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To: Ohio Power Siting Board

PUCO

Re: Biers Run-Hopetown-Delano transmission line project  
Case# 13-429-EL-BTX

I delivered a letter to the attorney at the public meeting last week but I received a call from him stating that I needed to rework the letter to include all of the items that I had made separate notes on. Here is my revised letter with all of my issues addressed.

First, I have included a copy of the original deed to the wildlife area in which it states that the land can ONLY be used for wildlife preservation. I understand that it can be argued that just stripping trees and installing electric poles and lines doesn't change the overall use of the area from a wildlife preserve. I feel though that when the deed says "any" other use subjects the land being turned back over to the federal government that this would include installing an electric line. The deed does not say any use except for an electric line etc. I think the intent of the property was spelled out in plain language that it was not to be used for anything but wildlife preservation. I also have included a copy of the original letter that the ODNR sent to AEP denying them access to the land. Mr. Ludwig obviously had probable cause to believe that allowing the electric line to go through there would be a detriment to the area and would cause to much irreversible damage to the land. It seems strange to me that he being in the office for quite a length of time would come to this conclusion but as soon as he retired in February 2014 the new supervisor decided to go ahead and allow the line to go through. It seems to me that the only logical explanation for this is money. I believe that the new supervisor didn't want to lose the financial gain that the ODNR would gain from allowing the line to go through. I emailed the new supervisor of ODNR and was told by him that he didn't have any information for me and to contact John Sambuco at ODNR instead. I have done this on several occasions, the last one was trying to find out what kind of money the state would receive from AEP. He stated that this would be determined later if the route is approved. I also understand that there are other wildlife areas where this type of issue had gone through and that we can't predict what the future will hold. I feel though that since AEP had two viable routes already in place and ready to start that there is no reason to take the chance on letting them use the wildlife area and then see what the damage is afterwards.

The letter from Gary Ludwig also mentions the Indiana Bat as an endangered specie and the findings from AEP clearly state that this is an issue because they are limited to specific times that they can cut trees down and other issues that they would have to address if the timing didn't coincide correctly. The red route also impacts a lot more streams than the blue route which is always a concern due to water preservation. Again, I say why take the chance on this when it doesn't have to be.

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Technician \_\_\_\_\_ Date Processed DEC 29 2014

At the meeting last week the main concern brought up against the blue route were from people that live in the Gulfview subdivision. They kept bringing up the fact that the line would block their current view that they have and that the view was a big part in their purchase of the property in the first place. I went over to the subdivision myself and looked this over. First the line would run along Anderson Station Rd until it was PAST the subdivision and then takes a north turn before heading east. The closest house to Anderson Station Rd. is approximately ¼ mile and then Anderson Station veers away from the subdivision to where it is approximately ½ mile from the subdivision. Where the new line turns from going north to east there are two homes that set in that corner of the subdivision. After you get through their yard there is a creek bed with mature trees on both sides of the creek. The area behind those two houses is over 100 yards wide of mature trees standing from 30-70' in height. You cannot see through the trees from the homes to where the line would run. The only possible way to see the line would be over the trees. When you are in the yard looking up to the trees and the angle that you would be looking over the trees there is no way the new poles are high enough for them to be able to see the new line. I also looked from the yards to Anderson Station Rd. and the difference from what is currently there to what the new lines would look like is such a minimal difference and taking into consideration the distance from the homes there would be no issue in obstructing their current view. They were also against the blue route stating that it runs too close to the school. I also went by this section and the closest the line comes to any part of the school ground is approximately 125 yards. My home has a 365 KV line running right beside my property which I have lived in for over 20 years with no problems at all. This proposed line is only 138KV so I'm sure the distance required from it is way less than the 365KV line that I am close to. Therefore I am certain that AEP knows that there are no issues in this line being that far from the school. As I originally stated, before ODNR changed their mind about the wildlife area the blue line was their preferred route so they couldn't have had any concerns with using this property the way it is lined out.

The red and yellow route both end up at the same spot along Rt. 104 and then they both have to turn south to pick up the Hopetown substation and then turn and double back north to get over to Delano. The blue route does away with this extra line as well. It comes right into the substation and then heads north with only one line. Also, the red route runs right beside the VA facilities I spoke with the associate director there and she informed me that they have been in negotiations with AEP as to all of their requirements which include them preferring any lines on their property to be buried to protect the aesthetics of the facility. This seems to me to be another reason to go with the blue route to not have to deal with the VA's restrictions.

As I stated earlier, the only reason I could see that the ODNR would reverse their previous decision to let AEP use the wildlife area was for the money and I think that the savings that the red route shows vs. the blue route was significant enough for AEP to go along with the red route as their preferred. However, Mr. Sambuco told me that they would lease the land to AEP for 25 years with the option of 3 more 25 year leases to follow. If the line is approved and installed through the wildlife area you know as well as I do that AEP would not break the lease agreement. I would have to think that the sum of money that AEP would have to pay the ODNR over the next 100 plus years would more than make up for the extra cost in using the blue route. It has to be an amount large enough for the new ODNR supervisor to change their previous decision. Just another reason that the blue route should be the assigned route.

In conclusion, the damage to the forested areas are too great of a chance to take in allowing the red or yellow routes. The cost for leasing the wildlife area more than makes up for the initial higher cost of the blue route. The concerns of the public over the Gulfview subdivision weren't viable when you physically look at the property. The concerns over the close relation to the school also isn't viable when you think that this was originally the preferred route and the studies show there would be no more EMF's at the school than what is already in the buildings from current electric use. I have attached a few pages from the studies that have been done as well with specific areas of concern circled. Lastly is the issue that the original deed stated is the correct procedure for anyone requesting the use of the wildlife area. I have been in contact with both the GSA in Chicago and the US Fish and Game in Arlington, VA and neither of them have been contacted regarding the use of the wildlife area. How can AEP plan to start construction of the new line in the spring of 2015 when they don't even have the official release of the land from the GSA or Fish & Game? The process of getting the Siting Board's approval is a several month process and if you ok the red route and then the GSA or Fish & Game denies them they would have to start the process over which would delay the start until summer of 2015. It seems like they already have some kind of verification that if the Siting Board approves the red route that everyone else will follow suit quickly and that to me seems like an under the table approval.

Thanks for your consideration,

Mark Salyers

From: "Ludwig, Gary" <[Gary.Ludwig@dnr.state.oh.us](mailto:Gary.Ludwig@dnr.state.oh.us)>  
Date: January 4, 2013, 5:24:14 PM EST  
To: "rjmcnally@aep.com" <[rjmcnally@aep.com](mailto:rjmcnally@aep.com)>  
Cc: "Windus, Jennifer" <[Jennifer.Windus@dnr.state.oh.us](mailto:Jennifer.Windus@dnr.state.oh.us)>, "Daniel, Donna" <[Donna.Daniel@dnr.state.oh.us](mailto:Donna.Daniel@dnr.state.oh.us)>, "Carter, Ron" <[Ron.Carter@dnr.state.oh.us](mailto:Ron.Carter@dnr.state.oh.us)>, "Sambuco, John" <[John.Sambuco@dnr.state.oh.us](mailto:John.Sambuco@dnr.state.oh.us)>  
Subject: AEP Right-of-Way Inquiry - Pleasant Valley Wildlife Area, Ross County, Ohio

Hello Mr. McNally,

Thank you for recently submitting a preliminary "Authorization for Standard Use of Division of Wildlife Lands" application for the purposes of routing a 138 KV transmission line through the Pleasant Valley Wildlife Area in Ross County, Ohio. After a thorough review and discussion of this application with my Program Administrator, I must let you know that the Division of Wildlife opposes the placement of this transmission line at this time.

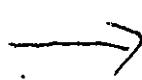
The basis for our opposition lies in the fact that Pleasant Valley Wildlife Area was deeded to the Division of Wildlife by the U.S. Gov't. through the General Services Administration (GSA). Deed stipulations say that "the property shall be continuously maintained and used for wildlife conservation purposes." These purposes include the management and manipulation of habitat in support of wildlife-based recreational activities such as hunting. Pleasant Valley is subject to regular GSA compliance inspections (the last occurring in July, 2008) and the Federal government has retained the right to reclaim the land if the Division does anything that violates those stipulations. All non-wildlife conservation related uses of the Area (e.g. petroleum product & natural gas pipelines, cell phone towers, and power transmission lines, etc.) would require prior approval by the GSA in addition to the standard Right-of-Way, Right-of-Entry, or Easement Agreements required by the Department of Natural Resources. It is the Division of Wildlife who would petition the GSA for that approval, not the applicant. Since we are generally opposed to the transmission line, we would not petition for its approval.

We also oppose the route chosen for this transmission line mainly because it destroys the integrity of the forestland habitat and compromises our habitat management plan for the Wildlife Area. The proposed route would essentially divide the Wildlife Area in half; bisecting the mature forestlands comprised of saw-log size red and white oak, hickory and maple in four separate locations. The environmental work that will be required to document and mitigate for the potential impacts on endangered species (e.g. Indiana bat) and the effects of forest fragmentation would add a significant amount of time to the approval process as well as expense to the bottom line. Our ability to manage the grassland habitat on adjoining agricultural fields through the cooperative farming program would also be significantly reduced and would have to be compensated for.

In conclusion, The Division of Wildlife highly recommends that AEP abandon plans to place a transmission line through the Pleasant Valley Wildlife Area and that other, less environmentally sensitive route options be considered and pursued. If you have any further questions regarding our position, please feel free to contact me.

Sincerely,

GARY A. LUDWIG  
Wildlife Management Supervisor  
Wildlife District One  
1500 Dublin Rd.  
Columbus, Ohio 43215  
(614) 644-3925  
[gary.ludwig@dnr.state.oh.us](mailto:gary.ludwig@dnr.state.oh.us)  
<http://www.odnr.com/wildlife/>



Retired in February

now gary.comer@dnr.state.oh.us

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That the UNITED STATES OF AMERICA, acting by and through the Administrator of General Services, under and pursuant to the powers and authority contained in the provisions of Public Law 537, 80th Congress, approved May 19, 1948, Washington 25, D. C., hereinafter called the "Grantor", for and in consideration of the covenants and conditions herein contained, does hereby remise, release and forever quitclaim, without warranty, express or implied, unto the STATE OF OHIO, acting by and through the Ohio Department of Natural Resources, Division of Wildlife, hereinafter called the "Grantee", its successors and assigns forever, all such right and title as said Grantor has or ought to have in and to the following described premises:

Parcel A:

Situated in Union Township, Ross County and State of Ohio and being a part of Virginia Military Survey, Numbers 2724, 542 and 3036 which comprises the following tracts of land conveyed to the United States of America: 131.70 acres conveyed by David Kern & wife on June 23, 1919, and recorded in Volume 185, page 337 of the Ross County Deed Records; part of 137.35 acres conveyed by Emma Ritchie, June 17, 1919, and recorded in Volume 135, page 332 of the Ross County Deed Records; 72.77 acres conveyed by William Chester and wife, June 16, 1919 and recorded in Volume 185, page 252 of the Ross County Deed Records; 198.0 acres conveyed by Mary Sauer and W. E. Tinker et al. June 24, 1919 and recorded in Volume 185, page 315 of the Ross County Deed Records; 64.56 acres conveyed by S. W. Edwards and wife and J. J. Edwards, June 16, 1919 and recorded in Volume 185, page 233 of the Ross County Deed Records; 19.63 acres conveyed by P. Kinnamon and wife, June 20, 1919 and recorded in Volume 185, page 314 of the Ross County Deed Records, and 196.59 acres conveyed by Joseph M. Porter and wife, June 16, 1919 and recorded in Volume 185, page 241 of the Ross County Deed Records and being bounded and described as follows:

Beginning at an iron pin at the Southwest corner of Union Township Cemetery, the Northwest corner of a tract of land formerly owned by David Kern, said pin being in the center of Union Lane, formerly called the Church Road; thence N 78° 44' 56" E 329.18 feet to U. S. Government Monument #255, the Southeast corner of said cemetery; thence with the South line of a tract of land transferred to the Federal Communication Commission, January 7, 1957, N 78° 44' 56" E 3157.26 feet to an iron pin at the Southwest corner of a tract of land formerly owned by H. B. Eagleon; thence continuing with said Government

monument numbered 221; thence S 11° 13' 33" E, 1,921.13 feet, to a monument numbered 223; a monument numbered 222 being in line 949.70 feet from beginning of course; thence severing the lands of the Veterans' Administration Hospital Reservation along a line S 78° 13' 29" W, 2,010.00 feet, more or less, to a point in the center line of Egypt Pike; thence with the center line of said Egypt Pike northwesterly 7690 feet, more or less, to the beginning point at the intersection of Egypt Pike with the Infirmary Road, containing 405 acres, more or less.

The above tract being a part of the lands acquired by the War Department from Wm. Lourie, 13 July 1920, John Rinkliff 26 June 1919, Walter F. Tinker 24 June 1919, Emma Ritchie 17 June 1919 and Mary Prather 20 June 1919 as a part of World War I Camp Sherman Maneuver Area and assigned to the Veterans Bureau 11 October 1921 by Executive Order No. 3558.

TO HAVE AND TO HOLD the same unto said Grantee, its successors and assigns forever, subject to the reservations, conditions and covenants herein contained.

In the event there is a breach, as determined by the Secretary of the Interior, of any of the conditions and covenants herein contained by the Grantee, its successors and assigns, whether caused by the legal inability of said Grantee, its successors and assigns, to perform said conditions and covenants, or otherwise, all right, title and interest in and to all or any portion of said property shall revert to and become the property of the Grantor in its then existing condition, and it shall have the immediate right of entry upon said premises, and the Grantee, its successors and assigns, shall forfeit all right, title and interest in said premises and in any and all of the tenements, hereditaments and appurtenances thereunto belonging;

PROVIDED, HOWEVER, that the failure of the Secretary of the Interior, or his successor in function, to require in any one or more instances complete performance of any of the conditions or covenants herein contained shall not be construed as a waiver or relinquishment of such future performance, but the obligation of the Grantee, its successors and assigns, with respect to such future performance shall continue in full force and effect.

The said Grantee does by the acceptance of this Quitclaim Deed covenant and agree for itself, its successors and assigns forever as follows:

- (1) That there is reserved to the Grantor all deposits of gas, oil, petroleum, and other minerals determined to have a commercial value, separate and apart from the surface rights of the property herein conveyed, together with the right of

the United States, through its authorized agents, representatives, assignees or lessees to enter upon such lands and prospect for, mine and remove the same.

(2) That the property shall be continuously maintained and used for wildlife conservation.

(3) That if the property is determined by the Secretary of Defense to be useful or necessary for national defense purposes, the Grantor may, without payment therefor, re-enter said property and use all or part of it (including improvements thereon), and upon termination of any such use by the Grantor, said property shall revert to the Grantee.

(4) In the event of a breach of any condition or covenant herein imposed, the Secretary of the Interior, or his successor in function, may immediately enter and possess himself of title to the herein-conveyed premises for and on behalf of the United States of America.

(5) In the event of a breach of any condition or covenant herein imposed, the Grantee will, upon demand by the Secretary of the Interior, or his successor in function, take such action, including the prosecution of suit, or execute such instruments as may be necessary or required to evidence transfer of title to the herein-conveyed premises to the United States of America.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name and on its behalf by John Wm. Chapman, Jr., Regional Commissioner, General Services Administration, Chicago, Illinois, who has this 17th day of June, 1960, hereunto set his hand and seal.

Executed in the presence of:

*Harold M. Kaufmann*  
Harold M. Kaufmann  
*Frederick R. Axley*  
Frederick R. Axley

UNITED STATES OF AMERICA,  
Acting by and through the  
Administrator of General Services

By: *John Wm. Chapman, Jr.*  
John Wm. Chapman, Jr.  
Regional Commissioner  
General Services Administration  
Chicago, Illinois

STATE OF ILLINOIS }  
COUNTY OF COOK } SS:

I, Carolyn Westgate, a Notary Public in and for the County and State aforesaid, do hereby certify that John Wm. Chapman, Jr., personally

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recommended that a professional malacologist conduct a mussel survey in the project area. If mussels that cannot be avoided are found in the project area, it is recommended that a professional malacologist collect and relocate the mussels to suitable and similar habitat. These surveys and any subsequent mussel relocation should be done in accordance with the Ohio Mussel Survey Protocol, and because there is the potential for federal listed mussels to occur within the project area, the USFWS should also be contacted for consultation.

The project is within the range of the shortnose gar, a state endangered fish. The ODNR recommends that no in-water work occur in perennial streams from April 15 to June 30 in order to reduce impacts to indigenous aquatic species and their habitat.

*Vegetation*

The Preferred, North Alternate, and South Alternate routes cross through several vegetative communities. The following table reflects the major vegetative communities present in the construction corridor and associated acres of impact for each route.

<b>Vegetation Community Type</b>	<b>Preferred Route Impacts (Including Common Route)</b>	<b>South Alternate Route Impacts (Including Common Route)</b>	<b>North Alternate Route Impacts (Including Common Route)</b>
Agricultural	79	104	88
Landscaped Area	17	18	0
Old Field/Scrub Shrub	8	13	13
Forest	23	13	24

Vegetative impacts would be limited to the 100-foot right-of-way and potential access routes. However, Staff expects that additional trees would be removed along the edges and outside of the right-of-way if they have a potential to interfere with safe construction and operation of the transmission line. As such, Staff recommends that the Applicant be required to provide a construction access plan for review prior to the preconstruction conference.

Staff recommends that the Applicant be required to provide a vegetation management plan for review prior to the preconstruction conference, as outlined in the conditions. The plan would identify all areas of proposed vegetation clearing for the project, specifying the extent of the clearing, and describing how such clearing work would be conducted to minimize removal of woody vegetation. The plan would also describe how trees and shrubs around structures, along access routes, and at construction staging areas would be protected from damage, including during maintenance operations. Where extensive removal of existing woody riparian vegetation cannot be avoided, targeted replanting of site-appropriate, low-growing woody species should be included.

All Staff recommendations for the requirements discussed in this section can be found under the **Ecological Conditions** of the Recommended Conditions of Certificate.

precautions in order to avoid or minimize wetland filling and sedimentation, which may occur as a result of construction activities.

Most wetlands along either route would be spanned by new conductors, supported by new transmission structures that would be installed on upland areas or outside of wetland boundaries. Selective clearing would be required to remove woody vegetation in wetlands that would otherwise impede construction or interfere with operation of the transmission line. Where temporary construction access through wetlands is necessary, the Applicant would utilize timber matting to minimize impacts.

In order to minimize impacts to surface waters, Staff recommends that the Applicant be required to provide a construction access plan for review prior to the preconstruction conference. The plan would consider the location of streams, wetlands, wooded areas, and sensitive plant species, as identified by the ODNR Division of Wildlife (DOW) and explain how impacts to all sensitive resources would be avoided or minimized during construction, operation, and maintenance. The plan would include the measures to be used for restoring the area around all temporary access points as well as a description of any long-term stabilization required along permanent access routes.

*Threatened and Endangered Species*

The Applicant requested information from the ODNR and the USFWS regarding state- and federally-listed threatened and endangered plant and animal species. Additional information was provided through field assessments and review of published ecological information. The following table reflects the results of the information requests, field assessments, and document review.

REPTILES & AMPHIBIANS				
Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
timber rattlesnake	<i>Crotalus horridus horridus</i>	Species of Concern	Threatened	Due to the location and the type of habitat present along the project corridor, this project is not likely to impact this species.
eastern hellbender	<i>Cryptobranchus a. alleganiensis</i>	Species of Concern	Endangered	Due to the location, this project is not likely to impact this species.
MAMMALS				
Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
Indiana bat	<i>Myotis sodalis</i>	Endangered	Endangered	If suitable habitat trees occur within the project area and trees must be cut, cutting must occur between October 1 and March 31. If suitable trees must be cut during the summer months, a mist net survey must be conducted between June 15 and July 31, prior to cutting.
black bear	<i>Ursus americanus</i>	N/A	Endangered	Due to the mobility of these species, the project is not likely to have an impact on these species.

The Applicant does not foresee the soil types present in the project area creating an obstacle to the design or preventing the construction of this project.

### *Seismology*

There is one recorded seismic event in Ross County in close proximity but not within the project area of the Preferred, North Alternate, or South Alternate routes. The epicenter for the seismic event was several miles south of the city of Chillicothe. The seismic event took place in 1899, and the magnitude was measured at 3.1 on the Richter scale.<sup>27</sup> The Applicant does not anticipate seismic activity having any effect on the construction, operation, or maintenance of this project.

All Staff recommendations for the requirements discussed in this section can be found under the **Socioeconomic Conditions** heading of the Recommended Conditions of Certificate.

## **Ecological Impacts**

### *Surface Waters*

The Preferred Route would cross 32 streams, with a total length of 4,148 linear feet of stream within the right-of-way. The South Alternate Route would cross 18 streams, with approximately 2,233 linear feet of stream within the right-of-way; the North Alternate Route would cross 30 streams, with approximately 3,622 linear feet of stream within the right-of-way. These stream crossings were assessed by a qualified biologist using the Ohio EPA Qualitative Habitat Evaluation Index and Primary Headwater Habitat Evaluation Index scoring data forms. Each route would result in impacts to streams. It is staff's conclusion based on quality and quantity of streams that the Preferred Route would pose the greatest impact to streams as a whole. However, staff has recommended conditions to minimize these impacts.

The Applicant would not conduct mechanized clearing within 25 feet of any stream channel. In order to limit adverse impacts to these streams, tree clearing would be conducted by hand, and would be limited to those trees that are perceived as posing an imminent risk to the construction and operation of the facility.

During construction, the Applicant may need to place temporary culverts or bridges in or over streams for passage of construction vehicles. The Applicant also proposes temporary stream fords for crossing low-quality ephemeral and intermittent streams with a drainage basin of less than one square mile. If headwater streams need to be crossed, it is the standard practice of the Applicant to use timber matting to avoid impacts to headwater streams. These best management practices (BMP) would be outlined in a Storm Water Pollution Prevention Plan (SWPPP), which will be provided to Staff.

Eight wetlands were identified along the Preferred Route, with approximately 0.48 acre of wetland within the right-of-way. Eleven wetlands were identified along the South Alternate Route, with approximately 0.80 acre within the right-of-way. Nine wetlands were identified along the North Alternate Route, with approximately 0.61 acre within the right-of-way. No Category 2/3 or Category 3 wetlands would be crossed by the routes. The Applicant would take

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<sup>27</sup> "Ground Water Pollution Potential of Ross County, Ohio. Ground Water Pollution Potential Report No. 24." Ohio Department of Natural Resources. Division of Water. Ground Water Resources Section. January 1991.