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March 15, 2017

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Ms. Barcy F. McNeal  
Secretary  
Docketing Division  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215-3793

PUCO

**Letter of Notification**  
**Broadview Substation Expansion Project**  
**Case No. 16-1981-EL-BLN**  
**Supplemental Information**

Dear Ms. McNeal:

Please accept this letter and the attached information as a supplemental filing to be considered as part of the Letter of Notification application filed in this docket. Specifically, the attached correspondence with the Ohio Department of Natural Resources ("ODNR") and U.S. Fish and Wildlife Service ("FWS"), as well as the Wetland Delineation Report regarding the above captioned Project, supplement the information in the application required by Ohio Administrative Code (OAC) Rule 4906-6-05 (B)(10)(e), "Endangered, Threatened, and Rare Species Investigation," and OAC Rule 4906-6-05 (B)(10)(f), "Areas of Ecological Concern."

Further, ATSI will be conducting habitat evaluation and considering best practices to avoid adversely impacting federally and state listed species as identified in these materials and the application. Copies of relevant future correspondence with ODNR and FWS will be provided to OPSB.

Should the Ohio Power Siting Board desire further information or discussion of this submittal, please contact me at (330) 761-4473.

Sincerely,



Nataliya Bryksenkova  
Engineer  
Energy Delivery  
Transmission and Substation Design  
FirstEnergy Service Company

cc: J. O'Dell

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# Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

**Office of Real Estate**  
Paul R. Baldrige, Chief  
2045 Morse Road – Bldg. E-2  
Columbus, OH 43229  
Phone: (614) 265-6649  
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January 27, 2017

Alicia M Cross  
CH2M  
400 E. Business Way, Suite 400  
Cincinnati, OH 45241

**Re:** 16-901; State-Listed Threatened and Endangered Species Impact Assessment, ATSI - Broadview 138 kilovolt (kV) Transmission Line Projects

**Project:** The proposed project involves the construction of a new overhead electric transmission line from the existing East Springfield-Tangy 138 kV line to the proposed expansion of the Broadview substation as well as the construction of a new 138 kV line from the Broadview substation to the existing Clark-Urbana 138 kV line.

**Location:** The proposed project is located in Moorefield Township, Clark County, Ohio.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

**Natural Heritage Database:** The Natural Heritage Database has the following records at or within a one-mile radius of the project area:

Fen indian-plantain (*Arnoglossum plantagineum*), P  
Yellow sedge (*Carex flava*), P  
Little green sedge (*Carex viridula*), T  
Tufted hair grass (*Deschampsia cespitosa*), P  
Few-flowered spike-rush (*Eleocharis quinquefolia*), T  
Bearded wheat grass (*Elymus trachycaulus*), T  
Small fringed gentian (*Gentianopsis procera*), P  
Baltic rush (*Juncus balticus*), P  
Prairie rattlesnake-root (*Prenanthes racemosa*), P  
White beak-rush (*Rhynchospora alba*), P  
Blue-leaved willow (*Salix petiolaris*), T  
Prairie dropseed (*Sporobolus heterolepis*), T  
Arbor vitae (*Thuja occidentalis*), P

False asphodel (*Triantha glutinosa*), P  
 Seaside arrow-grass (*Triglochin maritimum*), T  
 Marsh arrow-grass (*Triglochin palustris*), P  
 Three-birds orchid (*Triphora trianthophora*), P  
 Flat-leaved bladderwort (*Utricularia intermedia*), T  
 Northern bog violet (*Viola nephrophylla*), T  
 White wand-lily (*Zigadenus elegans*), P  
 Prairie fen plant community  
 Seepage dancer (*Argia bipunctulata*), E  
 A burrowing mayfly (*Litobranchia recurvata*), E  
 Tonguetied minnow (*Exoglossum laurae*), T  
 Spotted turtle (*Clemmys guttata*), T  
 Eastern massasauga (*Sistrurus catenatus*), E, FC  
 Kirtland's snake (*Clonophis kirtlandii*), T, FSC  
 Upland sandpiper (*Bartramia longicauda*), E  
 Sedge wren (*Cistothorus platensis*), SC  
 Least bittern (*Ixobrychus exilis*), T  
 Weber Road Fen Conservation Site  
 Buck Creek Fen Conservation Site  
 Cedar Bog State Nature Preserve – Ohio History Connection  
 Prairie Road Fen State Nature Preserve – ODNR Division of Natural Areas & Preserves  
 Buck Creek State Park – ODNR Division of Parks & Watercraft

The review was performed on the project area you specified in your request as well as an additional one-mile radius. Records searched date from 1980. This information is provided to inform you of features present within your project area and vicinity.

Please note that Ohio has not been completely surveyed and we rely on receiving information from many sources. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Although all types of plant communities have been surveyed, we only maintain records on the highest quality areas.

Statuses are defined as: E = state endangered; T = state threatened; P = state potentially threatened; SC = state species of concern; SI = state special interest; A = species recently added to state inventory, status not yet determined; X = presumed extirpated in Ohio; FE = federal endangered, FT = federal threatened, FSC = federal species of concern, FC = federal candidate species.

**Fish and Wildlife:** The Division of Wildlife (DOW) has the following comments.

The DOW recommends that impacts to streams, wetlands and other water resources be avoided and minimized to the fullest extent possible, and that best management practices be utilized to minimize erosion and sedimentation.

The project is within the range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species. The following species of trees have relatively high value as potential Indiana bat roost trees: shagbark hickory (*Carya ovata*), shellbark hickory (*Carya laciniata*), bitternut hickory (*Carya cordiformis*), black ash (*Fraxinus nigra*), green ash (*Fraxinus pennsylvanica*), white ash (*Fraxinus americana*), shingle oak (*Quercus imbricaria*), northern red oak (*Quercus rubra*), slippery elm (*Ulmus rubra*), American elm (*Ulmus americana*), eastern cottonwood (*Populus deltoides*), silver maple (*Acer saccharinum*), sassafras (*Sassafras albidum*),

post oak (*Quercus stellata*), and white oak (*Quercus alba*). Indiana bat roost trees consists of trees that include dead and dying trees with exfoliating bark, crevices, or cavities in upland areas or riparian corridors and living trees with exfoliating bark, cavities, or hollow areas formed from broken branches or tops. However, Indiana bats are also dependent on the forest structure surrounding roost trees. If suitable habitat occurs within the project area, the DOW recommends trees be conserved. If suitable habitat occurs within the project area and trees must be cut, the DOW recommends cutting occur between October 1 and March 31. If suitable trees must be cut during the summer months, the DOW recommends a net survey be conducted between June 1 and August 15, prior to any cutting. Net surveys should incorporate either nine net nights per square 0.5 kilometer of project area, or four net nights per kilometer for linear projects. If no tree removal is proposed, this project is not likely to impact this species.

This project must not have an impact on freshwater native mussels at the project site. This applies to both listed and non-listed species. Per the Ohio Mussel Survey Protocol (2016), all Group 2, 3, and 4 streams (Appendix A) require a mussel survey. Per the Ohio Mussel Survey Protocol, Group 1 streams (Appendix A) and unlisted streams with a watershed of 10 square miles or larger above the point of impact should be assessed using the Reconnaissance Survey for Unionid Mussels (Appendix B) to determine if mussels are present. Mussel surveys may be recommended for these streams as well. This is further explained within the Ohio Mussel Survey Protocol. Therefore, if in-water work is planned in any stream that meets any of the above criteria, the DOW recommends the applicant provide information to indicate no mussel impacts will occur. If this is not possible, the DOW recommends a professional malacologist conduct a mussel survey in the project area. If mussels that cannot be avoided are found in the project area, as a last resort, the DOW recommends a professional malacologist collect and relocate the mussels to suitable and similar habitat upstream of the project site. Mussel surveys and any subsequent mussel relocation should be done in accordance with the Ohio Mussel Survey Protocol. The Ohio Mussel Survey Protocol (2016) can be found at: <http://wildlife.ohiodnr.gov/portals/wildlife/pdfs/licenses%20&%20permits/OH%20Mussel%20Survey%20Protocol.pdf>

The project is within the range of the Iowa darter (*Etheostoma exile*), a state endangered fish, and the tongue-tied minnow (*Exoglossum laurae*), a state threatened fish. The DOW recommends no in-water work from April 15 to June 30 to reduce impacts to indigenous aquatic species and their habitat. If no in-water work is proposed, this project is not likely to impact these or other aquatic species.

As noted, the Natural Heritage Database has records within the vicinity of the project route for the spotted turtle (*Clemmys guttata*), a state threatened species. This species prefers fens, bogs and marshes, but is also known to inhabit wet prairies, meadows, pond edges, wet woods, and the shallow sluggish waters of small streams and ditches. The DOW recommends that a habitat suitability survey be conducted by an approved herpetologist to determine if suitable habitat is present along the project route. If suitable habitat is found to be present, the DOW recommends that an avoidance/minimization plan be developed and implemented by the approved herpetologist. Please submit the approved herpetologist's report to Nathan Reardon, at [Nathan.reardon@dnr.state.oh.us](mailto:Nathan.reardon@dnr.state.oh.us).

As noted, the Natural Heritage Database has records within the vicinity of the project route for the eastern massasauga (*Sistrurus catenatus*), a state endangered and a federally threatened snake species. The eastern massasauga uses a range of habitats including wet prairies, fens, and other wetlands, as well as drier upland habitat. The DOW recommends that a habitat suitability survey be conducted by an approved herpetologist to determine if suitable habitat is present along the

project route. If suitable habitat is found to be present, the DOW recommends that an avoidance/minimization plan be developed and implemented by the approved herpetologist. Please submit the approved herpetologist's report to Nathan Reardon, at [Nathan.reardon@dnr.state.oh.us](mailto:Nathan.reardon@dnr.state.oh.us).

As noted, the Natural Heritage Database has records within the vicinity of the project route for the Kirtland's snake (*Clonophis kirtlandii*), a state threatened species. This secretive species prefers wet meadows and other wetlands. The DOW recommends that a habitat suitability survey be conducted by an approved herpetologist to determine if suitable habitat is present along the project route. If suitable habitat is found to be present, the DOW recommends that an avoidance/minimization plan be developed and implemented by the approved herpetologist. Please submit the approved herpetologist's report to Nathan Reardon, at [Nathan.reardon@dnr.state.oh.us](mailto:Nathan.reardon@dnr.state.oh.us).

The project is within the range of the upland sandpiper (*Bartramia longicauda*), a state endangered bird. Nesting upland sandpipers utilize dry grasslands including native grasslands, seeded grasslands, grazed and ungrazed pasture, hayfields, and grasslands established through the Conservation Reserve Program (CRP). If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 15 to July 31. If this type of habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the least bittern (*Ixobrychus exilis*), a state threatened bird. Nesting bitterns prefer large undisturbed wetlands that have scattered small pools amongst dense vegetation. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 to July 31. If this type of habitat will not be impacted, this project is not likely to impact this species.

Due to the potential of impacts to federally listed species, as well as to state listed species, we recommend that this project be coordinated with the U.S. Fish & Wildlife Service.

**Water Resources:** The Division of Water Resources has the following comment.

The local floodplain administrator should be contacted concerning the possible need for any floodplain permits or approvals for this project. Your local floodplain administrator contact information can be found at the website below.

<http://water.ohiodnr.gov/water-use-planning/floodplain-management#PUB>

ODNR appreciates the opportunity to provide these comments. Please contact John Kessler at (614) 265-6621 if you have questions about these comments or need additional information.

John Kessler  
ODNR Office of Real Estate  
2045 Morse Road, Building E-2  
Columbus, Ohio 43229-6693  
[John.Kessler@dnr.state.oh.us](mailto:John.Kessler@dnr.state.oh.us)



UNITED STATES DEPARTMENT OF THE INTERIOR  
U.S. Fish and Wildlife Service  
Ecological Services Office  
4625 Morse Road, Suite 104  
Columbus, Ohio 43230  
(614) 416-8993 / Fax (614) 416-8994



December 8, 2016

Ms. Alicia Cross  
400 E. Business Way  
Suite 400  
Cincinnati, Ohio 45241

TAILS# 03E15000-2017-TA-0342

Re: American Transmission Systems, Incorporated, Broadview 138kV Transmission Line  
Projects, Clark County, Ohio

Dear Ms. Cross,

We have received your December 1, 2016 letter requesting information about the proposed construction of a new overhead electric transmission line from the existing East Springfield-Tangy 138 kV line to the existing Broadview substation and from the Broadview substation to the existing Clark-Urbana 138kV line. The project is located in Moorefield Township, Clark County, Ohio.

There are no federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area. However, Prairie Road Fen and Buck Creek State Park are within the vicinity of the proposed line from the Broadview substation to the Clark Urbana 138kV line. The following comments and recommendations will assist you in fulfilling the requirements for consultation under section 7 of the Endangered Species Act of 1973, as amended (ESA).

The U.S. Fish and Wildlife Service (Service) recommends that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat (e.g., forests, streams, wetlands). Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. If streams or wetlands will be impacted, the Corps of Engineers should be contacted to determine whether a Clean Water Act section 404 permit is required. Best management practices should be used to minimize erosion, especially on slopes. All disturbed areas should be mulched and revegetated with native plant species. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

**FEDERALLY LISTED SPECIES COMMENTS:** All projects in the State of Ohio lie within the range of the federally endangered **Indiana bat** (*Myotis sodalis*) and the federally threatened **northern long-eared bat** (*Myotis septentrionalis*). In Ohio, presence of the Indiana bat and northern long-eared bat is assumed wherever suitable habitat occurs unless a presence/absence survey has been performed to document absence. Suitable summer habitat for Indiana bats and northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags  $\geq 3$  inches

diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat. In the winter, Indiana bats and northern long-eared bats hibernate in caves and abandoned mines.

Should the proposed site contain trees  $\geq 3$  inches dbh, we recommend that trees be saved wherever possible. If any caves or abandoned mines may be disturbed, further coordination with this office is requested to determine if fall or spring portal surveys are warranted. If no caves or abandoned mines are present and trees  $\geq 3$  inches dbh cannot be avoided, we recommend that removal of any trees  $\geq 3$  inches dbh only occur between October 1 and March 31. Seasonal clearing is being recommended to avoid adverse effects to Indiana bats and northern long-eared bats. While incidental take of northern long-eared bats from most tree clearing is exempted by a 4(d) rule (see <http://www.fws.gov/midwest/endangered/mammals/nleb/index.html>), incidental take of Indiana bats is still prohibited without a project-specific exemption. Thus, seasonal clearing is recommended where Indiana bats are assumed present.

If implementation of this seasonal tree cutting recommendation is not possible, summer surveys may be conducted to document the presence or probable absence of Indiana bats within the project area during the summer. If a summer survey documents probable absence of Indiana bats, the 4(d) rule for the northern long-eared bat could be applied. Surveys must be conducted by an approved surveyor and be designed and conducted in coordination with the Endangered Species Coordinator for this office. Surveyors must have a valid federal permit. Please note that summer surveys may only be conducted between June 1 and August 15.

If there is a federal nexus for the project (e.g., federal funding provided, federal permits required to construct), no tree clearing should occur on any portion of the project area until consultation under section 7 of the ESA, between the Service and the federal action agency, is completed.

The project lies within the range of the **eastern massasauga** (*Sistrurus catenatus*), a small, docile rattlesnake that is federally listed as threatened. Several factors have contributed to the decline of the species including habitat loss and fragmentation, indiscriminate killing, collection, gene pool contamination and incompatible land use practices.

Eastern massasaugas use both upland and wetland habitat and these habitats differ by season. During the winter, massasaugas hibernate in low wet areas, primarily in crayfish burrows, but may use other structures. Presence of a water table near the surface is important for a suitable hibernaculum. In the summer, massasaugas use drier, open areas that contain a mix of grasses and forbs such as goldenrods and other prairie plants that may be intermixed with trees or shrubs. Adjoining lowland and upland habitat with variable elevations between are critical for the species to travel back and forth seasonally. The proposed Broadview substation to East Springfield-Tangy 138kV line is within the vicinity of Prairie Road Fen where there are multiple records of this species. You have indicated that wetlands and adjacent grassy, upland habitat is

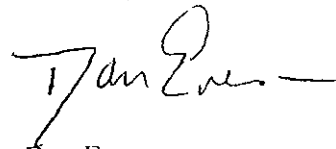
located within the project area. **Therefore, we request that a habitat evaluation be completed to determine if suitable habitat for the species exists within the vicinity of the proposed site.** Please note that habitat assessments should only be conducted by approved eastern massasauga surveyors due to variable habitat types and cryptic nature of the species. Any habitat assessments or surveys should be coordinated with this office.

Due to the project type, size, and location, we do not anticipate adverse effects to any other federally endangered, threatened, proposed, or candidate species. Should the project design change, or during the term of this action, additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of the action that were not previously considered, consultation with the Service should be initiated to assess any potential impacts.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the ESA, and are consistent with the intent of the National Environmental Policy Act of 1969 and the Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed section 7 consultation document. We recommend that the project be coordinated with the Ohio Department of Natural Resources due to the potential for the project to affect state listed species and/or state lands. Contact John Kessler, Environmental Services Administrator, at (614) 265-6621 or at [john.kessler@dnr.state.oh.us](mailto:john.kessler@dnr.state.oh.us).

If you have any questions regarding our response or if you need additional information, please contact Jenny Finfera at extension 13.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Everson", with a horizontal line extending to the right.

Dan Everson  
Field Supervisor

Enclosure: Qualified Eastern Massasauga Surveyors for Ohio

cc: ODNR DOW Nathan Reardon, DOW  
ODNR DOW Kate Parsons, DOW



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Ecological Services  
4625 Morse Road, Suite 104  
Columbus, Ohio 43230  
(614) 416-8993 / FAX (614) 416-8994

April 2016

#### \*Qualified Eastern Massasauga Surveyors for Ohio

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<p>Kristin Stanford OSU Stone Laboratory P.O. Box 119 Put-in-Bay, OH 43456 (419) 285-1847 <a href="mailto:theislandsnakelady@yahoo.com">theislandsnakelady@yahoo.com</a></p>	<p>Doug Wynn 241 Chase Street Apt. A1 Russells Point, OH 43348 (614) 306-0313 <a href="mailto:sistrurus@aol.com">sistrurus@aol.com</a></p>

\*Surveyors must have a valid permit issued by the Ohio Division of Wildlife in order to conduct surveys for the eastern massasauga in Ohio.