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March 24, 2021

Ms. Tanowa Troupe
Public Utilities Commission of Ohio
PUCO Docketing Division
180 East Broad Street, 11th Floor
Columbus, Ohio 43215

Re: In the Matter of the Duke Energy Ohio, Inc. – Line AA00 – Bandanna Drive Natural Gas
Pipeline Installation Project
OPSB Case No. 21-228-GA-BNR

Dear Ms. Troupe:

Please find attached an updated letter from the United States Fish and Wildlife Service. The response included in the application was in error; there are no records of Indiana bat/Northern long-eared bat in the vicinity of the project.

Should you have any questions please feel free to contact me.

Sincerely,

/s/ Emily A. Olive, CP

Emily A. Olive
Certified Paralegal

From: [Seymour, Megan](#)
To: [Fikri, Mary Motte](#)
Cc: [Ohio, FW3](#)
Subject: Duke Energy AA00 Bandanna Drive Project, Delhi, Hamilton Co. OH
Date: Tuesday, March 23, 2021 3:10:40 PM
Attachments: [Outlook-0ocyucib.png](#)
[Outlook-3yqs24qr.png](#)

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TAILS# 03E15000-2021-TA-0249

Mary,

Thank you for contacting our office. I wanted to correct our earlier response--this site is NOT within any documented records of Indiana bat or northern long-eared bat. You indicated that a few individual trees may need to be trimmed or cut after April 1, 2021, due to the timing of other project permits. The photos of the trees that may need to be cut were included with your original correspondence. These are primarily maples located in an urban neighborhood. None of these trees exhibit peeling bark. One tree has a cavity at ground level. These trees do not appear to have characteristics that are suitable for bat roosting habitat. Thus, it is unlikely that Indiana bats or northern long-eared bats would be using these individual yard trees for roosting. Thus, removal of these trees at any time of year is unlikely to result in adverse effects to bats.

Please let me know if you have any additional questions.

Sincerely,
Megan

Megan Seymour
Wildlife Biologist
U.S. Fish and Wildlife Service
Ohio Ecological Services Field Office
4625 Morse Rd., Suite 104
Columbus, OH 43230
614-416-8993 ext. 116 (office)
614-542-7502 (cell)

From: Ohio, FW3 <ohio@fws.gov>

Sent: Monday, March 22, 2021 3:22 PM
To: Seymour, Megan <megan_seymour@fws.gov>
Subject: Can you call about this project. Mary left her number, Thanks

Additional Review for Duke Energy AA00 Bandanna Drive Project, Delhi, Hamilton Co. OH

From: Fikri, Mary Motte <marymotte.fikri@woodplc.com>
Sent: Monday, March 22, 2021 1:36 PM
To: Ohio, FW3 <ohio@fws.gov>
Subject: [EXTERNAL] RE: Additional Review for Duke Energy AA00 Bandanna Drive Project, Delhi, Hamilton Co. OH

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Hi,
Is there someone that I can speak with about this project? I left a message with the general number, but I haven't heard back from anyone. My number is: 615.424.6279.
Thank you!
Mary Motte Fikri

From: Ohio, FW3 <ohio@fws.gov>
Sent: Tuesday, March 16, 2021 7:16 AM
To: Fikri, Mary Motte <marymotte.fikri@woodplc.com>
Cc: nathan.reardon@dnr.state.oh.us; Parsons, Kate <kate.parsons@dnr.state.oh.us>
Subject: Additional Review for Duke Energy AA00 Bandanna Drive Project, Delhi, Hamilton Co. OH

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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



TAILS# 03E15000-2021-TA-0249

Dear Ms. Motte,

The U.S. Fish and Wildlife Service (Service) has received your recent correspondence requesting information about the subject proposal. We offer the following comments and recommendations to assist you in minimizing and avoiding adverse impacts to threatened and endangered species pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq),

as amended (ESA).

Federally Threatened and Endangered Species: The endangered Indiana bat (*Myotis sodalis*) and threatened northern long-eared bat (*Myotis septentrionalis*) occur throughout the State of Ohio. The Indiana bat and northern long-eared bat may be found 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 breed that may also include adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, woodlots, fallow fields, and pastures. Roost trees for both species include live and standing dead trees ≥ 3 inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities. These roost trees may be located in forested habitats as well as linear features such as fencerows, riparian forests, and other wooded corridors. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet 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, rock crevices and abandoned mines.

Seasonal Tree Clearing for Federally Listed Bat Species: The proposed project is in the vicinity of one or more confirmed records of Indiana bats. Should the proposed project site contain trees ≥ 3 inches dbh, we recommend avoiding tree removal 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 removal of any trees ≥ 3 inches dbh only occur between October 1 and March 31. Seasonal clearing is 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 known or assumed present. Please note that, because Indiana bat presence has already been confirmed in the project vicinity, any additional summer surveys would not constitute presence/absence surveys for this species.

Section 7 Coordination: If there is a federal nexus for the project (e.g., federal funding provided, federal permits required to construct), then 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 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. This letter provides technical assistance only and does not serve as a completed section 7 consultation document.

Stream and Wetland Avoidance: Over 90% of the wetlands in Ohio have been drained, filled, or modified by human activities, thus it is important to conserve the functions and values of the remaining wetlands in Ohio (https://epa.ohio.gov/portals/47/facts/ohio_wetlands.pdf). We recommend avoiding and minimizing project impacts to all wetland habitats (e.g., forests, streams, vernal pools) to the maximum extent possible in order to benefit water quality and fish and wildlife habitat. Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. If streams or wetlands will be impacted, the U.S.

Army 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. Disturbed areas should be mulched and revegetated with native plant species. In addition, prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

Due to the project type, size, and location, we do not anticipate adverse effects to any other federally endangered, threatened, or proposed species, or proposed or designated critical habitat. Should the project design change, or 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, coordination with the Service should be initiated to assess any potential impacts.

Thank you for your efforts to conserve listed species and sensitive habitats in Ohio. We recommend coordinating with the Ohio Department of Natural Resources due to the potential for the proposed project to affect state listed species and/or state lands. Contact Mike Pettegrew, Acting Environmental Services Administrator, at (614) 265-6387 or at mike.pettegrew@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,



Patrice Ashfield
Field Office Supervisor

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

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in

Case No(s). 21-0228-GA-BNR

Summary: Correspondence Updated United States Fish and Wildlife Service Letter electronically filed by Carys Cochern on behalf of Duke Energy Ohio, Inc.