

AVON LAKE GAS ADDITION PROJECT

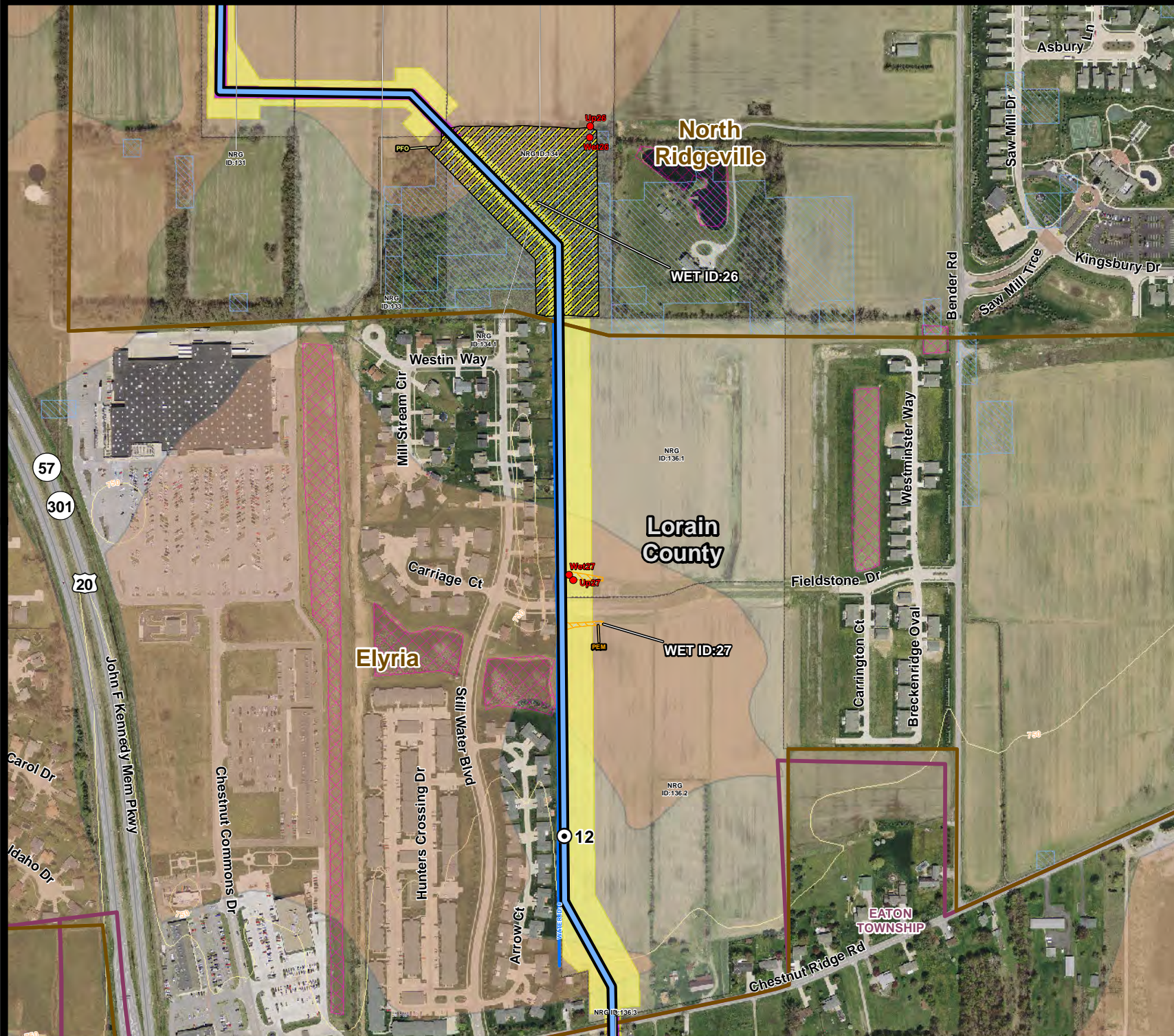
Wetland and Water Resources

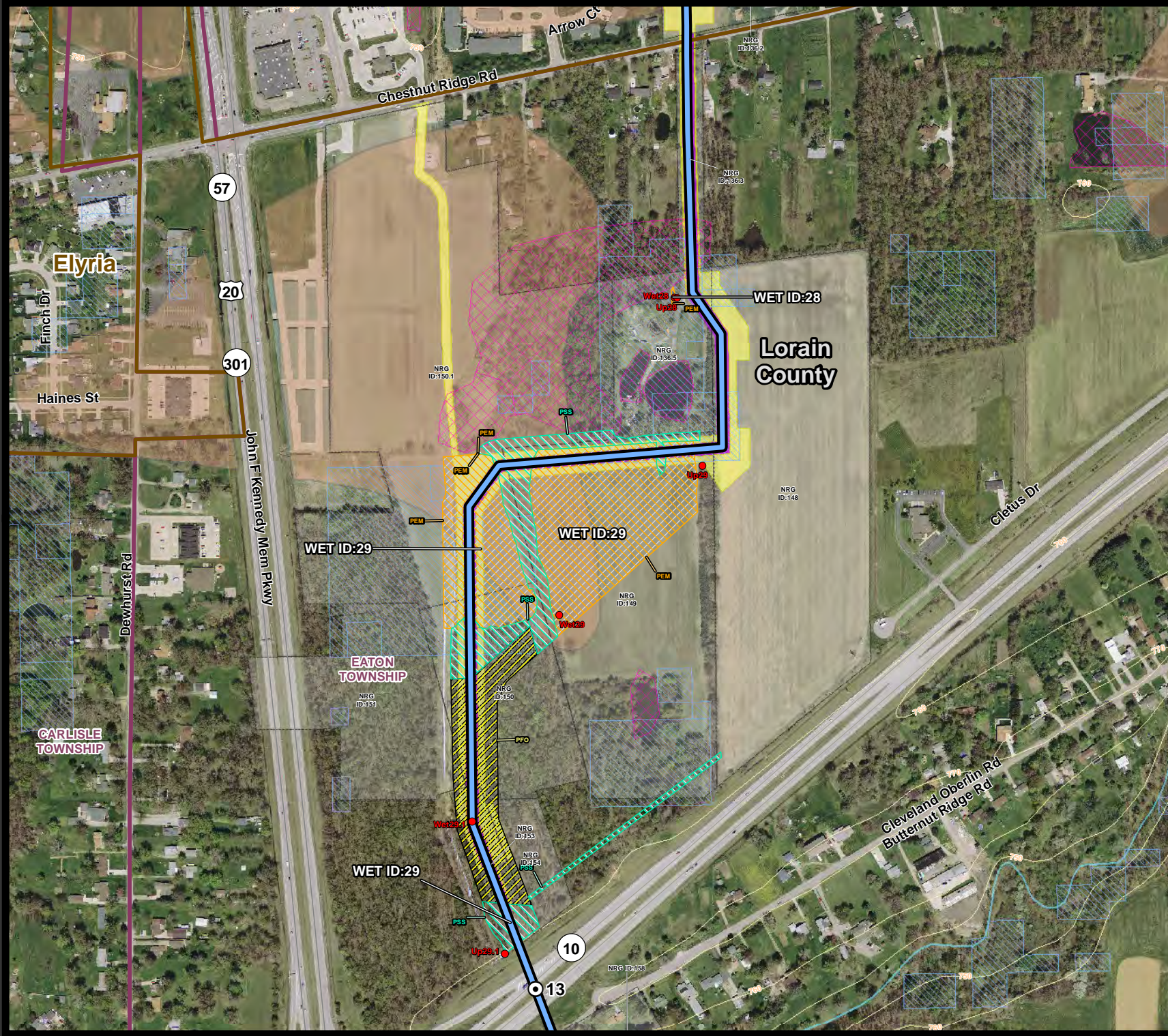
Legend

- Above Ground Proposed Route
- Below Ground Proposed Route
- Permanent Right-of-Way
- Temporary Workspace
- Mile Post
- Wetland/Upland Field Collected Point
- Wetland Type**
 - PEM - Palustrine Emergent
 - PFO - Palustrine Forested
 - PSS - Palustrine Scrub-Shrub
 - Field Delineated Stream
 - NWI Wetland
 - Ohio Wetland Inventory
 - Contour Line - 10 Ft
 - Affected Parcels
 - Hydric Soils
 - River/Stream
 - Lake
 - County Boundary
 - Political Township Boundary
 - Municipal Boundary
 - Railroad
- Roads**
 - Interstate
 - US Highway
 - State Highway

Aerial Photo Source: OGRIP 2011/2012

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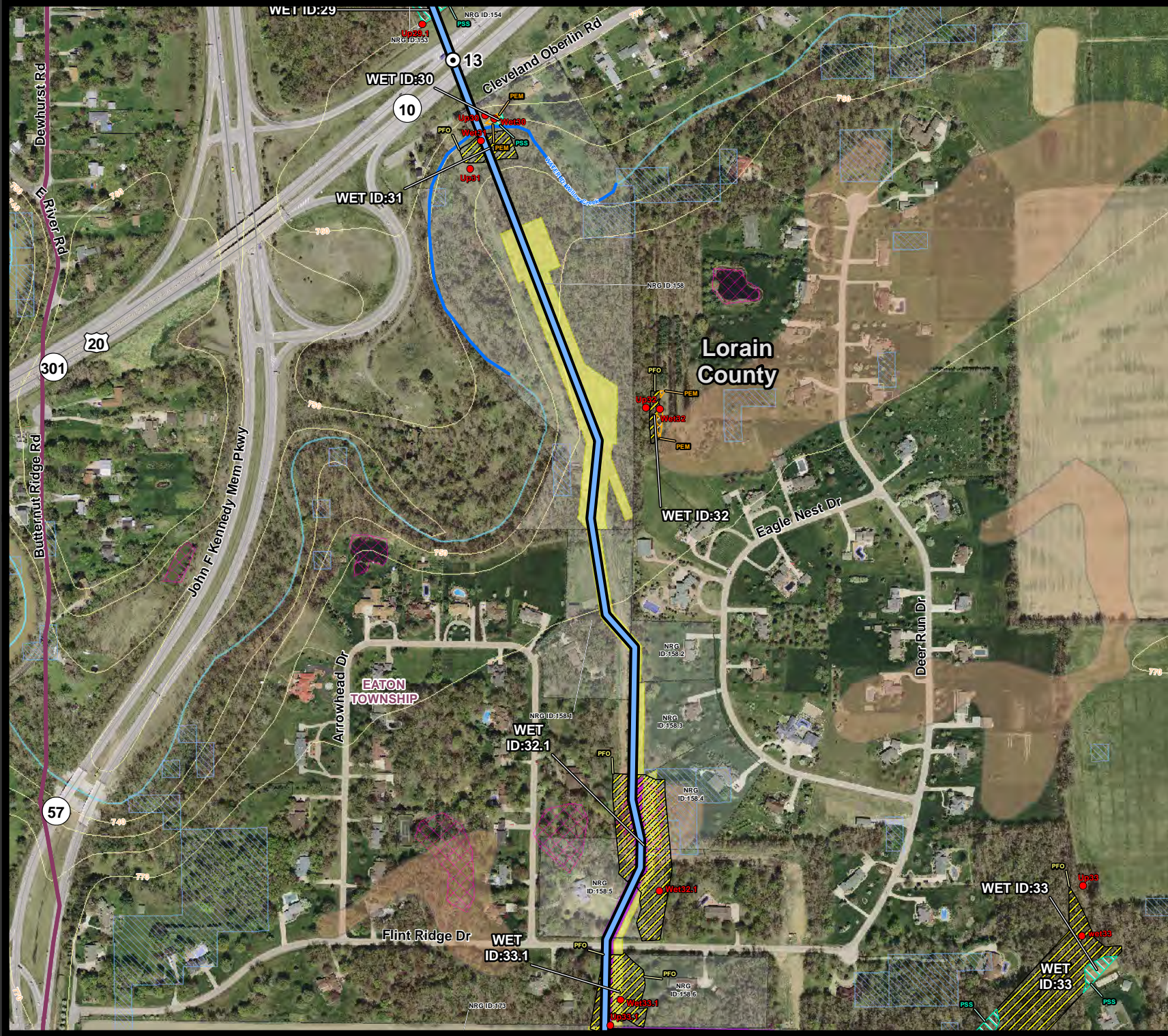
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Date: 12/15/2014
Drawn by: JPS

Figure 1
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Figure 1
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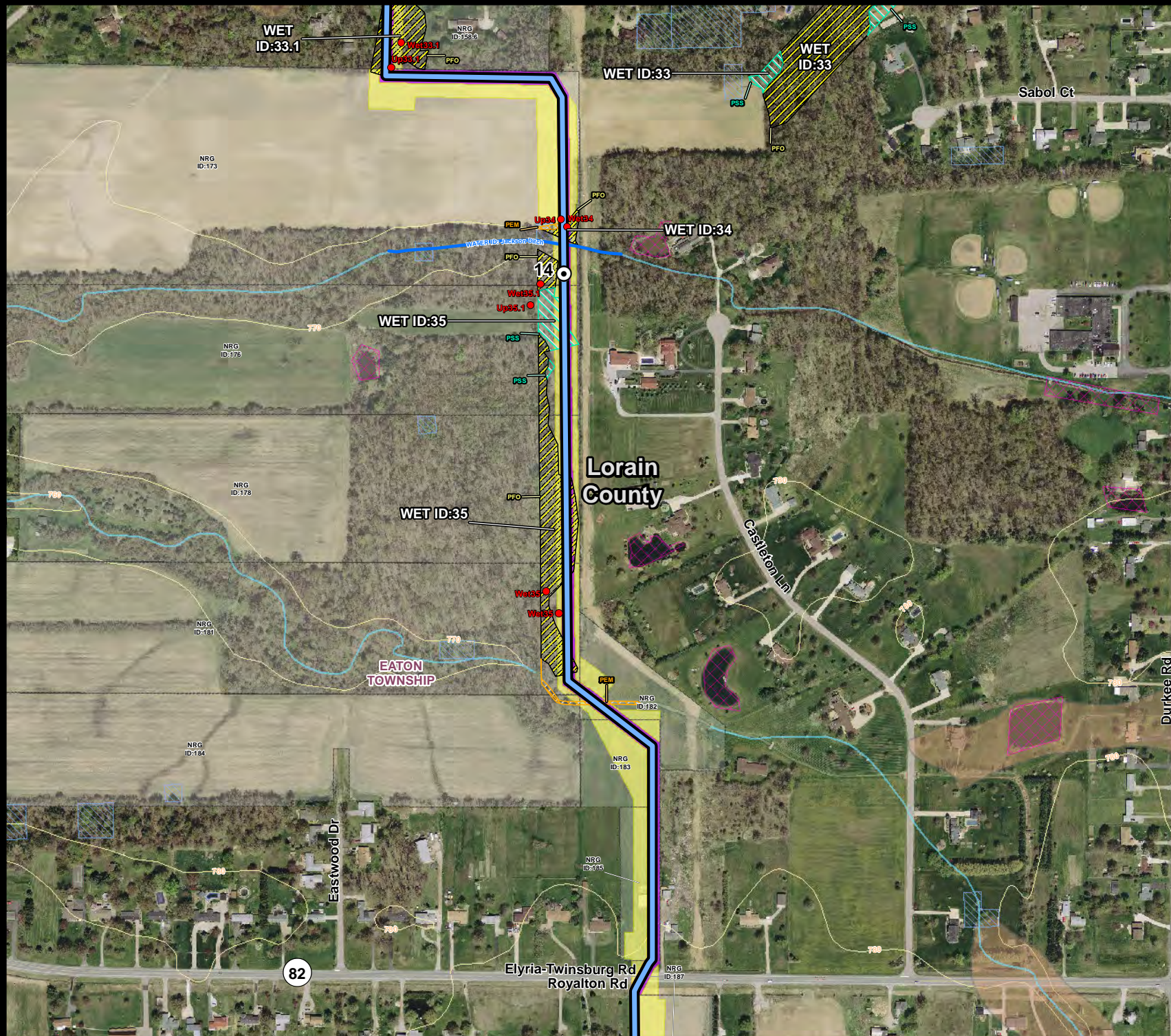
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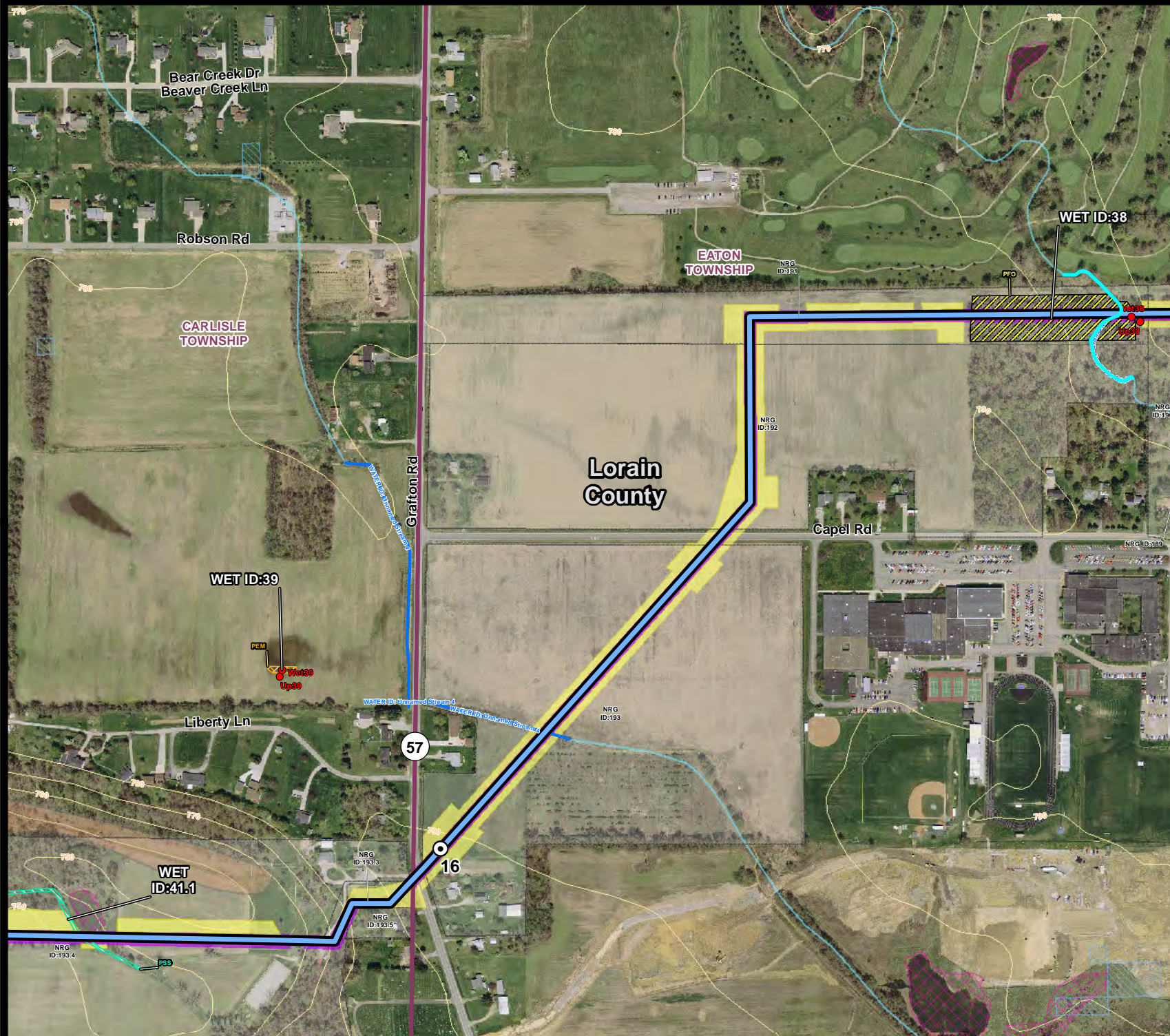
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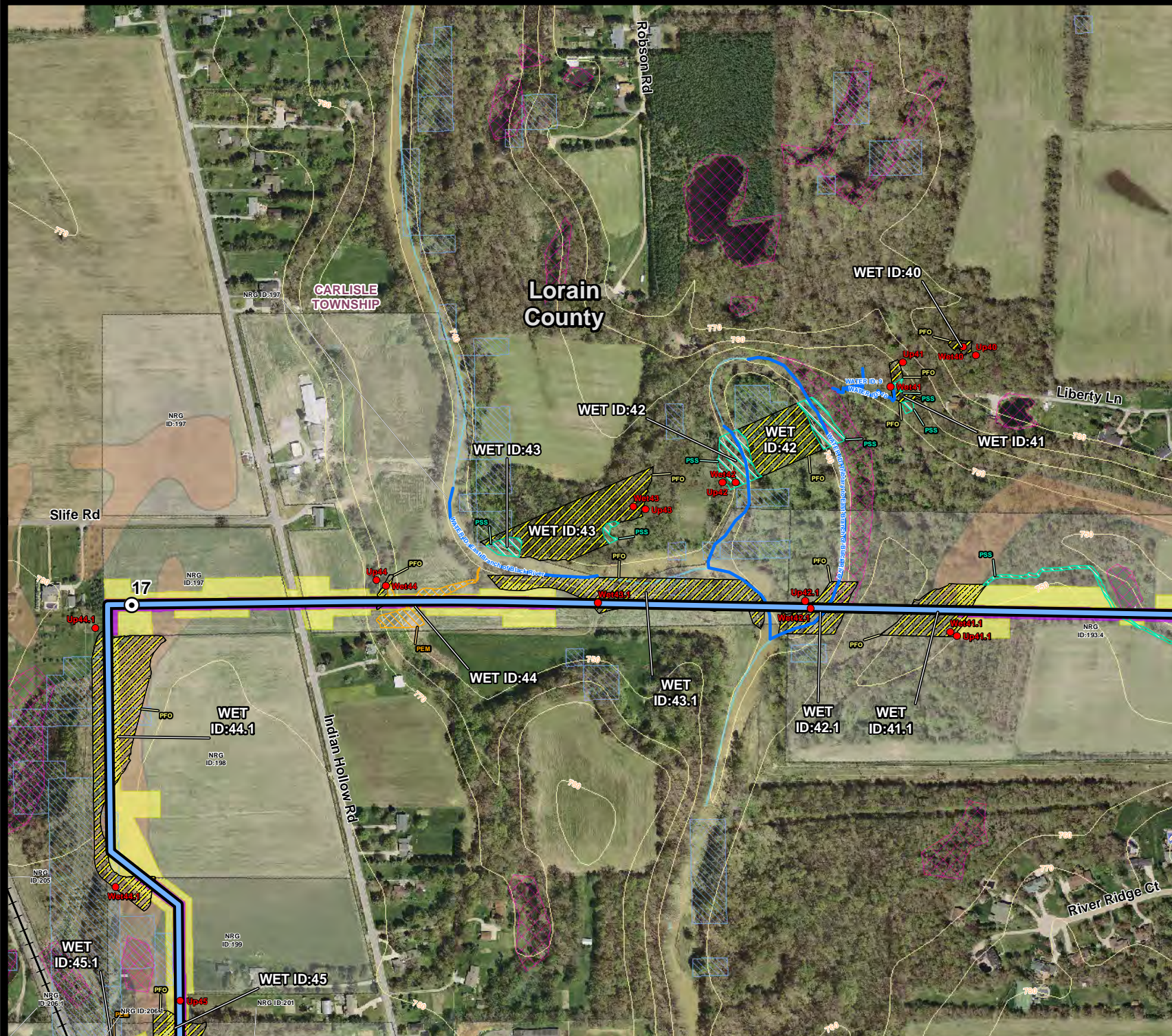


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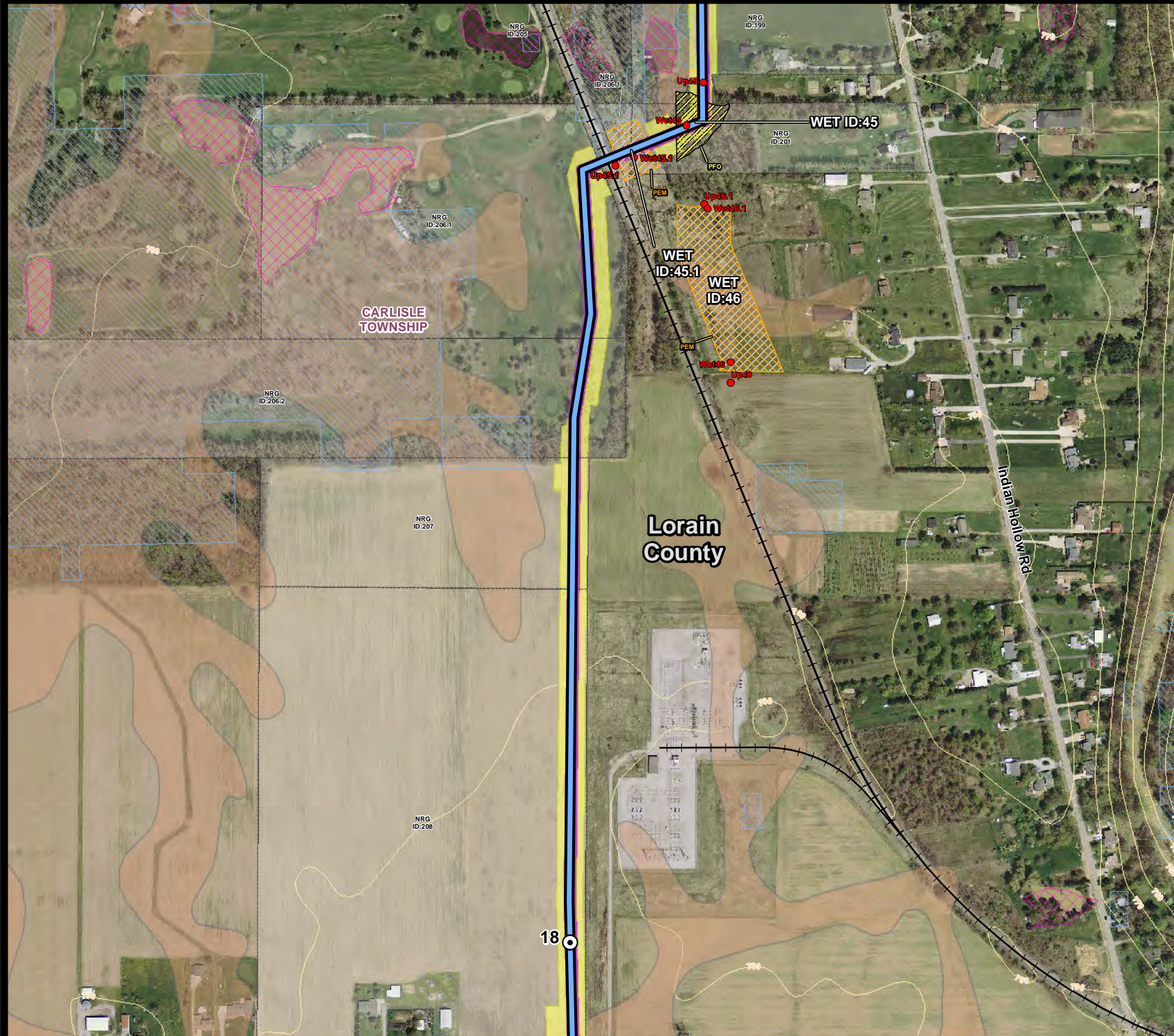
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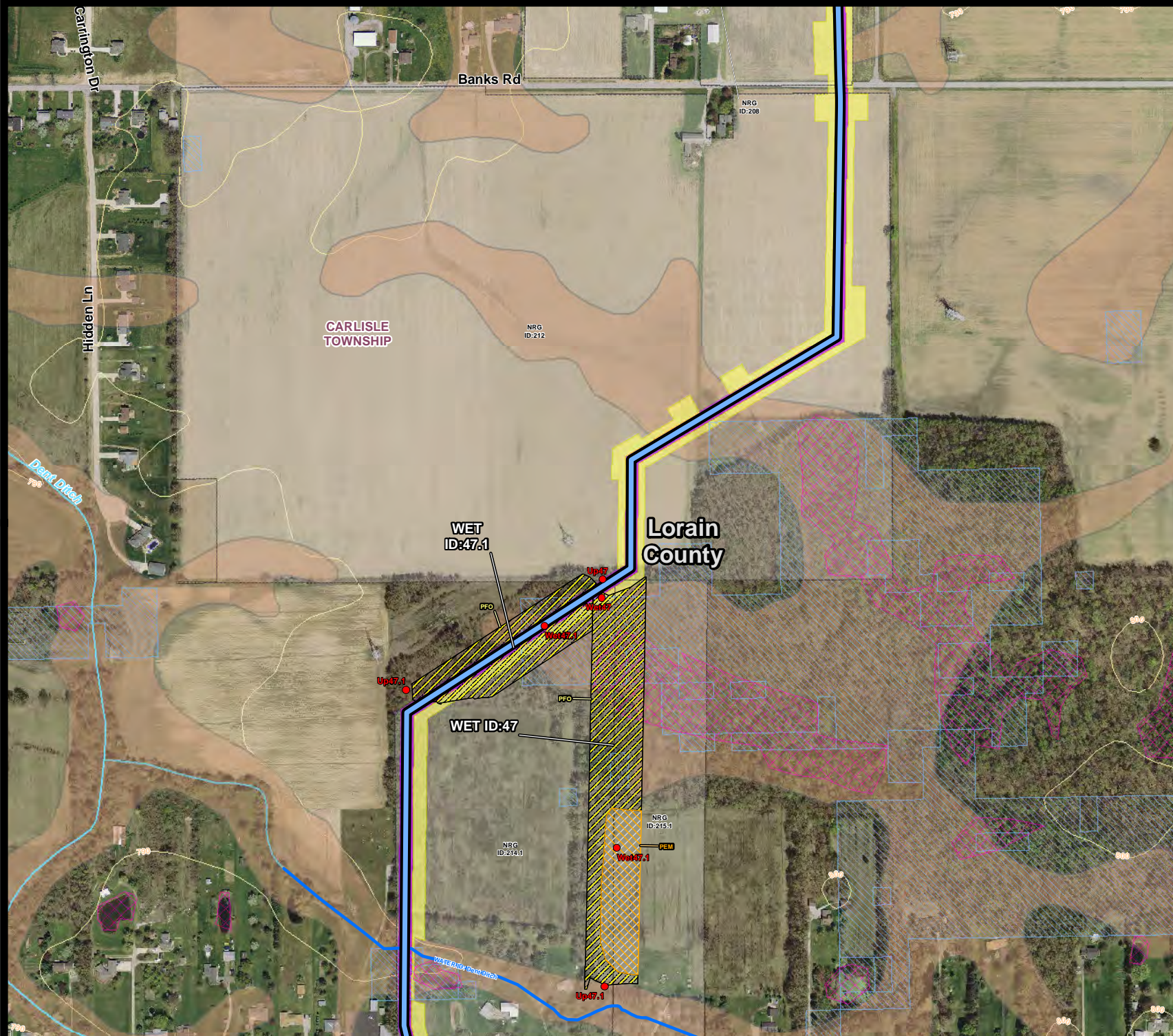
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CARLISLE
TOWNSHIP

Parsons Rd

19

LAGRANGE
TOWNSHIP

Lorain
County

Wheeler Rd

Proposed Tap
Location

WET ID:48



Power to be free

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Appendix B
Protected Species Consultation Correspondence

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Please see Attachment G to the Letter of Notification Application.

Appendix C

Wetlands and Water Resources Report

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Please see Attachment I to the Letter of Notification Application.

Appendix D

Phase I Archaeological Survey Report, Addendum and Correspondence

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Please see Attachment C to the Letter of Notification Application.

Appendix E
Erosion and Sediment Control Plan

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Please see Attachment K to the Letter of Notification Application.

Appendix F
Wetland and Stream Impacts Table

AVON LAKE GAS ADDITION PROJECT
Section 401 Water Quality Certification Application
Wetland and Stream Impacts

Wetland ID	Cowardin_Code	HGM_Code	Measurement_Type	Amount	Units	ORAM Score	ORAM Category	Latitude ¹	Longitude ²
Wetland 3	PSS	Depressional	Area	0.0	ACRE	37	2	41.4911439	-82.0590798
								41.4910958	-82.0590751
	PFO	Depressional	Area	0.0	ACRE	37	2	41.4909306	-82.0590998
Wetland 4	PSS	Depressional	Area	0.0	ACRE	30.5	2	41.4901611	-82.0587624
	PSS	Depressional	Area	0.1	ACRE	30.5	2	41.4900509	-82.0589124
								41.4901037	-82.0588482
	PFO	Depressional	Area	0.2	ACRE	30.5	2	41.4896029	-82.0587581
Wetland 5	PEM	Depressional	Area	0.6	ACRE	29	1	41.4873720	-82.0575900
								41.4860955	-82.0575499
Wetland 6	PEM	Depressional	Area	2.6	ACRE	21	1	41.4824222	-82.0575168
								41.4794703	-82.0598615
Wetland 7	PSS	Depressional	Area	0.0	ACRE	31	2	41.4784934	-82.0603557
	PFO	Depressional	Area	0.1	ACRE	31	2	41.4784153	-82.0603959
	PSS	Depressional	Area	0.6	ACRE	31	2	41.4776108	-82.0608027
	PFO	Depressional	Area	0.9	ACRE	31	2	41.4771309	-82.0607954
	PEM	Depressional	Area	0.2	ACRE	31	2	41.4760950	-82.0615158
	PFO	Depressional	Area	2.4	ACRE	31	2	41.4758427	-82.0615725
	PSS	Depressional	Area	0.6	ACRE	31	2	41.4728600	-82.0631700
								41.4719279	-82.0634926
	PEM	Depressional	Area	0.1	ACRE	31	2	41.4718469	-82.0635113
Wetland 8	PSS	Depressional	Area	2.8	ACRE	46	2	41.4574122	-82.0646311
								41.4548330	-82.0667830
Wetland 9	PFO	Depressional	Area	0.1	ACRE	42	2	41.4523401	-82.0667778
							2	41.4517214	-82.0668489
	PSS	Depressional	Area	0.0	ACRE	42	2	41.4499611	-82.0669032
	PFO	Depressional	Area	0.0	ACRE	42	2	41.4498979	-82.0668966
	PFO	Depressional	Area	0.0	ACRE	42	2	41.4496259	-82.0669235
								41.4495537	-82.0669228
Wetland 10	PEM	Depressional	Area	0.1	ACRE	36	2	41.4491663	-82.0672313
	PFO	Depressional	Area	0.7	ACRE	36	2	41.4470004	-82.0669395
	PSS	Depressional	Area	0.2	ACRE	36	2	41.4469817	-82.0672895
	PEM	Depressional	Area	0.1	ACRE	36	2	41.4460001	-82.0672670
								41.4443022	-82.0673159
Wetland 12	PEM	Depressional	Area	0.1	ACRE	52	2	41.4442979	-82.0673102
								41.4418968	-82.0673787
	PFO	Depressional	Area	1.0	ACRE	52	2	41.4400714	-82.0670998
	PFE	Depressional	Area	0.3	ACRE	52	2	41.4388280	-82.0669114
	PFO	Depressional	Area	0.5	ACRE	52	2	41.4385435	-82.0667235
								41.4380002	-82.0671147

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Wetland 13	PEM	Depressional	Area	0.0	ACRE	33	1	41.4360171	-82.0673909
								41.4359813	-82.0673869
Wetland 14	PFO	Depressional	Area	0.0	ACRE	24	1	41.4264969	-82.0671105
	PSS	Depressional	Area	0.1	ACRE	24	1	41.4264867	-82.0669783
	PFO	Depressional	Area	0.2	ACRE	24	1	41.4263783	-82.0668984
	PSS	Depressional	Area	0.1	ACRE	24	1	41.4259824	-82.0670762
								41.4257585	-82.0672357
Wetland 15	PFO	Depressional	Area	0.1	ACRE	51	2	41.4243856	-82.0673346
								41.4241045	-82.0675036
Wetland 16	PFO	Riverine	Area	0.0	ACRE	56	2	41.4220729	-82.0673617
	PSS	Riverine	Area	0.0	ACRE	56	2	41.4219413	-82.0675265
								41.4218995	-82.0675254
Wetland 17	PFO	Depressional	Area	0.4	ACRE	54	2	41.4150664	-82.0682770
	PSS	Depressional	Area	0.0	ACRE	54	2	41.4162556	-82.0683175
								41.4144844	-82.0681223
Wetland 18	PFO	Depressional	Area	0.0	ACRE	56	2	41.4143033	-82.0683401
	PSS	Depressional	Area	0.0	ACRE	56	2	41.4142964	-82.0683366
								41.4135027	-82.0683555
								41.4139148	-82.0680535
	PFO	Depressional	Area	0.1	ACRE	56	2	41.4134428	-82.0680684
Wetland 19	PFO	Depressional	Area	0.4	ACRE	56	2	41.1334623	-82.0683446
								41.4121120	-82.0687439
Wetland 20	PSS	Depressional	Area	0.0	ACRE	36	2	41.4114962	-82.0683564
								41.4111332	-82.0683610
Wetland 21	PFO	Depressional	Area	0.4	ACRE	56	2	41.4095774	-82.0683821
	PSS	Depressional	Area	0.1	ACRE	56	2	41.4057436	-82.0686870
								41.4056189	-82.0687376
Wetland 22	PFO	Depressional	Area	7.9	ACRE	58	2	41.4033856	-82.0670596
	PSS	Depressional	Area	2.7	ACRE	58	2	41.3947586	-82.0679473
	PFO	Depressional	Area	1.5	ACRE	58	2	41.3916295	-82.0677564
	PSS	Depressional	Area	0.8	ACRE	58	2	41.3895392	-82.0680650
	PFO	Depressional	Area	8.5	ACRE	58	2	41.3884896	-82.0678447
	PEM	Depressional	Area	0.3	ACRE	58	2	41.3819617	-82.0664991
								41.3814508	-82.0663909
Wetland 24	PSS	Depressional	Area	0.3	ACRE	59	2	41.3750647	-82.0669039
	PFO	Depressional	Area	0.8	ACRE	59	2	41.3749096	-82.0667180
	PFO	Depressional	Area	2.5	ACRE	59	2	41.3740317	-82.0665169
								41.3717216	-82.0665910

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Wetland 25	PSS	Depressional	Area	0.1	ACRE	57	2	41.3715478	-82.0664695
	PFO	Depressional	Area	0.5	ACRE	57	2	41.3714197	-82.0664687
	PSS	Depressional	Area	0.1	ACRE	57	2	41.3702233	-82.0670364
Wetland 25.1	PSS	Depressional	Area	0.1	ACRE	57	2	41.3700090	-82.0671983
	PFO	Depressional	Area	0.4	ACRE	30	2	41.3692093	-82.0679035
Wetland 26	PFO	Depressional	Area	1.7	ACRE	56	2	41.3685867	-82.0683564
	PFO	Depressional	Area	1.7	ACRE	56	2	41.3537215	-82.0637765
Wetland 27	PFO	Depressional	Area	1.7	ACRE	56	2	41.3518180	-82.0620780
	PEM	Depressional	Area	0.2	ACRE	25	1	41.3491264	-82.0621456
Wetland 29	PSS	Depressional	Area	0.6	ACRE	30	2	41.3485306	-82.0621416
	PSS	Depressional	Area	0.6	ACRE	30	2	41.3402797	-82.0613636
	PEM	Depressional	Area	1.2	ACRE	30	2	41.3402012	-82.0614662
	PEM	Depressional	Area	1.7	ACRE	30	2	41.3399892	-82.0642357
	PSS	Depressional	Area	0.5	ACRE	30	2	41.3383643	-82.0646217
	PFO	Depressional	Area	2.1	ACRE	30	2	41.3378165	-82.0644032
Wetland 32.1	PSS	Depressional	Area	0.1	ACRE	30	2	41.3353759	-82.0641412
	PFO	Depressional	Area	0.9	ACRE	29	1	41.3349930	-82.0639547
Wetland 33.1	PFO	Depressional	Area	0.9	ACRE	29	1	41.3269897	-82.0611086
	PFO	Depressional	Area	0.9	ACRE	29	1	41.3257677	-82.0610995
Wetland 34	PEM	Depressional	Area	0.4	ACRE	28	1	41.3250906	-82.0614093
	PEM	Depressional	Area	0.4	ACRE	28	1	41.3243408	-82.0618199
Wetland 35	PEM	Depressional	Area	0.0	ACRE	37	2	41.3227933	-82.0591082
	PFO	Depressional	Area	0.1	ACRE	37	2	41.3228347	-82.0590433
	PFO	Depressional	Area	0.1	ACRE	37	2	41.3225430	-82.0590455
Wetland 37.1	PFO	Depressional	Area	0.0	ACRE	44	2	41.3223728	-82.0593326
	PSS	Depressional	Area	0.3	ACRE	44	2	41.3220707	-82.0593312
	PSS	Depressional	Area	0.3	ACRE	44	2	41.3214440	-82.0593146
	PFO	Depressional	Area	0.9	ACRE	44	2	41.3204905	-82.0593235
	PFO	Depressional	Area	0.9	ACRE	44	2	41.3180454	-82.0593071
	PEM	Depressional	Area	0.0	ACRE	44	2	41.3177676	-82.0588923
Wetland 38	PEM	Depressional	Area	0.0	ACRE	44	2	41.3177474	-82.0588709
	PFO	Depressional	Area	2.5	ACRE	33	2	41.3111654	-82.0585971
Wetland 40	PFO	Depressional	Area	0.7	ACRE	39	2	41.3066208	-82.0588117
	PFO	Depressional	Area	0.7	ACRE	39	2	41.3056299	-82.0602225
Wetland 40	PFO	Depressional	Area	0.0	ACRE	43	2	41.3056325	-82.0623965
	PFO	Depressional	Area	0.0	ACRE	43	2	41.3020978	-82.0767418
	PFO	Depressional	Area	0.0	ACRE	43	2	41.3020694	-82.0770475

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Wetland 41.1	PSS	Depressional	Area	0.2	ACRE	42	2	41.2991643	-82.0744929
								41.2995107	-82.0749461
	PFO	Depressional	Area	0.1	ACRE	42	2	41.2995627	-82.0765710
								41.2990746	-82.0769677
Wetland 43.1	PFO	Depressional	Area	0.1	ACRE	36	2	41.2995618	-82.0825120
								41.2995562	-82.0832353
Wetland 44	PEM	Slope/Riverine	Area	0.1	ACRE	41	2	41.2994967	-82.0840327
	PFO	Slope/Riverine	Area	0.1	ACRE	41	2	41.2995074	-82.0848173
								41.2993553	-82.0849489
Wetland 44.1	PFO	Depressional	Area	0.7	ACRE	32	2	41.2990928	-82.0886786
								41.2974207	-82.0886852
	PFO	Depressional	Area	0.10	ACRE	32	2	41.2969187	-82.0886811
								41.2963776	-82.0881261
Wetland 45	PFO	Depressional	Area	0.4	ACRE	40	2	41.2951515	-82.0878581
								41.2945888	-82.0880454
Wetland 45.1	PEM	Depressional	Area	0.1	ACRE	27	1	41.2946916	-82.0885281
								41.2944914	-82.0888509
Wetland 47	PFO	Depressional	Area	0.1	ACRE	55	2	41.2799283	-82.0922952
								41.2797098	-82.0929789
Wetland 47.1	PFO	Depressional	Area	1.4	ACRE	39	2	41.2798431	-82.0929173
								41.2786739	-82.0954374
Stream ID	HHEI Score	Flow	Measurement_Type	Amount	Units	Preliminary Primary Headwater Habitat Classification		Latitude ¹	Longitude ²
Stream 1	41	Intermittent	Linear	25	FOOT	Modified Class II Stream		41.4824195	-82.0574859
Unnamed Stream 1	NA	Intermittent	Linear	147	FOOT	Blue Line Stream		41.4575318	-82.0644276
Stream 3	42	Intermittent	Linear	175	FOOT	Modified Class II Stream		41.4505042	-82.0667011
Stream 4	57	Intermittent	Linear	59	FOOT	Modified Class II Stream		41.4442777	-82.0671991
Stream 5	42	Intermittent	Linear	83	FOOT	Modified Class II Stream		41.4342089	-82.0672959
Jungbluth Ditch	NA	Perennial	Linear	54	FOOT	Blue Line Stream		41.4258246	-82.0671073
Stream 6	52	Intermittent	Linear	14	FOOT	Modified Class II Stream		41.4076326	-82.0683932
Ridgeway Ditch	NA	Perennial	Linear	25	FOOT	Blue Line Stream		41.4033996	-82.0670845
Unnamed Stream 2	NA	Intermittent	Linear	121	FOOT	Blue Line Stream		41.3988701	-82.0663771
Unnamed Stream 3	NA	Intermittent	Linear	101	FOOT	Blue Line Stream		41.3614361	-82.0667298
Stream 7	45	Intermittent	Linear	100	FOOT	Modified Class II Stream		41.3540765	-82.0646961
Jackson Ditch	NA	Intermittent	Linear	86	FOOT	Blue Line Stream		41.3225274	-82.0592083
Alexander Ditch	NA	Intermittent	Linear	84	FOOT	Blue Line Stream		41.3056505	-82.0604524
Unnamed Stream 4	NA	Intermittent	Linear	113	FOOT	Blue Line Stream		41.3013605	-82.0683054
Dent Ditch	NA	Intermittent	Linear	61	FOOT	Blue Line Stream		41.2760736	-82.0955804

¹Coordinates corresponding to the location where the northern-most point of the wetland intersects the ROW.

²Coordinates corresponding to the location where the southern-most point of the wetland intersects the ROW.

Appendix G
Wetlands and Waters Mitigation Plan



Avon Lake Gas Addition Project

Lorain County, Ohio

Wetlands and Waters Mitigation Plan

Prepared by
Environmental Resources Management

Prepared for
NRG Ohio Pipeline Company LLC

December 23, 2014

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1.0 INTRODUCTION

The Avon Lake Power Plant is a 734 MW coal-fired generating facility located in Avon Lake, Ohio (“Power Plant”).¹ The Power Plant is owned by NRG Power Midwest LP, which is an indirect subsidiary of NRG Energy, Inc. (“NRG”). The Power Plant was slated for retirement by the facility’s prior owner as a result of significant expenditures required to meet increasingly stringent environmental requirements. NRG has decided to move ahead with a gas addition project, which will keep the facility in operation on natural gas beyond its planned deactivation date (the “Avon Lake Gas Addition Project”). To add natural gas as a fuel supply for the Power Plant, the proposed 24-inch diameter high-grade steel natural gas pipeline, approximately 20-miles in length, must be designed, permitted and constructed. The Avon Lake Gas Addition Project will bring environmental, economic, employment and electric supply reliability benefits to the State. The expected in-service date for the pipeline is April 2016.

2.0 PLAN OBJECTIVE

To offset unavoidable impacts to jurisdictional wetlands and streams due to Project construction, ERM, on behalf of NRG Ohio Pipeline Company LLC (“NRG Ohio Pipeline”), proposes to mitigate anticipated impacts to jurisdictional wetlands and waters through onsite mitigation and restoration, and offsite mitigation through bank debiting or in-lieu fee or permittee-responsible compensatory mitigation. The primary objective of this mitigation plan is to outline how anticipated impacts to jurisdictional wetlands and waters will be offset through onsite and offsite mitigation.

3.0 HYDROLOGIC SETTING

The Project will extend south from the Avon Lake Power Plant, which is located along the Lake Erie shoreline in the City of Avon Lake, to a proposed supply tap location southwest of the Village of Grafton. The Project lies within Lorain County in the Black-Rocky Hydrologic Unit Code (“HUC”) 04110001, which encompasses a large area within the Black River watershed. The Black River watershed drains north into Lake Erie. The Project area exhibits gently sloping topography from the southern terminus of the area to the north toward Lake Erie, with elevations ranging from 580 feet above mean sea level (“MSL”) to approximately 800 feet above MSL.

4.0 IMPACTS AND MITIGATION

A cumulative total of approximately 1,248 linear feet of Class II stream will be temporarily impacted by the Project. Approximately 18 acres of non-forested wetlands will be temporarily impacted, while approximately 41.7 acres of forested wetlands will be permanently impacted due to their conversion from forested to non-forested wetlands. Given the type and extent of impacts anticipated to jurisdictional wetlands and waters, the U.S. Army Corps of Engineers (“USACE”) has determined that the Project can be permitted within the provisions of a Nationwide Permit 12 (“NWP 12”). However, regional NWP conditions require additional consideration. While the USACE requires that only

¹ The Power Plant also has one oil-fueled unit.

permanent impacts (which in this case are limited only to the conversion of forested wetlands to non-forested wetlands) be mitigated, the Ohio Environmental Protection Agency (“OEPA”) requires that both temporary and permanent impacts be mitigated. As such, proposed stream and wetland mitigation, to satisfy both USACE and OEPA requirements, is summarized in Tables 1 and 2 below.

Table 1. Estimated Stream Mitigation Required

Stream	Linear Feet of Impact	OEPA Mitigation Ratio	Onsite Restoration Credit Ratio	Offsite Mitigation Ratio	Feet of Mitigation
Class II	1,248	1.5:1	1:1	0.5:1	624
	1,248				624

Table 2. Estimated Wetland Mitigation Required

Wetland Category	Wetland Type	Acres of Impact	OEPA Mitigation Ratio	Onsite Restoration Credit Ratio	Offsite Mitigation Ratio	Acres of Mitigation
Category 1	Forested	1.5	1.5:1	0:0	1.5:1	2.3
	Non Forested	3.6	1.5:1	1:1	0.5:1	1.8
Category 2	Forested	27.2	2.5:1	0:0	2.5:1	68.0
	Forested (Permittee-Responsible)	13	2.5:1	1:1	1.5:1	19.5
	Non Forested	14.1	2:1	1:1	1:1	14.1
		59.4				105.7

During construction of the Project, onsite wetland mitigation will be implemented, in accordance with all applicable and approved Project plans, permits or compliance requirements—namely the Erosion and Sediment Control Plan (“ESCP”), to avoid or minimize the potential for impact to wetlands. Following construction, affected non-forested wetlands will be restored to their pre-construction condition. Forested wetlands will be restored to wet meadow or non-forested wetland condition. No permanent loss of jurisdictional waters is anticipated.

Similar to wetlands, onsite stream mitigation will be implemented during construction in accordance with all applicable and approved Project plans, permits or compliance requirements. Following construction, affected streams will be restored to their pre-construction condition. Also similar to wetlands, anticipated stream impacts will be mitigated offsite, to meet OEPA requirements, through bank debiting.

Where mitigation sites that can accept in-lieu fee or permittee-responsible compensatory mitigation are located within one-mile of the Project, the offsite mitigation ratio is reduced as this area within one-mile of the Project is still considered “onsite”. NRG Ohio Pipeline understands that potential mitigation sites within this extended onsite area are being considered for acquisition and wetland preservation. The ratios identified in Table 2 reflect this understanding as represented by the 1:1 credit for 13 acres of forested wetland impacts.

The Granger mitigation bank, managed by the Ohio Wetlands Foundation, has over 624 linear feet of stream credits available for purchase via the in-lieu fee program. NRG Ohio Pipeline anticipates that the necessary stream credits will be debited from this bank.

Appendix A includes a letter from the Ohio Wetlands Foundation, which documents mutual intent between NRG Ohio Pipeline and the Foundation to continue working together to identify the environmentally preferred means of achieving offsite wetland mitigation. Additionally, NRG Ohio Pipeline will continue to coordinate with the North Coast Regional Council of Park Districts as some offsite mitigation may be achieved through one of their banks or sites, pending agency confirmation of required mitigation and availability of mitigation options.

Upon final confirmation of the means and locations by which offsite mitigation will be achieved, NRG Ohio Pipeline will provide evidence of completed compensatory mitigation, in advance of construction, to the USACE and the OEPA.

Appendix A
Mitigation Bank Correspondence



December 23, 2014

Alan Sawyer
Vice President
NRG Ohio Pipeline Company LLC
211 Carnegie Center
Princeton, NJ 08540

Re: Letter of Agreement Regarding Stream & Wetlands Mitigation for Avon Lake Gas Addition Project

Dear Mr. Sawyer:

We appreciate the opportunity to confirm with you the Ohio Wetlands Foundation's ("Ohio Wetland's") offer to provide wetland mitigation credits and/or permittee responsible stream and wetlands mitigation for the proposed Avon Lake Gas Addition Project (hereinafter referred to as the "Project"). NRG Ohio Pipeline Company LLC (hereinafter referred to as "NRG") may be required to provide compensatory mitigation for impacts to streams and wetlands in order to comply with certain federal and/or state permitting requirements associated with the construction of the proposed Project. We understand that NRG is working with Donell (Doni) Murphy of Environmental Resource Management (or "ERM") to develop the necessary permit application materials associated with this project and that NRG would like to submit, as soon as possible, 401 and 404 permit applications to the Ohio EPA and the United States Army Corps of Engineers (USACE) for their review and approval.

Ohio Wetlands understands the Project will require compensatory mitigation for impacts to non-forested and forested wetlands and impacts to streams. Please find below tables that outline the projected wetland and stream impacts for the Project. All proposed impacts are located within the Black-Rocky 8-digit Hydrologic Unit Code (HUC 04110001).

Wetland Category	Wetland Type	Acres of Impact	OEPA Mitigation Ratio	Onsite Restoration Credit	Offsite Mitigation Ratio	Acres of Mitigation
Category 1	Forested	1.5	1.5:1	0:0	1.5:1	2.3
	Non Forested	3.7	1.5:1	1:1	0.5:1	1.8
Category 2	Forested	27.2	2.5:1	0:0	2.5:1	68.0
	Forested (In Lieu Fee or Permittee-Responsible)	13	2.5:1	1:1	1.5:1	19.5
	Non Forested	14.1	2:1	1:1	1:1	14.1
		59.4				105.7

Stream	Linear Feet of Impact	OEPA Mitigation Ratio	Onsite Restoration Credit	Offsite Mitigation Ratio	Linear Feet of Mitigation
Class II	1,248	1.5:1	1:1	0.5:1	624
	1,248				624

Based on the amount of wetland mitigation credits available at currently approved mitigation banks that have service areas that include the location of the Project, it is anticipated that there will be a shortfall in available wetland mitigation bank credits. Ohio Wetlands understands that NRG may acquire in-lieu fee program credits if they are available to fulfill part of the remaining compensatory mitigation needs of the Project. We also understand that the applicant may acquire additional wetland mitigation credits from the North Coast Regional Council of Park Districts, pending agency confirmation of required mitigation and availability of mitigation options.

Ohio Wetlands understands that NRG, in its ongoing effort to be a good environmental steward and consistent with CFR 332.3, wishes to provide the “environmentally preferred mitigation alternative” and this may include the use of a permittee responsible mitigation site(s) that can provide some or all of the compensatory mitigation that may be required. As per the federal mitigation rule, Ohio Wetlands understands that NRG may seek permittee responsible mitigation site(s) that will provide in-kind compensatory mitigation that has a greater likelihood of offsetting the permitted impacts. NRG has also expressed interest in identifying permittee responsible mitigation sites that may be located within a 1-mile radius of the Project corridor. Therefore, Ohio Wetlands proposes to contract with NRG to seek and identify suitable off-site and in-kind compensatory mitigation projects that will provide environmentally preferred mitigation solutions for this project. If Ohio Wetlands can identify and secure a suitable mitigation site(s), it would provide full delivery of the permittee responsible mitigation (including acquisition, design, construction, monitoring, maintenance, long term stewardship, etc.) for a fixed cost. The fixed cost would not exceed \$45,000 per acre of wetlands mitigation. Ohio Wetlands will make its best effort to control cost and to keep the final cost to less than the rate specified above. A final mitigation purchase agreement providing the final amount of mitigation required by the 401/404 permits and the associated cost of mitigation would be prepared when the specific mitigation requirements are confirmed by Ohio EPA and USACE. The terms of the party’s formal mitigation agreement would be subject to the terms and conditions set forth in the final Section 401 and 404 permits issued to NRG by Ohio EPA and USACE. Ohio Wetlands will work in good faith with NRG to adjust the amount of wetland and stream mitigation and the associated cost accordingly.

Ohio Wetlands will seek permittee responsible mitigation alternatives that may provide an environmentally preferred mitigation option. Ohio Wetlands will provide baseline information regarding possible sites to NRG and ERM for consideration. If a suitable permittee responsible mitigation site is identified and NRG elects to secure the credits, NRG and Ohio Wetlands will develop a detailed letter of agreement at that time that will provide the terms for securing and developing the mitigation site(s) and including it in the mitigation plan for the Project.

If authorized to proceed with the proposed impacts, NRG may contract with Ohio Wetlands to purchase stream mitigation credits from its Granger Wetlands Mitigation Bank. The cost of stream mitigation at the Granger Mitigation Bank is \$100 per linear foot of credit. A deposit of ten percent (\$6,240) of the total payment of \$62,400 will reserve for NRG the required stream mitigation from our Granger site. In light of the substantial demand for mitigation in the Black-Rocky HUC as well as the anticipated permit review time; this payment would be required to reserve the aforementioned wetland and stream mitigation for the exclusive use by NRG for a period of 6 months (from the date of this letter). This payment is refundable on a pro-rata basis (per month) calculated from the date of this letter to the date that Ohio Wetlands receives written notice from NRG that it is terminating this letter of agreement.

If NRG makes the aforementioned deposit and does not purchase the stream mitigation credits within 6-months of making the deposit, at its election NRG can make payment of an additional ten percent deposit to place a hold on the credits. This payment is also refundable on a pro-rata basis (for the months used vs. the months not used. All deposit payments shall be applied to the total cost of mitigation. If the Corps and Ohio EPA approve the use of the stream mitigation at the Granger site as part of NRG’s

compensatory mitigation plan, at NRG's election, a final mitigation purchase agreement providing the final amount of stream mitigation at the Granger site will be prepared. The terms of the party's formal agreement for stream mitigation at the Granger site would be subject to the terms and conditions set forth in the final Section 401 and 404 permits issued to NRG by Ohio EPA and USACE.

If either the Section 401 or 404 permits are denied or if NRG elects not to proceed at its sole discretion, this agreement may be terminated; provided, however, that Ohio Wetlands will retain all the payments made or due to be paid prior to notice of termination; provided, further that Ohio Wetlands shall return within 15 business days from the day it receives a notice of termination from the NRG, the pro-rata portion of funds previously paid by them.


We very much appreciate the opportunity to work with NRG as it continues its development of this extraordinary project. Please confirm NRG's agreement with the terms of this Letter of Agreement by signing below and returning a fully executed copy to Ohio Wetlands along with the required initial payment. Ohio Wetlands authorizes NRG to submit a copy of this fully executed letter to the relevant regulatory agencies to confirm the proposed mitigation of wetland impacts associated with the Project.

Sincerely,



Vincent E. Messerly, PE
President

Agreed By NRG Ohio Pipeline Company LLC

Signed: 

By: Alan Sawyer

Title: Vice President

Date: Dec 23, 2014

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

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in

Case No(s). 14-1717-GA-BLN

Summary: Correspondence of NRG Ohio Pipeline Company LLC Submitting Attachment J - Part 3 electronically filed by Teresa Orahod on behalf of Sally Bloomfield