

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, <i>et al.</i> ,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

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**DIRECT TESTIMONY OF**

**SCOTT T. FLETCHER**

**ON BEHALF OF**

**DUKE ENERGY OHIO, INC.**

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October 26, 2018

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**I. INTRODUCTION AND PURPOSE.**

1   **Q.   PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2   A.   My name is Scott T. Fletcher, and my business address is 13339 Hagers Ferry  
3       Rd., Huntersville, North Carolina.

4   **Q.   BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

5   A.   I am employed by Duke Energy Business Services, LLC as Manager  
6       Environmental Sciences-Natural Resources. Duke Energy Business Services,  
7       LLC is an affiliate of Duke Energy Ohio, Inc. (Duke Energy Ohio or Company).

8   **Q.   PLEASE BRIEFLY SUMMARIZE YOUR EDUCATIONAL**  
9       **BACKGROUND AND PROFESSIONAL EXPERIENCE.**

10   A.   I received a Bachelor of Science degree in Wildlife Biology from the University  
11       of Maine, and a Masters in Environmental Management from Duke University.  
12       Earlier in my career, I was the Regulatory/Scientific Services Manager for the  
13       consulting firm HDR|DTA's Charlotte, North Carolina office where I served as a  
14       Department and Project Manager for several large licensing projects, numerous  
15       natural resource and environmental studies, and National Environmental Policy  
16       Act (NEPA) Environmental Assessment/Environmental Impact Statement EA/EIS  
17       studies. I have extensive experience in environmental/natural resource studies  
18       and impact assessments related to energy businesses including substantial  
19       experience with major licensing/permitting issues, linear rights of way  
20       management (i.e., transmission, distribution, and natural gas pipeline), renewable  
21       energy wildlife studies, and public involvement programs. I have conducted  
22       numerous natural resource surveys, including those on rare, threatened, and

1 endangered (RTE) plants, wildlife, and aquatic resources; avian windpower  
2 studies; wetland evaluations; habitat and vegetation assessments; and NEPA-  
3 related assessments within the Southeast, Northeast, Midwest and Western United  
4 States. Additionally, I am a Certified Wildlife Biologist (The Wildlife Society)  
5 and a past Professional Wetland Scientist.

6 **Q. PLEASE SUMMARIZE YOUR RESPONSIBILITIES.**

7 A. As Manager/Principal Environmental Specialist, my responsibilities include  
8 planning, coordinating, and conducting biological surveys and environmental  
9 assessments at Duke Energy facilities including renewable facilities. I also have  
10 responsibilities that include biological resource field studies, and advisory  
11 support. I lead the corporate Avian Protection Plan, endangered species and  
12 wetland program, coordination and consultation with the Duke Energy  
13 departments, and federal/state agencies, and I participate in agency/stakeholder  
14 meetings. I am also responsible for the preparation and coordination of outside  
15 contractor contracts and field studies. This work includes preparation of work  
16 scopes, contract negotiation, and field coordination. Currently, I manage eight  
17 staff scientists and technicians within the Natural Resources group (i.e., within the  
18 Corporate Environmental Services department). The Natural Resources group  
19 supports the Transmission Vegetation Management Department regarding  
20 environmental compliance, assessment, and conservation stewardship.

21 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE PUBLIC**  
22 **UTILITIES COMMISSION OF OHIO?**

23 A. No.

1   **Q.   WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THESE**  
2       **PROCEEDINGS?**

3   A.   The purpose of my testimony is to discuss Duke Energy's environmental  
4       compliance and stewardship as it relates to Rights of Way vegetation management.  
5       Among other things, I will discuss the Company's concern for management of soil  
6       erosion, spill prevention, wildlife compliance and protection, and the appropriate use  
7       of herbicides.

**II.   DUKE ENERGY ENVIRONMENTAL STEWARDSHIP.**

8   **Q.   PLEASE   DISCUSS   DUKE   ENERGY'S   ENVIRONMENTAL**  
9       **COMPLIANCE, CONSERVATION AND STEWARDSHIP AS IT RELATES**  
10      **TO TRANSMISSION RIGHTS OF WAY MANAGEMENT.**

11   A.   Duke Energy takes great care to ensure that rights of way maintenance activities do  
12       not adversely impact the environment. Because of concern for the environment,  
13       there are a number of things that the Company requires of its employees and  
14       contractors in order to protect the environment and to enhance natural conditions  
15       consistent with best practices.

16   **Q.   PLEASE DISCUSS THE VARIOUS WAYS IN WHICH THE COMPANY**  
17       **WORKS WITHIN RIGHTS OF WAY CORRIDORS TO PROTECT THE**  
18       **ENVIRONMENT AND ENHANCE NATURAL CONDITIONS.**

19   A.   First, it is important to explain what is meant by environmental compliance in the  
20       context of rights of way maintenance. Fundamentally and at a minimum, in the  
21       rights of way context, this means that employees and contractors will do the  
22       following:

- 1           ○ Know, understand and comply with environmental rules and regulations.
- 2           ○ Not take shortcuts that could damage the environment or violate procedures.
- 3           ○ Support sustainability.
- 4           ○ Report any and all incidents or near misses.
- 5           ○ Implement job site best practices and lessons learned to improve
- 6               environmental performance and minimize and mitigate risk.
- 7           ○ Actively participate in job briefings and environmental requirement reviews.

8   **Q.   WHAT ARE SOME OF THE WAYS IN WHICH THE COMPANY**  
9       **ADHERES TO THESE GUIDELINES?**

10   A.   As an example of only a few of these activities, the Company is careful to avoid  
11       creating ruts that disturb or destroy the root mat and not to drive heavy equipment  
12       through streams and waterbodies. Construction and maintenance activities adjacent  
13       to lakes, streams and waterbodies may be subject to compliance with riparian buffer  
14       rules. Locations subject to such rules include, for example, state-designated buffers,  
15       trout streams, conservation easements, and stream restoration projects. When  
16       necessary, the Company will clear woody and stem vegetation by hand.

17   **Q.   WHAT OTHER ENVIRONMENTAL CONCERNS ARE ADDRESSED**  
18       **DURING VEGETATION MANAGEMENT SERVICES?**

19   A.   Another example of how the Company adheres to environmental compliance and  
20       guidelines includes the avoidance of fuel and chemical spills. A pre-job brief  
21       identifying potential and known hazards and issues of the activity is conducted prior  
22       to the commencement of work. The discussion includes the associated risk of  
23       equipment spills, what could go wrong and lessons learned, barriers and methods

1 that are in place to eliminate or reduce the risk of spills, distance or flow paths to  
2 waterbodies, and the location and access to an appropriate spill kit.

3 Every effort is made to park and/or stage all equipment more than 125 feet  
4 away from waterbodies. Equipment refueling also takes place more than 125 feet  
5 from the waterbodies. All fuel and hydraulic equipment is inspected (for leaks) at  
6 the beginning of each shift, at the end of a shift, and when the work activity begins.  
7 Specific spill procedures and notifications (i.e., Environmental Field Support  
8 Professional) are also in place.

9 An additional example of how the Company adheres to environmental  
10 compliance and guidelines includes awareness of federally protected birds and  
11 endangered species. The Natural Resources group provides the Transmission  
12 Vegetation Management department (among others), with annual training and  
13 awareness regarding avian protection and endangered species regulations. Rare and  
14 listed endangered species locations, any specific work activity constraints, and best  
15 management practices are identified prior to the start of work and work is conducted  
16 accordingly (e.g., only conducted during certain periods of the year, specific  
17 Integrated Vegetation Management (IVM) techniques). The Natural Resources  
18 group has established a 24/7 hotline to provide guidance on avian and wildlife  
19 situations identified on-site and to support our federal avian protection permits and  
20 endangered species requirements.

1   **Q.   PLEASE DISCUSS OTHER WAYS IN WHICH THE COMPANY WORKS**  
2       **TO ENHANCE THE NATURAL ENVIRONMENT AND/OR VEGETATION**  
3       **ALONG RIGHTS OF WAY.**

4   A.   In addition to the number of items (mentioned above) that Duke Energy requires of  
5       its employees and contractors in order to protect the environment and to enhance  
6       natural conditions, the Company also partners with governmental agencies and non-  
7       governmental organizations to enhance our rights of ways and promote natural  
8       habitats such as songbird nesting habitat, endangered bat roosting habitat, rare plant  
9       areas, and pollinator beneficial habitat. These groups include state and federal  
10      natural resource agencies and conservation groups such as the National Wildlife  
11      Turkey Federation, and state chapters of the National Wildlife Federation, including  
12      the Indiana Wildlife Federation, South Carolina Wildlife Federation, and North  
13      Carolina Wildlife Federation. Duke Energy is also an active partner in the Monarch  
14      Butterfly Candidate Conservation Agreement with Assurances (CCAA) Working  
15      Group. The CCAA partnership created a public-private partnership between  
16      industry partners and US Fish and Wildlife Service to encourage voluntary  
17      conservation for monarchs along linear corridors such as Rights-of-way. Energy  
18      companies and transportation agencies, including Duke Energy, can adapt their land  
19      management practices to include planting native plants, use of Integrated Vegetation  
20      Management best practices, and other conservation measures to create and maintain  
21      the habitat that monarchs and other pollinators need-especially in the Midwest.

22   **Q.   WHAT IS INTEGRATED VEGETATION MANAGEMENT?**

23       Integrated Vegetation Management is defined as the practice of promoting desirable,



1 stable, low-growing plant communities that will resist invasion by tall growing tree  
2 species through the use of appropriate, environmentally-sound, and cost-effective  
3 control methods, thereby avoiding interference with the security and reliability of the  
4 electric grid.

5 **Q: HOW DOES IVM PROMOTE THE CONCEPT OF ENVIRONMENTAL**  
6 **STEWARDSHIP ALONG DUKE ENERGY OHIO'S TRANSMISSION**  
7 **LINES?**

8 A: By removing incompatible vegetation in wildland ROW situations, IVM enables  
9 low-growing, compatible vegetation to grow and thrive. The result is a more  
10 biodiverse ecosystem within the ROW, often including unique species of vegetation  
11 and wildlife that may not be found in more densely filled areas of trees and other  
12 incompatible vegetation. The ROW, therefore, becomes a sort of "green space"  
13 where wild flowers, plants, shrubs, insects, and smaller animals may live, thereby  
14 benefiting the environment and local communities.

15 **Q: DO YOU HAVE ANY DEMONSTRATIVE PICTURES OR VIDEOS**  
16 **SHOWING THE BENEFITS OF IVM ALONG TRANSMISSION ROW?**

17 A: Yes. Duke Energy is a Gold Sponsor of the Utility Arborist Association (UAA), a  
18 national organization whose members are committed to maintaining trees and other  
19 vegetation for the purpose of ensuring the safe and reliable distribution of electricity  
20 and other energy to businesses and individuals. UAA recently released an  
21 informative video that does an excellent job of depicting how IVM helps to promote  
22 environmental stewardship along transmission ROW:  
23 [https://www.youtube.com/watch?v=K\\_JgcPH5utI](https://www.youtube.com/watch?v=K_JgcPH5utI). Notably another regulated utility

1 in Ohio, FirstEnergy, is quoted in that video.

2 **Q. ARE THERE ANY OTHER ENVIRONMENTAL PRACTICES AND**  
3 **POLICIES RELATED TO RIGHTS OF WAY VEGETATION**  
4 **MANAGEMENT THAT YOU HAVE NOT DISCUSSED ABOVE?**

5 A. No

**III. CONCLUSION.**

6 **Q. DOES THIS CONCLUDE YOUR PRE-FILED DIRECT TESTIMONY?**

7 A. Yes.

**This foregoing document was electronically filed with the Public Utilities**

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Summary: Testimony Direct Testimony of Scott T. Fletcher on Behalf of Duke Energy Ohio, Inc. electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms.