

CASE No. 19-135-GA-BNR
PIR 567 – FRONT STREET
CITIES OF AKRON AND CUYAHOGA FALLS, SUMMIT COUNTY, OHIO
TWELVE (12)-INCH HIGH PRESSURE PIPELINE REPLACEMENT

ATTACHMENT G

U.S. FISH AND WILDLIFE SERVICE COORDINATION

Tara E Buzzelli (Services - 6)

From: Tara E Buzzelli (Services - 6)
Sent: Monday, June 12, 2017 4:02 PM
To: 'Ohio, FW3'
Subject: records review - PIR 567

Good afternoon,

The East Ohio Gas Company (EOG) is requesting Threatened and Endangered Species information on or near the following project:

PIR 567- Replace/install 2800 feet of natural gas pipeline (12-inch diameter) in Tallmadge and Portage Townships, Summit County. The pipe will be bored beneath the Cuyahoga River.

Center Coordinates are 41.118461, -81.492841. Thanks!

Tara Buzzelli

Dominion Energy Services
320 Springside Drive, Suite 320
Akron, Ohio 44333
office: 330-664-2579
cell: 330-604-8871

Tara E Buzzelli (Services - 6)

From: susan_zimmermann@fws.gov on behalf of Ohio, FW3 <ohio@fws.gov>
Sent: Wednesday, July 12, 2017 9:27 AM
To: Tara E Buzzelli (Services - 6)
Subject: [External] EOG - PIR 567 - Replacement of 2800 Ft. of Pipeline in Summit Co.



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



Dear Ms. Buzzelli,

We have received your recent correspondence requesting information about the subject proposal. There are no federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area. 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 ≥ 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 ≥ 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 ≥ 3 inches dbh cannot be avoided, we recommend that removal of any trees ≥ 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.

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The proposed project lies within the range of **northern monkshood** (*Aconitum noveboracense*), a federally listed threatened species. The plant is found on cool, moist, talus slopes or shaded cliff faces in wooded ravines. We recommend that the project location be examined to determine if suitable habitat for the monkshood is present. If suitable habitat is found, surveys may be necessary to determine if the plant is present. Surveys should be conducted in coordination with this office.

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. We recommend that the federal action agency submit a determination of effects to this office, relative to the Indiana bat and northern long-eared bat, for our review and concurrence.

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.

If you have questions, or if we can be of further assistance in this matter, please contact our office at (614) 416-8993 or ohio@fws.gov.

Sincerely,



Dan Everson

Field Supervisor

cc: Nathan Reardon, ODNR-DOW

Tara E Buzzelli (Services - 6)

From: Tara E Buzzelli (Services - 6)
Sent: Thursday, November 15, 2018 9:54 AM
To: 'Ohio, FW3'
Subject: RE: [External] EOG - PIR 567 - Replacement of 2800 Ft. of Pipeline in Summit Co.
Attachments: PIR 567 TOPO.pdf

Good morning,

I would like to follow up with this project records review as the project design has been revised and finalized. DEO is requesting Threatened and Endangered Species information, including the location of any bald eagle nests, on or near the project.

PIR 567 - This project involves installing approximately 2,315 feet of natural gas pipeline (twelve [12]-inch diameter) and abandoning (no associated replacement) of approximately 977 feet of existing eight [8]-inch diameter natural gas pipeline in Tallmadge and Portage Townships, Summit County. The pipe will be bored beneath the Cuyahoga River and work will be conducted along road ROW.

Coordinates for the project are:

Northern end: 41.12118481, -81.49213153

Southern end: 41.11501836, -81.49478733

A topographic map is also attached.

Please let me know if you need any further information.

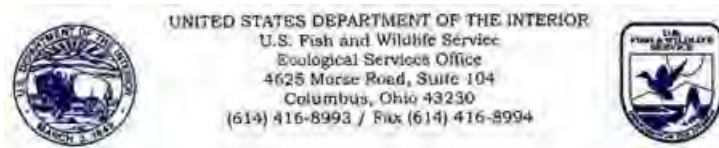
Thank you,

Tara Buzzelli

Tara Buzzelli

Dominion Energy Environmental Services
 320 Springside Drive, Suite 320
 Akron, Ohio 44333
 office: 330-664-2579
 cell: 330-604-8871

From: susan_zimmermann@fws.gov [mailto:susan_zimmermann@fws.gov] **On Behalf Of** Ohio, FW3
Sent: Wednesday, July 12, 2017 9:27 AM
To: Tara E Buzzelli (Services - 6)
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Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Everson".

Dan Everson

Field Supervisor

cc: Nathan Reardon, ODNR-DOW

Kate Parsons, ODNR-DOW

Tara E Buzzelli (Services - 6)

From: Finfera, Jennifer <jennifer_finfera@fws.gov>
Sent: Friday, November 16, 2018 10:40 AM
To: Tara E Buzzelli (Services - 6)
Subject: Fwd: [External] EOG - PIR 567 - Replacement of 2800 Ft. of Pipeline in Summit Co.
Attachments: PIR 567 TOPO.pdf

Tara,

There is a bald eagle nest located approximately 0.3 miles northeast of the northern end of the project. It is outside of the 660-foot buffer so no seasonal restrictions are required. That nest is over 0.7 miles from the southern end of the project.

No seasonal restrictions are required.

Thank you,
Jenny Finfera

Good morning,

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Dominion Energy Environmental Services

320 Springside Drive, Suite 320

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office: 330-664-2579

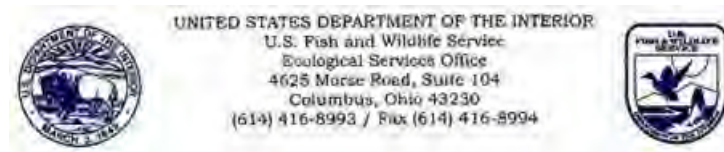
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Dan Everson

Field Supervisor

cc: Nathan Reardon, ODNR-DOW

Kate Parsons, ODNR-DOW

CONFIDENTIALITY NOTICE: This electronic message contains information which may be legally confidential and or privileged and does not in any case represent a firm ENERGY COMMODITY bid or offer relating thereto which binds the sender without an additional express written confirmation to that effect. The information is intended solely for the individual or entity named above and access by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited and may be unlawful. If you have received this electronic transmission in error, please reply immediately to the sender that you have received the message in error, and delete it. Thank you.

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Jenny Finfera
Wildlife Biologist
Ecological Services
4625 Morse Road, Suite 104
Columbus, Ohio 43230

Phone: 614-416-8993 ext.13

IPaC Information for Planning and Consultation **U.S. Fish & Wildlife Service**

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Summit County, Ohio



Local office

Ohio Ecological Services Field Office

☎ (614) 416-8993

📅 (614) 416-8994

4625 Morse Road, Suite 104

Columbus, OH 43230-8355

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

-
1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
 2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> This species only needs to be considered if the following condition applies: <ul style="list-style-type: none">• Incidental take of the northern long-eared bat is not prohibited at this location. Federal action agencies may conclude consultation using the streamlined process described at https://www.fws.gov/midwest/endangered/mammals/nleb/s7.html No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9045	Threatened

Flowering Plants

NAME	STATUS
Northern Wild Monkshood <i>Aconitum noveboracense</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1450	Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A
BREEDING SEASON IS
INDICATED FOR A BIRD ON
YOUR LIST, THE BIRD MAY
BREED IN YOUR PROJECT AREA
SOMETIME WITHIN THE
TIMEFRAME SPECIFIED, WHICH
IS A VERY LIBERAL ESTIMATE OF
THE DATES INSIDE WHICH THE
BIRD BREEDS ACROSS ITS
ENTIRE RANGE. "BREEDS
ELSEWHERE" INDICATES THAT
THE BIRD DOES NOT LIKELY
BREED IN YOUR PROJECT AREA.)

Bald Eagle *Haliaeetus leucocephalus*

Breeds Dec 1 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Black-billed Cuckoo *Coccyzus erythrophthalmus*

Breeds May 15 to Oct 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9399>

Bobolink *Dolichonyx oryzivorus*

Breeds May 20 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Canada Warbler *Cardellina canadensis*

Breeds May 20 to Aug 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Cerulean Warbler *Dendroica cerulea*

Breeds Apr 20 to Jul 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/2974>

Golden-winged Warbler *Vermivora chrysoptera*

Breeds May 1 to Jul 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8745>

Henslow's Sparrow *Ammodramus henslowii*

Breeds May 1 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3941>

Lesser Yellowlegs *Tringa flavipes*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9679>

Prairie Warbler *Dendroica discolor*

Breeds May 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Red-headed Woodpecker *Melanerpes erythrocephalus*

Breeds May 10 to Sep 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Wood Thrush *Hylocichla mustelina*

Breeds May 10 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your

project area.

Survey Effort (I)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

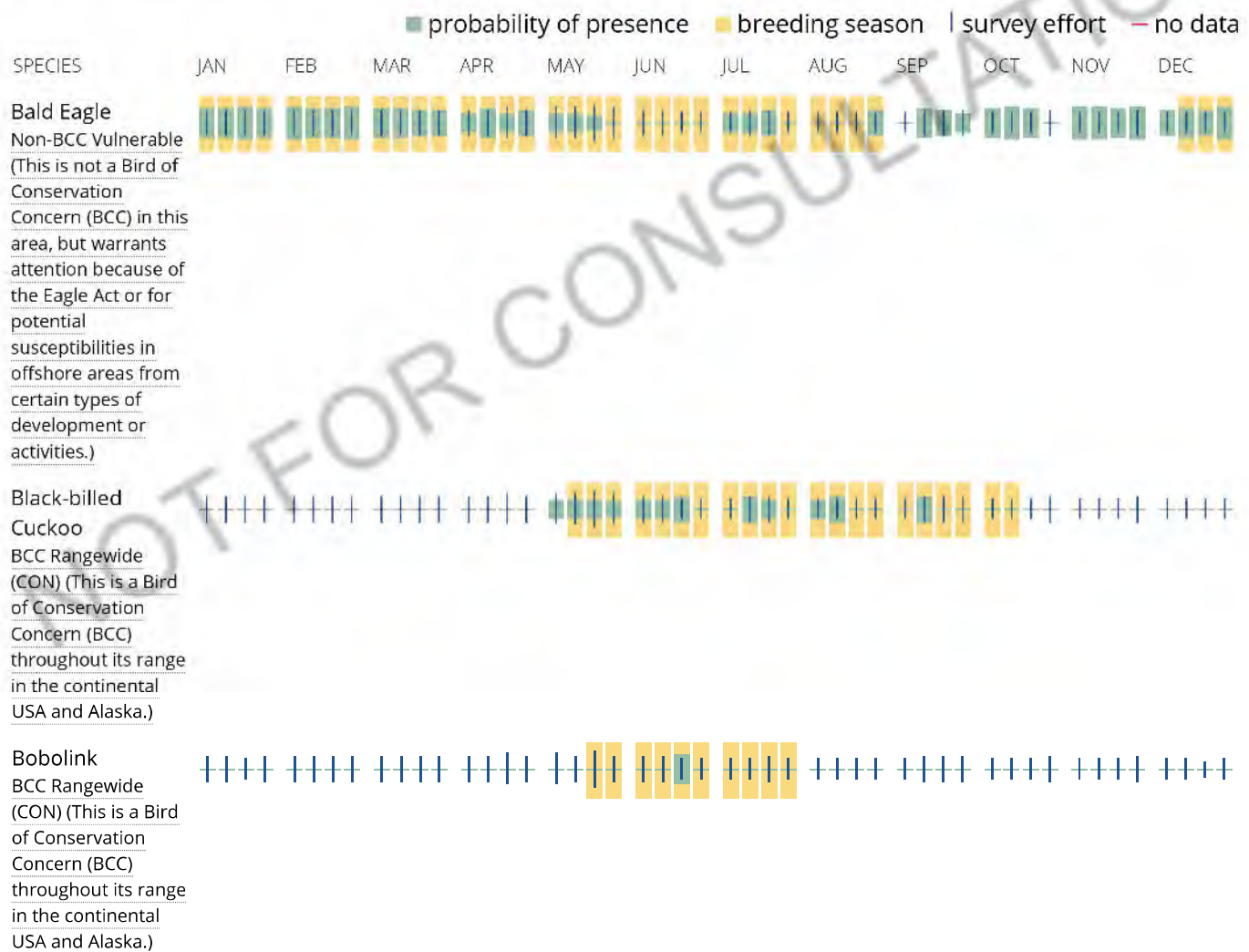
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Canada Warbler
BCC Rangewide
(CON) (This is a Bird
of Conservation
Concern (BCC)
throughout its range

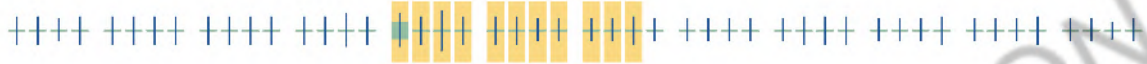
in the continental
USA and Alaska.)



Cerulean Warbler
BCC Rangewide
(CON) (This is a Bird
of Conservation
Concern (BCC)
throughout its range
in the continental
USA and Alaska.)



Golden-winged
Warbler
BCC Rangewide
(CON) (This is a Bird
of Conservation
Concern (BCC)
throughout its range
in the continental
USA and Alaska.)



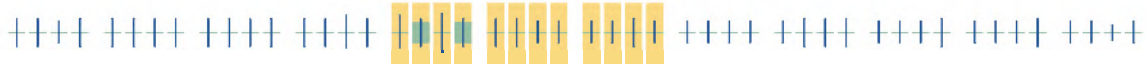
Henslow's
Sparrow
BCC Rangewide
(CON) (This is a Bird
of Conservation
Concern (BCC)
throughout its range
in the continental
USA and Alaska.)



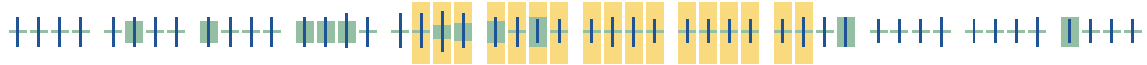
Lesser Yellowlegs
BCC Rangewide
(CON) (This is a Bird
of Conservation
Concern (BCC)
throughout its range
in the continental
USA and Alaska.)



Prairie Warbler
BCC Rangewide
(CON) (This is a Bird
of Conservation
Concern (BCC)
throughout its range
in the continental
USA and Alaska.)



Red-headed
Woodpecker
BCC Rangewide
(CON) (This is a Bird
of Conservation
Concern (BCC)
throughout its range
in the continental
USA and Alaska.)



Wood Thrush
BCC Rangewide
(CON) (This is a Bird
of Conservation
Concern (BCC)
throughout its range
in the continental
USA and Alaska.)



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [E-bird Explore Data Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it,

if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about

presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

WETLAND INFORMATION IS NOT AVAILABLE AT THIS TIME

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level

information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

CASE No. 19-135-GA-BNR
PIR 567 – FRONT STREET
CITIES OF AKRON AND CUYAHOGA FALLS, SUMMIT COUNTY, OHIO
TWELVE (12)-INCH HIGH PRESSURE PIPELINE REPLACEMENT

ATTACHMENT H

OHIO DEPARTMENT OF NATURAL RESOURCES CONSULTATION

Dominion Energy Services, Inc.
320 Springside Drive, Suite 320
Akron, Ohio 44333
DominionEnergy.com

November 1, 2018



BY EMAIL

John Kessler, P.E.
Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Road, Building E-2
Columbus, Ohio 43229-6693

**RE: The East Ohio Gas Company, Pipeline Infrastructure Replacement Program
Ohio Listed Species Consultation
PIR 567 – Cuyahoga River**

Dear Mr. Kessler:

The East Ohio Gas Company, d/b/a Dominion Energy Ohio (DEO), requests the review of the following information regarding the Pipeline Infrastructure Replacement (PIR) project, PIR 567 – Cuyahoga River. To assist with your review of the project, site maps and photographs are enclosed.

Project Purpose, Description, and Location

DEO is proposing to install approximately 2,315 feet of twelve (12)-inch natural gas pipeline and abandon 977 feet of existing eight (8)-inch diameter natural gas pipeline under the PIR program. The purpose of the program is to replace existing bare steel pipe to ensure safety and reliability of pipeline operations.

The PIR 567 – Cuyahoga River project is located in the City of Akron and the City of Cuyahoga Falls, Summit County within the existing road right-of-way (ROW) of Front Street and Howe Avenue and an existing off-road utility easement southeast of the intersection of Front Street with Hillcrest Drive. The latitude and longitude coordinates for the center point of the project area are 41.118428°, -81.492568°. The project area is indicated on an excerpt of the Akron East, Ohio USGS 7.5-minute topographic map and a project area map, located in Attachment A. Representative photographs of the site are included in Attachment B.

Site Description

An ecological survey of the project area was conducted in June 2016 and May 2017. The site map (Attachment A; Figure 1) from the survey, a topographic map (Attachment A; Figure 2) of the project area, and photographs are attached.

The project area is composed primarily of urban park, commercial, and residential property. Vegetative communities within the project area include maintained lawn and forest. No wetlands are located within the project area.

One (1) perennial stream (the Cuyahoga River) crosses the project area in two (2) locations and is shown on Figures 1.01 and 1.02 (Attachment A). The Cuyahoga River crossing at Front Street will be horizontal directional drilled. The existing pipeline crossing the Cuyahoga River southeast of the intersection of Front Street and Hillcrest will be abandoned. Thus, no impacts to the river will occur. A representative photograph of the Cuyahoga River is included in Attachment B.

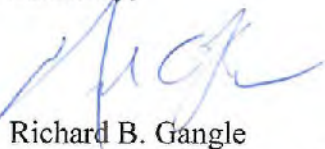
The project area was reviewed for trees which could provide habitat for the federally endangered Indiana bat (*Myotis sodalis*) and/or the federally threatened northern long-eared bat (*Myotis septentrionalis*). No trees were identified with characteristics which may potentially provide some level of roosting habitat for the Indiana and/or the northern long-eared bat. Clearing of other trees in the project area may be necessary to complete project activities.

Request for Finding

Considering the information above, DEO is requesting a finding from ODNR regarding any adverse effect to any state-listed species and natural areas with ecological and/or geological significance. A timely response is respectfully requested to ensure compliance relative to state-listed endangered species prior to initiating activities.

An email response would be greatly appreciated. Please send the email to Tara Buzzelli at tara.e.buzzelli@dominionenergy.com. If you have any questions or need additional information, please contact Tara Buzzelli at (330) 664-2579.

Sincerely,



Richard B. Gangle
Director, Environmental Services

Enclosures

cc: Tara Buzzelli

Attachment A

(Maps)

Date: 9/20/2018 Path: P:\10_Projects\DDominion\EGG\70NR\PIR1_Projects\PIR_567_CuyahogaRive\GIS\Map1_Overview_ODNE.mxd

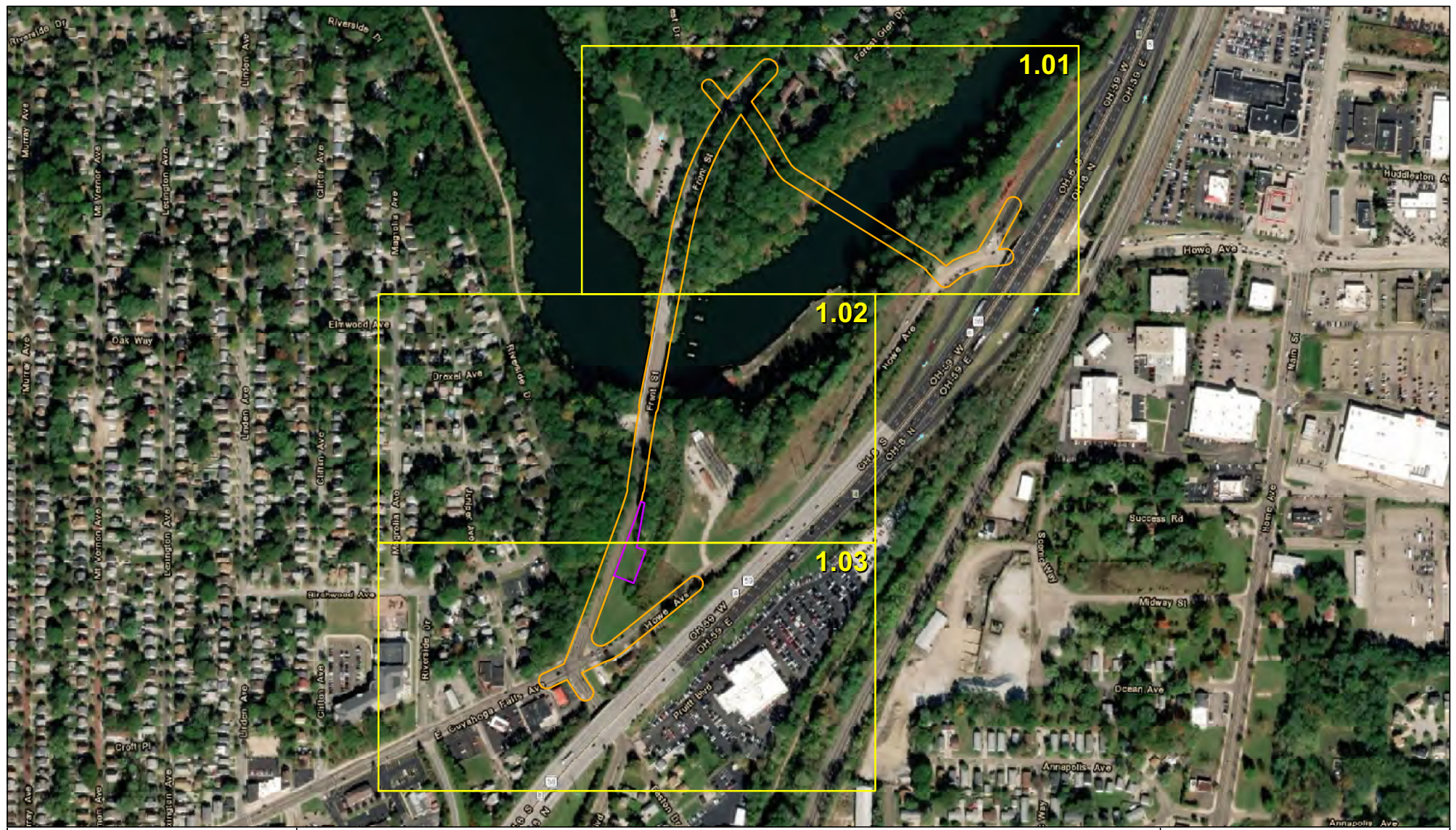


Figure 1. Site Map Overview of Wetlands and Other Water Resources. PIR 567 - Cuyahoga River.

- Project Area
- Proposed DEO Easement

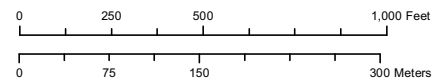




Figure 1.01. Site Map of Wetlands and Other Water Resources.
PIR 567 - Cuyahoga River.

- | | | |
|-------------------------------|----------------------------|---------------------------------|
| Inlet | Natural Gas Pipeline Stake | Proposed DEO Easement |
| Outfall | Open Water | Project Area |
| Directional Drill Entry Point | Open Water (Offsite) | Project Area Buffer (Add'l 20') |
| Directional Drill Exit Point | Wetland (Offsite) | |

0 100 200 400 Feet

0 25 50 100 Meters



1.01

ES EnviroScience
Excellence In Any Environment














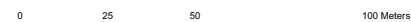
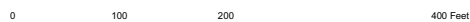
Figure 1.02. Site Map of Wetlands and Other Water Resources.
PIR 567 - Cuyahoga River.






1.02









-  Inlet
  Natural Gas Pipeline Stake
  Proposed DEO Easement
-  Outfall
  Open Water
  Project Area
-  Directional Drill Entry Point
  Open Water (Offsite)
  Project Area Buffer (Add'l 20')
-  Directional Drill Exit Point
  Wetland (Offsite)







 Inlet
  Natural Gas Pipeline Stake
  Proposed DEO Easement

 Outfall
  Open Water
  Project Area

 Directional Drill Entry Point
  Open Water (Offsite)
  Project Area Buffer (Add'l 20')

 Directional Drill Exit Point
  Wetland (Offsite)



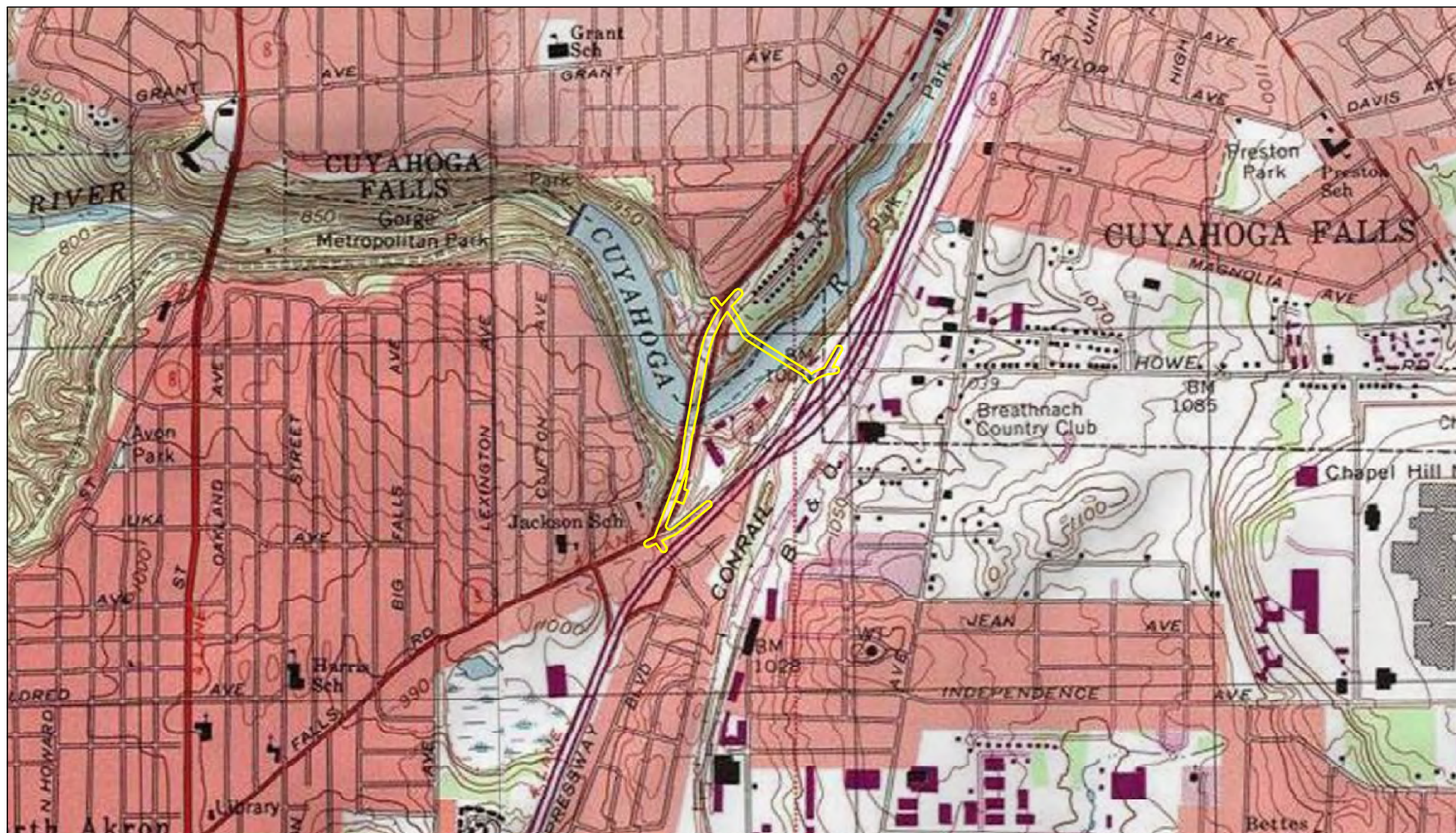
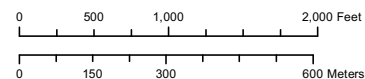


Figure 2. USGS 7.5-minute
Topographic Map of Akron East Quadrangle.
PIR 567 - Cuyahoga River.

 Project Area



Attachment B
(Photographs)

PIR 567 – Cuyahoga River
Photographed July 12, 2016 and May 8, 2017



Photo 1. Typical road right-of-way (ROW) within the project area.



Photo 2. Typical off-road existing easement within the project area.

PIR 567 – Cuyahoga River
Photographed July 12, 2016 and May 8, 2017



Photo 3. Typical maintained lawn within the project area



Photo 4. Typical forest community within the project area.

PIR 567 – Cuyahoga River
Photographed July 12, 2016 and May 8, 2017



Photo 5. Cuyahoga River facing east, upstream.



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
Fax: (614) 267-4764

December 17, 2018

Tara Buzzelli
Dominion Resources Services, Inc.
320 Springside Drive, Suite 320
Akron, Ohio 44333

Re: 18-1187; EOG, Ohio Listed Species Consultation, PIR 567 - Cuyahoga River

Project: The proposed project involves the installation of approximately 2,315 feet of twelve [12]-inch natural gas pipeline and abandon 977 feet of eight [8]-inch diameter natural gas pipeline under the PIR program.

Location: The proposed project is located in the City of Cuyahoga Falls, Summit 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:

Northern monkshood (*Aconitum noveboracense*), E, FT
Mountain-fringe (*Adlumia fungosa*), T
Northern wood-reed (*Cinna latifolia*), E
Crinkled hair grass (*Deschampsia flexuosa*), P
Round-fruited pinweed (*Lechea intermedia*), P
Long beech fern (*Phegopteris connectilis*), P
Canada yew (*Taxus canadensis*), P
Cave or cavern
Cascade Valley Metro Park – Summit Co. Parks
Gorge Metro Park – Summit Co. Parks

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 laciniosa*), 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 May 15 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.

The project is within the range of the Iowa darter (*Etheostoma exile*), a state endangered fish, the pugnose minnow (*Opsopoeodus emiliae*), a state endangered fish, the western banded killifish (*Fundulus diaphanus menona*), a state endangered fish, and the lake chubsucker (*Erimyzon sucetta*), a state threatened fish. The DOW understands that the Cuyahoga River will not be impacted due to the use of horizontal directional drilling, therefore, this project is not likely to impact these or other aquatic species.

The project is within the range of the spotted turtle (*Clemmys guttata*), a state threatened species. This species prefers fens, bogs and marshes, but also is known to inhabit wet prairies, meadows, pond edges, wet woods, and the shallow sluggish waters of small streams and ditches. Due to the location, and the habitat at the project site and within the vicinity of the project area, this project is not likely to impact this species.

The project is within the range of the smooth greensnake (*Opheodrys vernalis*), a state endangered species. This species is primarily a prairie inhabitant, but also found in marshy

meadows and roadside ditches. Due to the location, and the habitat at the project site and within the vicinity of the project area, this project is not likely to impact this species.

The project is within the range of the American bittern (*Botaurus lentiginosus*), a state endangered bird. Nesting bitterns prefer large undisturbed wetlands that have scattered small pools amongst dense vegetation. They occasionally occupy bogs, large wet meadows, and dense shrubby swamps. 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/portals/soilwater/pdf/floodplain/Floodplain%20Manager%20Community%20Contact%20List_8_16.pdf

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

CASE No. 19-135-GA-BNR
PIR 567 – FRONT STREET
CITIES OF AKRON AND CUYAHOGA FALLS, SUMMIT COUNTY, OHIO
TWELVE (12)-INCH HIGH PRESSURE PIPELINE REPLACEMENT

ATTACHMENT I

TRANSMITTAL LETTER TO PUBLIC OFFICIALS



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Devin D. Parram
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February 28, 2019

Via UPS Ground

«Address»

**Re: The East Ohio Gas Company d/b/a Dominion Energy Ohio
Construction Notice for PIR 567 Pipeline Replacement Project
Cities of Akron and Cuyahoga Falls, Summit County, Ohio
OPSB Case No. 19-135-GA-BNR**

Dear «Salutation»,

The East Ohio Gas Company d/b/a Dominion Energy Ohio (“DEO”) is planning to replace approximately 625 feet of existing 8-inch pipeline with 2,330 feet of 12-inch pipeline located in DEO easements. The new pipeline will be installed within the existing right-of-way and new DEO easement, and originates at the intersection of Howe Road and Front Street. The project area extends northeast along Front Street and terminates at the intersection of Front Street and Hillcrest Drive. The new pipeline crosses the Cuyahoga River along Front Street and will be crossed utilizing horizontal directional drill technology.

In accordance with the provisions of Ohio Revised Code Section 4906.03(F)(3), this project falls within the OPSB accelerated review or within its requirements for a Construction Notice and DEO is requesting expedited treatment in accordance in compliance with Ohio Administrative Code (“OAC”) 4906-6-04 of the OPSB’s rules. Enclosed please find a thumb drive containing a copy of the Construction Notice application that has been filed today with the Board for its review and approval in compliance with OAC 4906-6-07(A)(1). You may request a paper copy of the Construction Notice by contacting Teresa Orahood at (614) 227-4821 or torahood@bricker.com.

If you have any questions concerning this pipeline replacement project, please contact Dominion Energy Ohio’s Land Services Department at 1-855-226-6022.

Sincerely,

Devin D. Parram

Enclosure: Thumb Drive Containing Copy of Construction Notice

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/28/2019 11:18:25 AM

in

Case No(s). 19-0135-GA-BNR

Summary: Text The East Ohio Gas Company d/b/a Dominion Energy Ohio Construction Notice for PIR 567 Pipeline Replacement Project - Part 3 of 3 electronically filed by Teresa Orahod on behalf of Devin D. Parram