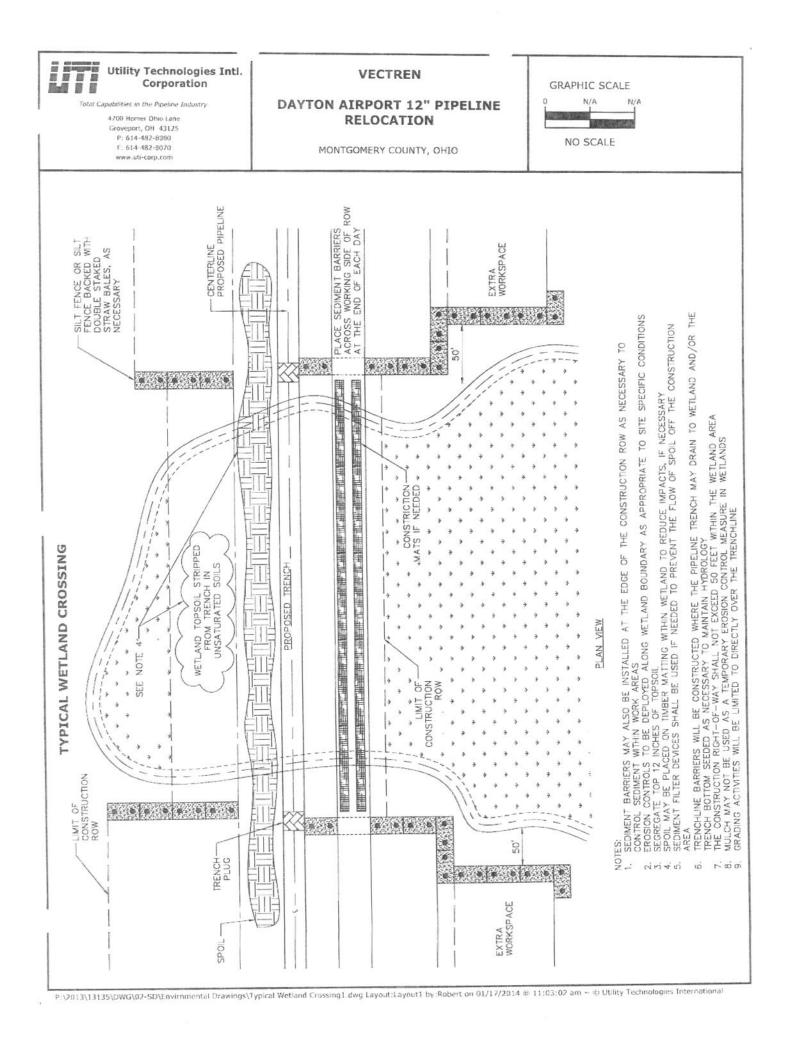
Mill Creek				stream that flows to Mill Creek				acres)	timber matting
Wetland 4, adjacent to Mill Creek	39.9005	-84.2430	Emergent	flows North to an defined drainage channel that flows to Mill Creek	29	Cat.1	0.42- acres	143 If (0.09- acres)	Pipeline installation using open trench; timber matting
Wetland 5, adjacent to Stream 3	39.8820	-84.2540	Emergent	connected through part of a waterway structure that flows SW to stream 3	25	Cat. 1	0.25	0	No impact proposed; wetland avoided
Wetland 6, adjacent to	39.8815	-84.2547	Emergent	Receives flows from Stream 3	41	Cat. 2	0.11	0	No impact proposed; wetland avoided
Wetland 7, adjacent to	39.8806	-84.2544	Emergent	Flows east to stream 3	47	Cat. 2	0.55	0	No impact proposed; wetland avoided
Wetland 8, adjacent to	39.8811	-84.2543	Emergent	Flows west to stream 3	39	Cat. 2	90.0	0	No impact proposed; wetland avoided
Wetland 9, adjacent to	39.8814	-84.2537	Emergent	Flows west to stream 3	21	Cat. 1	0.06	0	No impact proposed; wetland avoided
Wetland 10, adjacent to Stream 3 and Wetland 9	39.8822	-84.2515	Emergent	connected through part of a waterway structure that flows	22	Cat. 1	0.04	0	No impact proposed to the wetland but it is located within ROW

				SW to stream 3					
Wetland 11, adjacent to Wetland 5 and Stream 3	39.8837	-84.2517	Emergent	connected through part of a waterway structure that flows SVV to stream 3	59	Cat. 1	0.07	0	No impact proposed; wetland avoided
						WETLAND TOTALS =	3.8- acres	387 If (0.24- acres)	
Non- jurisdictional conveyance 1	39.9146	-84.2263	Concrete Channel lacking defined bed	Connects to Conveyance 2	T	1	108 If	0	No impact proposed; conveyance avoided
Non- jurisdictional conveyance 2	39.9128	-84.2261	Concrete Concrete Channel lacking defined bed	Outlets to stormwater drainage system to Brush Creek	1	1	560 lf	12 lf (0.001- acres)	Pipeline installation using open trench
Storm basin 1	39.8846	-84.2298	Retention (Riser in NE corner of structure)	Outlets to wetland 1	1	1	0.73 acres	0	No impact proposed; storm basin avoided
Storm basin 2 (Shown on AirCorpCenter	39.8861	-84.2265	Detention	Outlets to Stream 5	1	1	0.12 acres	0	No impact proposed; storm basin avoided
plans)									





P:\2013\13135\DWG\02-SD\Environmental Drawings\Typical Mat Bridge.dwg Layout:Mat Bridge by:Robert on 01/17/2014 @ 11:00:57 am ~ @ Ublity Technologies International



Permit Number: LRH-2014-88-GMR-Mill Creek and unnamed tributaries to Stillwater River

Name of Permittee: Vectren Energy

Date of Issuance: May 16, 2014

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

Huntington District U. S. Army Corps of Engineers 502 8th Street Huntington, West Virginia 25701-2070 Attn: RD-N

Please note that your permitted activity is subject to a compliance inspection by an U. S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

PM: Laurie Moore

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/19/2014 4:23:25 PM

in

Case No(s). 13-1651-GA-BTX

Summary: Correspondence of Vectren Energy Delivery of Ohio, Inc. in Compliance with Condition No. 21 electronically filed by Teresa Orahood on behalf of Sally Bloomfield