



COLUMBUS | CLEVELAND
CINCINNATI-DAYTON
MARIETTA

BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
MAIN: 614.227.2300
FAX: 614.227.2390

www.bricker.com
info@bricker.com

Sally W. Bloomfield
614.227.2368
sbloomfield@bricker.com

FILE

March 14, 2016

12

Via Electronic Filing

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

Re: Clean Energy Future-Lordstown, LLC,
OPSB Case No. 14-2322-EL-BGN

Dear Ms. McNeal:

The September 17, 2015, Opinion, Order, and Certificate ("Certificate") approving Clean Energy Future-Lordstown, LLC ("CEFL") Certificate of Environmental Compatibility and Public Need to Construct the Lordstown Energy Center established a set of conditions as part of the Certificate.

Within this set of conditions, **Condition No. 26** requires that:

The Applicant shall coordinate the results of the Eastern massasauga presence/absence surveys with ODNR, the USFWS, and Staff to determine if any further measures will be necessary to avoid or minimize impacts to this species.

In compliance with **Condition No. 26**, attached is a copy of the presence/absence survey report for the massasauga at the Lordstown Energy Center development site. Also attached is the response from the Ohio Department of Natural Resources which finds that the eastern massasauga is not likely present at the site, and therefore not likely to be impacted. Thus CEFL is in compliance with this condition.

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

Sincerely,

Sally W. Bloomfield

Attachments

cc: Jon Whitis (w/Attachments)
Grant Zeto (w/Attachments)

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician SLK Date Processed MAR 14 2016

RECEIVED-DOCKETING DIV
2016 MAR 14 PM 12:27
PUCO

**A Presence-Absence Survey for the Massasauga (*Sistrurus catenatus*)
at the Lordstown Energy Center Development Site
Trumbull County, Ohio**

September 3, 2015

**Submitted to:
Tetra Tech, Inc.
238 Littleton Road, Suite 201B
Westford, MA 02110**

**Submitted by:
Doug Wynn LLC
241 Chase Street, Suite A1
Russell's Point, Ohio 43348
Sistrurus@aol.com
(614) 306-0313**

INTRODUCTION:

The Eastern Massasauga Rattlesnake (*Sistrurus catenatus*) is the smallest species of rattlesnake in Ohio. They are a short, heavy bodied snake and unlike other species of rattlesnakes often have a narrow head. They reach a record length of 39.5 inches, however, most individuals are approximately 18 to 22 inches in length. Massasaugas usually have black blotches on a gray or brown background and white stripes on the sides of their heads. Some individuals are melanistic, a form which tends to be more common in northern populations.

Massasaugas are almost always associated with wet areas such as bogs, fens, swamps, and the edges of ponds and lakes. Massasaugas overwinter in these wet areas, especially in crayfish burrows, and are believed to then move into higher, drier habitats. It has also been suggested that their diets in the spring contain frogs and then switch to small rodents and birds as they move into the higher, drier habitats. In some populations only gravid females may demonstrate the habitat change. These grassy areas are almost always a mosaic of small, early successional woody species such as hawthorn (*Crataegus sp.*), dogwood (*Cornus sp.*), multiflora rose (*Rosa multiflora*) or raspberry (*Rubus sp.*). Common herbaceous species associated with Massasaugas may include the sensitive fern (*Onoclea sensibilis*), goldenrod (*Solidago sp.*), partridge pea (*Cassia fasciculata*), cinquefoil (*Potentilla sp.*), strawberry (*Fragaria sp.*), and *Sphagnum*. The above plant species indicate that the Massasauga can be found in a variety of habitats.

Their overwintering sites may have tree cover, but their summer foraging habitats are open, with 60% canopy or less. Thus, habitat surveys must focus on the presence or absence of both habitats.

Telemetric studies indicate that males and non-pregnant females may range 200 to 1300 meters (m) from their winter hibernacula. Pregnant females may move 300 to 600 m.

Massasaugas are believed to reach sexual maturity at three to four years depending upon food availability, length of their activity period, and availability of suitable basking sites. Massasaugas mate from mid-July to September. Three to nineteen individuals are born from mid-August to early September. Across their range Massasaugas may reproduce annually or biannually; in Ohio, however, they usually reproduce biannually. In captivity Massasaugas may live over 20 years and in the wild from eight to ten years.

Massasaugas have been extirpated from much of their historical range as a result of habitat destruction and persecution. Originally found in at least 30 Ohio counties, populations are now thought to occur in eight to nine. More specifically, a low reproductive potential does not allow populations to rebound from human caused perturbations. For example, a population numbering 300 individuals will naturally increase to 340 in 100 years. This includes a natural 22% annual mortality for adults and an 80% annual mortality for neonates. If a 2% increase in adult mortality occurs, i.e., 3-6 snakes per year, the population will decrease to 150 individuals in 100 years

and ultimately die out. In addition, most Ohio Massasauga populations are isolated, and the potential for loss of genetic diversity by inbreeding and genetic drift is possible.

As a result of the significant decline, the State of Ohio listed the Massasauga as endangered in 1996 and the U.S. Fish and Wildlife Service listed it as a candidate species in 1998. Recently the U.S. Fish and Wildlife Service have indicated that an actual listing is expected in the fall of 2015.

Since the Massasauga has been documented from a number of sites in Trumbull County, the objective of this survey was to evaluate the areas of suitable habitat for the potential presence of the Massasauga.

METHODS:

On April 10, 2015 a habitat survey was conducted. Four areas were identified as suitable habitat (shown in Figure 1). They are labeled as A, C, D, and E, which were their designations in the previously submitted habitat survey. Site B was determined to be unsuitable habitat and was not included in the presence/absence survey.

Site A (Figure 2) is a meadow bisected by a stream at its southern end, with two wetlands located at its north end. Portions of it appear to be regularly mowed, and numerous stands of thin secondary vegetation are scattered throughout the site.



Figure 1. Locations of survey sites.



Figure 2. Site A looking north.

Sites C and D are a mosaic of shrubs and grasses. The habitats north of the grassy areas are heavily wooded wetlands with thick secondary stands of hawthorns

and other early successional species. These dense shrubby areas were not surveyed since they are not suitable habitats for Massasaugas.



Figure 3. Looking north at Site C.



Figure 4. Looking north at Site D.

Site E is a large meadow in the corridor of electric transmission towers. A large mitigation wetland is present at its south end and two small wetlands are present at its north end.



Figure 5. Looking north at Site E.

Sites A and E were accessed from Goldner Lane and Sites C and D from Henn Parkway.

Prior to initiating this survey, the protocol required by the Ohio Division of Wildlife and the U.S. Fish and Wildlife Service (Casper et al. 2000. Recommended Standard Survey Protocol for the Eastern Massasauga, *Sistrurus catenatus catenatus*) was reviewed to insure that we would be accurately following their guidelines. This protocol requires that 40 person hours be spent at each site over the length of the entire season. The protocol suggests, but does not require, the use of drift fences and traps. In Ohio, we have found cover sheets (metal roofing or boards) to be much more productive.

Thus, all of the approved Massasauga surveyors in Ohio rely heavily upon their use. The sizes of the cover sheets vary upon the preferences of the surveyors and are based upon the ease of transporting and placing of the sheets. For this survey I used cover sheets that were two feet by six feet (Figure 6). Twenty sheets were placed at Site A, 25 at C, 25 at D, and 30 at Site E. Most were placed within 3 m of each other.

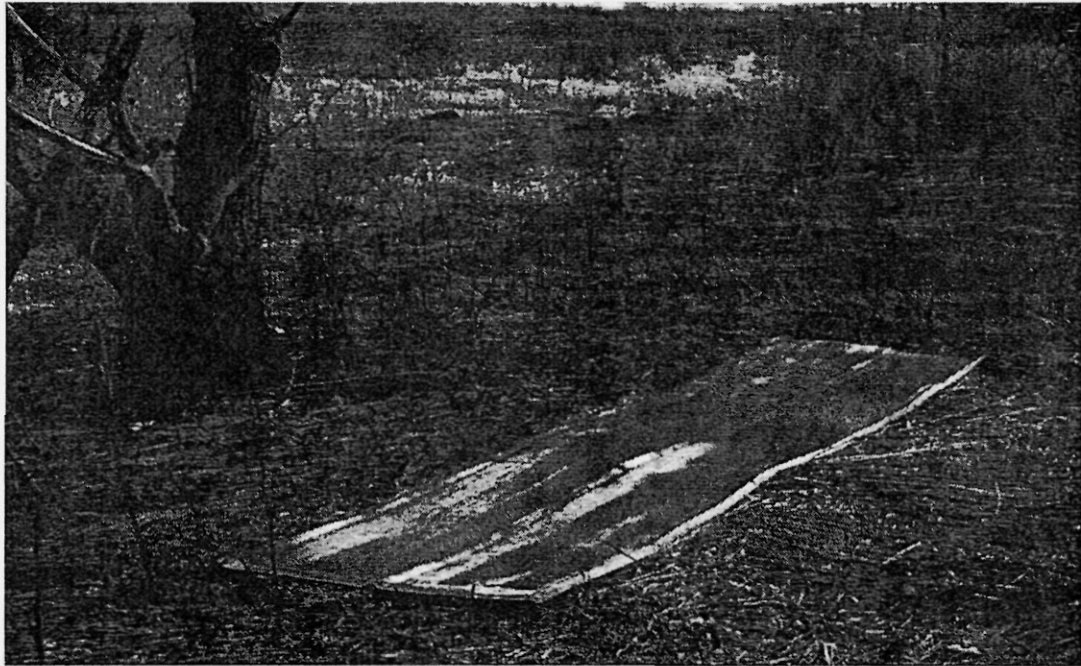


Figure 6. Cover sheet at a long term study site.

I also reviewed my own records of undocumented sightings from the general public as well as amateur herpetologists in order to learn the types of habitats where Massasaugas had been documented in the area.

Surveys began on April 10, 2015 and continued to August 24, 2015. Ten trips were made, with each involving two days. Nathan Reardon, of the Ohio Division of Wildlife, approved the scheduling of the overall calendar, including duration of the survey.

RESULTS:

The cover boards proved to be an effective tools for documenting snakes. Six Common Gartersnakes (*Thamnophis sirtalis*), three Northern Brownsnakes (*Storeria d. dekayi*) and two Eastern Milksnakes (*Lampropeltis t. triangulum*) were observed. The capture of eleven individual snakes demonstrated that the cover sheets were effective in capturing snakes. If Massasaugas were present they would likely have been captured. Moreover, during the survey period, a team of researchers working at one of my study sites (located approximately 100 miles to the west) found Massasaugas almost on a daily basis. Thus, Massasaugas were active at other sites during the days that I was surveying the Lordstown site.

No free-roaming snakes were observed during the survey. This generally indicates that snakes are not very numerous at the Lordstown site.

CONCLUSION:

It is my opinion that if Massasaugas were present at the Lordstown site, they likely would have been documented during the survey. Thus, it is believed that no further considerations need to be made concerning any impacts from the proposed construction plans with regard to the Massasauga.

From: Nathan.Reardon@dnr.state.oh.us
Sent: Friday, September 04, 2015 8:45 AM
To: Gresock, Lynn
Cc: Doug Wynn; angela_boyer@fws.gov
Subject: RE: Lordstown Energy Center Massasauga Survey (15-040)

Hi Lynn,

Thank you for submitting the presence/absence survey report for the Lordstown Energy Center project. The DOW appreciates the commitment of Clean Energy Future – Lordstown, LLC, and Tetra Tech to ensure that the eastern massasauga is not impacted by this project. After review of the survey report, the DOW concurs with Mr. Wynn's assessment that due to the eastern massasauga not being documented during the survey effort, the eastern massasauga is not likely present at the site, and therefore not likely to be impacted by the project. No further coordination is recommended with this office in reference to the eastern massasauga at this project site. If you have any questions, please feel free to contact me.

Thank you,
Nathan

Nathan Reardon
Compliance Coordinator
ODNR - Division of Wildlife
2045 Morse Road, Bldg. G
Columbus, OH 43229-6693
Phone: 614-265-6741
Email: nathan.reardon@dnr.state.oh.us

From: Gresock, Lynn [<mailto:Lynn.Gresock@tetrattech.com>]
Sent: Thursday, September 03, 2015 8:47 AM
To: Reardon, Nathan
Cc: Doug Wynn; angela_boyer@fws.gov; Gresock, Lynn
Subject: RE: Lordstown Energy Center Massasauga Survey (15-040)

Attached please find the completed presence/absence survey that has determined massasaugas are not present at the Lordstown Energy Center site. We look forward to your review and confirmation that further considerations for the species are not necessary in association with the project. Doug Wynn is, of course, available to respond to any questions you may have about the survey or its results. Thank you – and look forward to hearing from you soon.

Lynn Gresock

From: Gresock, Lynn
Sent: Thursday, April 23, 2015 1:48 PM
To: 'nathan.reardon@dnr.state.oh.us' <nathan.reardon@dnr.state.oh.us>
Cc: Doug Wynn <sistrurus@aol.com>; 'angela_boyer@fws.gov' <angela_boyer@fws.gov>
Subject: Lordstown Energy Center Massasauga Survey (15-040)

Nathan –

Correspondence from ODNR on March 12, 2015 indicated a habitat survey should be conducted for the eastern massasauga at the Lordstown Energy Center site. Attached please find the habitat survey completed by Doug Wynn. I have also attached a figure from the project's Ohio Power Siting Board application (I expect you have recently been looking at this project on behalf of the OPSB) that shows where project activities are anticipated relative to the components of the site Doug evaluated. We'd like to discuss with you appropriate next steps – are you available sometime this afternoon to talk? Let me know if there is a good time, and I will send a dial-in number around to you and Doug.

Angela, I am copying you based on a discussion I had with Charlie Allen. Although he said we should coordinate solely with ODNR at least until October 1 when the species status may change, we discussed the fact that if presence/absence surveys are conducted they would extend beyond October 1. Unless I hear otherwise from you I will keep copying you on correspondence, but will not ask you to participate in conference calls. You are welcome if you wish!

Lynn Gresock | Vice President – Energy Program
Office 978.203.5352 | Mobile 978.995.4450 | Fax 617.737.3480 | lynn.gresock@tetrattech.com

Tetra Tech | Complex World, Clear Solutions™
238 Littleton Road, Suite 201B, Westford, MA 01886 | tetrattech.com

This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system.

Please consider the environment before printing. [Read More.](#)