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August 23, 2021

Ms. Tanowa M. Troupe, Secretary
Public Utilities Commission of Ohio
180 E. Broad Street, 11th Floor
Columbus, OH 43215

Re: OPSB Case No. 21-0867-GA-BNR
Harrison Power LLC

Dear Ms. Troupe:

Accompanying this letter is the construction notice application by Harrison Power LLC ("Harrison Power") for its Harrison Pipeline ("the Project"), which will serve the proposed Harrison Power Plant in the Village of Cadiz Industrial Park, Harrison County, Ohio.

In accordance with Ohio Adm.Code 4906-2-04, I would like to make the following declarations:

Name of the applicant:

Harrison Power LLC
800 Town & Country Blvd., #500
Houston, TX 77024

Name and location of the proposed facility:

Harrison Pipeline
Village of Cadiz
Harrison County, Ohio

Name of the authorized representatives:

Michael J. Settineri
Anna Sanyal



Legal Counsel

Ms. Tanowa Troupe, Secretary

August 23, 2021

Page 2

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mjsettineri@vorys.com

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Notarized Statement:

See attached Affidavit of Raj Suri

Authorized Officer of Harrison Power LLC

Very truly yours,

/s/ Michael J. Settineri

Michael J. Settineri

Attorney for Harrison Power LLC

Enclosure

**BEFORE
THE OHIO POWER SITING BOARD**

**In the Matter of the Expedited
Construction Notice Application of
Harrison Power LLC for the Harrison
Pipeline Project**

Case No. 21-0867-GA-BNR

OFFICER'S AFFIDAVIT

STATE OF TEXAS
COUNTY OF FORT BEND

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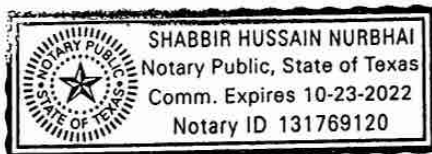
Now comes Raj Suri, the Authorized Officer of Harrison Power LLC, having been first duly sworn, declares, and states as follows:

1. I am the Authorized Officer of Harrison Power LLC which is developing the Harrison Pipeline in the Village of Cadiz, Harrison County, Ohio.
2. I have reviewed the construction notice application of Harrison Power LLC.
3. To the best of my knowledge, information, and belief, the information and statements contained in the construction notice application are true and correct.
4. To the best of my knowledge, information, and belief, the construction notice application is complete.

Signature: _____

Raj Suri
Authorized Officer
Harrison Power LLC

Sworn to before me and signed in my presence this 28th day of August, 2021.



Notary Public
My Commission Expires 10/23/2022

CONSTRUCTION NOTICE

Harrison Pipeline Refinement

Ohio Power Siting Board Case No. 21-0867-GA-BNR

August 2021

Prepared for:

Harrison Power LLC

43034 Industrial Park Rd

Cadiz, OH 43907

Attn: Nicole Makela

Phone: 617-717-4402

Email: nmakela@advancedpowerna.com

Prepared by:

Haley & Aldrich, Inc.

**Construction Notice
Harrison Pipeline Refinement**

TABLE OF CONTENTS

4906-6-05 (B) GENERAL INFORMATION.....	1
<i>4906-6-05(B)(1) Project Name and Reference Number</i>	<i>1</i>
<i>4906-6-05(B)(1) Description of the Project.....</i>	<i>1</i>
<i>4906-6-05(B)(1) Reason the Project Meets Construction Notice Requirements</i>	<i>3</i>
<i>4906-6-05(B)(2) Need for the Project.....</i>	<i>3</i>
<i>4906-6-05(B)(3) Project Location Relative to Existing and Proposed Lines</i>	<i>3</i>
<i>4906-6-05(B)(4) Alternatives Considered.....</i>	<i>4</i>
<i>4906-6-05(B)(5) Public Information Program</i>	<i>4</i>
<i>4906-6-05(B)(6) Anticipated Construction Schedule and In-Service Date.....</i>	<i>4</i>
<i>4906-6-05(B)(7) Maps Depicting Project Location.....</i>	<i>5</i>
<i>4906-6-05(B)(8) Proposed Easements, Options, and Land Use Agreements</i>	<i>5</i>
<i>4906-6-05(B)(9) Technical Features of the Project.....</i>	<i>5</i>
<i>4906-6-05(B)(10) Social and Ecological Impacts</i>	<i>7</i>

LIST OF TABLES

Table 1. Local, State, and Federal Agencies with Requirements to be Met by the Project.....	9
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LIST OF FIGURES

Figure 1 – Project Location (Topographic Map)

Figure 2 – Project Location (Aerial Map)

Figure 3 – Ecological Resources

- Overview
- Sheet 1 of 1

LIST OF ATTACHMENTS

Attachment A – SHPO Correspondence

Attachment B – USFWS Correspondence

Attachment C – ODNR Correspondence

Attachment D – Wetland and Stream Delineation Reports

ACRONYMS AND ABBREVIATIONS

Acronym/Abbreviation	Definition
the Applicant	Harrison Power LLC
CN	Construction Notice
the Generating Facility	Harrison Power Plant
kV	kilovolt
MAOP	maximum allowable operating pressure
OAC	Ohio Administrative Code
ODNR	Ohio Department of Natural Resources
OPSB	Ohio Power Siting Board
Pipeline Work Area	work areas, including permanent right-of-way, associated with the Project
the Project	Harrison Pipeline Refinement
psi	pounds per square inch
Rover	Rover Interstate Pipeline
SHPO	State Historic Preservation Office
USFWS	United States Fish and Wildlife Service

4906-6-05 (B) GENERAL INFORMATION

In accordance with Ohio Administrative Code (OAC) Section 4906-6-05, Accelerated Application Requirements, Harrison Power LLC (the Applicant) submits the following information to the Ohio Power Siting Board (OPSB):

4906-6-05(B)(1) Project Name and Reference Number

The Applicant is Harrison Power LLC. The name of the project is the Harrison Pipeline Refinement (the Project), assigned Case No. 21-0867-GA-BNR.

4906-6-05(B)(1) Description of the Project

The Applicant is proposing to construct, own, and operate a natural gas feed line to serve the proposed Harrison Power Plant (the Generating Facility) that is planned in the Village of Cadiz Industrial Park, Harrison County, Ohio. The Generating Facility was approved by the OPSB in Case No. 17-1189-EL-BGN.¹ The original and a revised natural gas pipeline configuration were automatically approved by the OPSB, based on filings by Harrison Pipeline Company pursuant to OAC 4906-6-10, in Case No. 18-0073-GA-BLN on April 20, 2018, and in Case No. 19-0852-GA-BLN on May 20, 2019. Harrison Power LLC is the Applicant for this filing because a decision has been made that Harrison Power LLC will own and operate the service pipeline to the Generation Facility.

This Construction Notice (CN) is being submitted to the OPSB to request approval of the current Project, which reflects refinements associated with coordination with Rover Interstate Pipeline (Rover) regarding specific tie-in locations to existing infrastructure, constructability

¹ The Applicant filed a first amendment to the certificate issued in Case No. 17-1189-BGN on July 16, 2021 in Case No. 21-0793-EL-BGA.

review, engineering design, and efforts to minimize environmental impacts. The Project includes the rerouting of the Project's centerline to avoid potential safety issues associated with proximity to steep terrain and an adjacent existing 69-kilovolt (kV) overhead transmission line and adjustment of the maximum allowable operating pressure (MAOP) to match the pressure in the source gas pipeline. None of these proposed changes will result in any increased impacts.

The location of the Project is shown on a United States Geological Survey topographic map (Figure 1); the Project will be entirely located within the Village of Cadiz, Harrison County, Ohio. The Project will extend approximately 5,020 feet from the Generating Facility to the existing Rover infrastructure where a metering station will allow interconnection. The Project qualifies for review under a CN in accordance with OAC 4906-1-01 Appendix B(1)(a) because the pipeline will be less than one mile in length.

The Project will be a 16-inch diameter pipeline and will have an MAOP of 1,440 pounds per square inch (psi). The Project's normal operating pressure requirement for the Generating Facility will be 775 psi. Even with the Project's prior MAOP design of 1,000 psi, this would involve a step-down of pressure at the Generating Facility. By aligning the pressure of the Project to the pressure within the existing Rover infrastructure, several safety and equipment benefits will result. As noted, the Project will require step-down equipment and regulation at the Generating Facility no matter whether the MAOP is 1,440 or 1,000 psi. However, at 1,000 psi the pressure would also require additional regulation equipment at the Rover interconnect to reduce the gas pressure a second time as it is provided from Rover to the Project. Although technically feasible, a better engineering solution is to match the pressure in the Project to the rating of the feeding pipeline. This eliminates some equipment requirements by Rover for pressure reduction and allows

the Project to accommodate a direct feed from the Rover infrastructure with only a step-down element at the Generating Facility. The result is a more efficient engineering design for this relatively short pipeline, and the elimination of the need for pressure-reducing and regulating equipment maintenance at the feeder end of the Project. The Generating Facility remains the only facility to be served by the Project and no increase to the amount of natural gas supplied to the Generating Facility will result due to this MAOP adjustment.

4906-6-05(B)(1) Reason the Project Meets Construction Notice Requirements

As the Project is an approximately 5,020-foot natural gas pipeline, a CN is required under OAC Section 4906-1-01, Appendix B(1)(a), which states that pipelines or pipeline segments not greater than one mile require the filing of a CN.

4906-6-05(B)(2) Need for the Project

The Project will provide the sole source of fuel to the combustion turbines of the Generating Facility, a combined-cycle power facility to be owned by Harrison Power LLC; therefore, there is a need for the Project.

4906-6-05(B)(3) Project Location Relative to Existing and Proposed Lines

The location of the Project in relation to existing gas pipelines and electric transmission lines and substations is shown in Figure 2. As shown, a portion of the Project will parallel and traverse under an existing 69-kV overhead electric transmission line owned and operated by American Electric Power. Figure 2 also illustrates the proximate segment of a proposed 138-kV overhead electric transmission line that will be constructed to serve the Generating Facility, also traversed by a portion of the Project.

4906-6-05(B)(4) Alternatives Considered

This CN reflects continued refinement of the routing alternatives considered for the Project in prior filings by Harrison Pipeline Company. The Applicant continues to minimize both the overall pipeline length and the potential for natural resource and other socioeconomic impacts. In addition, the Project route in this CN addresses the identification of the end point desired by Rover; detailed consideration of physical constraints, such as topography; and proximity to existing features, such as a water tower and overhead electric transmission infrastructure. Wetland impacts continue to be avoided and/or minimized using both careful routing and selection of installation techniques that will avoid the need for wetland fill or stream impact. Note that approximately 58 percent of the Project overlaps with property previously reviewed for OPSB approval of the Generating Facility in Case No. 17-1189-EL-BGN.

4906-6-05(B)(5) Public Information Program

The Project is associated with the Generating Facility and has been included in associated community discussions and outreach. Work within the community, including meetings with the local public officials and community leadership has been ongoing since early 2016. The Applicant will maintain a website reflecting Project progress in order to inform the local community of its current status.

4906-6-05(B)(6) Anticipated Construction Schedule and In-Service Date

Construction of the Project is expected to begin in the fourth quarter of 2021, and it is scheduled to be fully constructed by the third quarter of 2022 (well before the Generating Facility's in-service date of fourth quarter of 2024 to allow for appropriate facility testing). Because the

Project is only servicing the Generating Facility, the Project's in-service date is also expected to be in the fourth quarter of 2024.

4906-6-05(B)(7) Maps Depicting Project Location

Figure 1 has been prepared at a scale of 1:24,000 to show the proposed location of the Project on a topographic map. Figure 2 illustrates the Project, as well as proximate streets, roads, highways, and existing pipelines and transmission lines, on a recent aerial photograph. The Project is located entirely within Cadiz, Harrison County, Ohio, approximately 0.4 miles east of Route 22, approximately 0.7 miles west of Route 9, and approximately 1.5 miles southwest of Cadiz center.

4906-6-05(B)(8) Proposed Easements, Options, and Land Use Agreements

Easements have been obtained or are imminently pending from the three owners whose property will be affected by the Project:

- Anderson Family Tree Farm, Ltd.
John & Kathryn Anderson
Parcel No. 040000045000
852 Ashmun Avenue
Tallmadge, OH 43278
- Harrison County Community Improvement Corporation
Attn: Nicholas Homrighausen
Parcel No. 050002039000
538 Main Street
Cadiz, OH 43907
- Rover Pipeline LLC
Parcel No. 040000045.002
1300 Main Street
Houston, TX 77002

4906-6-05(B)(9) Technical Features of the Project

4906-6-05(B)(9)(a) Operating Characteristics, Number and Type of Structures, and Right-of-Way and/or Land Requirements

The Project will be a single structure measuring approximately 5,020 feet in length and will be made of 16-inch diameter pipe. The designed MAOP will be 1,440 psi. Normal operating pressure at the Generating Facility after step-down is not expected to exceed 775 psi.

The Project will begin at the edge of the developed footprint of Rover's MarkWest Cadiz Plant – a metering station will be placed at the tap point into the existing Rover infrastructure – and it will terminate at the Generating Facility, east of Industrial Park Road, south of the center of Cadiz, Ohio. The Project will be located within easements acquired within the three properties affected by the Project, as outlined in Section 4906-6-05(B)(8) above; these easements will provide sufficient access for construction and maintenance.

The contractor selected for the work has determined that no additional area is required for laydown beyond the work area shown (Pipeline Work Area). Rather, area within the Pipeline Work Area that are not wetlands or streams and/or do not require additional tree clearing will be used for this purpose. It is also possible that areas proposed for laydown associated with the Generating Facility will be used for the Project to store equipment and for construction worker parking.

Prior to construction, the Applicant will obtain any necessary permits required from the Village of Cadiz, Harrison County, or Ohio Department of Transportation for road use.

4906-6-05(B)(9)(b) Calculated Electric and Magnetic Field Levels, Line Loadings & Rating

Not required, as the Project does not involve construction of electric power transmission lines.

4906-6-05(B)(9)(c) Estimated Capital Cost

The estimated capital cost of the Project is in the range of \$8 million to \$10 million. The engineering changes from prior filings for this Project have not materially changed the capital cost associated with the Project.

4906-6-05(B)(10) Social and Ecological Impacts

4906-6-05(B)(10)(a) Land Use

The municipalities, townships, and counties to be affected by the Project include Cadiz and Harrison County. Existing public roadways and the Pipeline Work Area will provide the access required for construction and maintenance.

Land use within the vicinity of the Project is rural and industrial; the Project will extend across former mining land, with the majority of the area restored following its mining use as open pastureland. The property is currently an industrial park. An area of trees exists approximately mid-way along the portion of the Pipeline Work Area that is west of Industrial Park Road. Within this area, it will be necessary to remove trees to allow for construction work area and a safely maintained operational right-of-way. Tree clearing and applicable seasonal restrictions for protection of listed bat species are addressed further in Section 4906-6-05(B)(10)(e) below. Wetland and stream delineation issues are also

addressed in Section 4906-6-05(B)(10)(f) below, with limited resources extending across the Pipeline Work Area.

4906-6-05(B)(10)(b) Location and Description of Existing Agricultural Land

The Project is located entirely within an area designated for industrial development. Although open areas of the Pipeline Work Area are currently used as open fields, no land within the Pipeline Work Area is currently used for active agricultural planting nor is land within the Pipeline Work Area designated as an Agricultural District, as defined in Ohio Revised Code Section 929.02.

4906-6-05(B)(10)(c) Archaeological and Cultural Resources

The Project overlaps with and is immediately proximate to the Generating Facility, for which a detailed review determining there will be no adverse effect on archaeological or historical structures was documented on March 21, 2017. Since the Project is located on land that has been previously disturbed in association with its former mining use, it has been determined that the potential for archaeological resources to be located within the Pipeline Work Area is not expected. In addition, because the Project will be located below ground and within the context of other industrial features within a designated industrial park, no impact to historic structures is anticipated. Additional coordination with the Ohio State Historic Preservation Office (SHPO) occurred to request an updated review. As noted in Attachment A, the SHPO has confirmed that no impact is anticipated to cultural resources for the location shown; this is the same finding as for the Generating Facility and is expected to be the case for the entire refined Pipeline Work Area.

4906-6-05(B)(10)(d) Local, State, and Federal Agencies with Requirements Applicable to the Project

Agencies that require coordination include the SHPO, the United States Fish and Wildlife Service (USFWS), and the Ohio Department of Natural Resources (ODNR), in addition to the Ohio Department of Transportation, Village of Cadiz, and Harrison County. Since greater than one acre of land will be disturbed during construction, the Ohio General Permit (OHC00005 – General Permit Authorization for Stormwater Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System program) will be obtained. Wetland and stream impacts will be avoided through the use of careful routing and implementation of jack and bore construction techniques; therefore, no permit associated with wetland or stream fill is necessary.

The following documents have been or will be filed with the agencies listed below, as outlined in Table 1.

**TABLE 1.
LOCAL, STATE, AND FEDERAL AGENCIES WITH REQUIREMENTS TO BE MET
BY THE PROJECT**

Name of Agency	Documents Submitted/To Be Submitted	Attachment
SHPO	SHPO Response, dated July 7, 2021	A
USFWS	USFWS Response, dated June 25, 2021	B
Ohio Department of Natural Resources (ODNR)	ODNR Response, dated July 22, 2021	C
Ohio Environmental Protection Agency	General Permit (Stormwater) Application	To be submitted prior to construction

Name of Agency	Documents Submitted/To Be Submitted	Attachment
Ohio Department of Transportation	Heavy Haul Construction Equipment and Manufactured Component Permit Applications	To be submitted prior to heavy haul
Cadiz/Harrison County	Road Use Approvals	To be submitted prior to use

There are no other known local, state or federal requirements that must be met prior to commencement of construction on the Project.

4906-6-05(B)(10)(e) Federal and State Designated Species

The Project overlaps with, and is proximate to the Generating Facility, which underwent a robust review including consultation with the ODNR Natural Heritage database beginning in 2016. No known impacts to state-listed species were identified through the various correspondence between the Applicant and the ODNR. Updated review for the Project in July 2021 has identified that four state-listed bat species have the potential to occur throughout Ohio, including in Harrison County. The Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), little brown bat (*Myotis lucifugus*), and tri-colored bat (*Perimyotis subflavus*) are all summer-roosting tree bats listed as threatened or endangered by the ODNR. In accordance with the ODNR requirements, the limited tree clearing required (for trees greater than or equal to 3 inches in diameter at breast height) will only occur between October 1 and March 31.

The other state-listed species with the potential to occur in the Pipeline Work Area are the upland sandpiper (*Bartramia longicauda*) and the northern harrier (*Circus hudsonius*); both are ground-nesting species that typically inhabit grasslands. The ODNR

recommends avoiding construction within such areas between April 15 through July 31, unless other measures are approved by the ODNR. Although the Pipeline Work Area is slightly different from the subject of the ODNR review, the buffering incorporated in the ODNR comments would encompass the Pipeline Work Area as well. See Attachment C for the ODNR correspondence.

Correspondence from the USFWS, dated June 25, 2021 (Attachment B), indicated there were no federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the Project. In order to avoid and minimize impacts to the identified federally endangered Indiana bat and federally threatened northern long-eared bat, the same tree clearing restrictions noted above will be implemented. Again, the slight difference in the route reviewed and the Pipeline Work Area is not expected to materially change these findings.

4906-6-05(B)(10)(f) Areas of Ecological Concern

As noted above, less than 1 acre of tree clearing (all within upland area) is necessary for the Project. This limited clearing will be completed in accordance with recommendations from the ODNR and the USFWS that trees greater than or equal to 3 inches diameter at breast height will only be cleared during the period from October 1 through March 31. As noted in correspondence from ODNR included as part of Attachment C, this will be protective of all four potential species of summer-roosting bats listed as threatened or endangered by ODNR that have the potential to occur within Ohio.

As the parts of the Pipeline Work Area that are not forested consist of restored mining areas that have reverted to pasture (which could be considered suitable grassland

bird nesting habitat), additional coordination with ODNR also occurred with regards to the upland sandpiper and northern harrier. Through this consultation, it was determined that if construction work commences at any time between August 1 through April 14 and is active and ongoing such that habitat viability remains impaired, no further measures associated with potential grassland bird nesting would be required. If the construction schedule cannot accommodate commencement of work during that period, the Applicant would closely mow to stubble the intended work areas prior to the nesting season period and continue with weekly mowing from prior to April 15 until such time as active construction alters and disrupts the area. It is anticipated that keeping the grasses in this area short will preclude the use of this area for potential upland sandpiper and northern harrier nesting. Alternatively, a survey in accordance with the ODNR protocols could be conducted prior to construction activities in order to confirm the absence of ground-nesting birds. Note that, once the installation is completed, grassy vegetation will be allowed to regrow (although maintenance mowing may occur outside of the nesting season), and existing habitat conditions would be expected to continue to be suitable for potential grassland bird nesting habitat. Correspondence provided by the ODNR on July 7, 2021, and included as part of Attachment C, confirms these measures will be protective of state-listed species.

Wetland delineations associated with earlier configurations of the Project were completed in 2017 and 2020, and an updated wetland review occurred to address the current Project route in June 2021. Results of these delineations are shown on Figure 3 and described in more detail in Attachment D. As can be seen, one Category 2 wetland extends into the Pipeline Work Area, which will be avoided by construction activities, and one

Category 1 wetland and one Class I ephemeral stream extend across the Pipeline Work Area. In order to avoid impact to the two resources that extend across the Pipeline Work Area, jack and bore techniques will be used. Therefore, no wetland or stream impacts will be associated with the Project and no wetland permitting is required.

No mapped floodplains occur within the Pipeline Work Area (Figure 3). The Project was carefully sited to minimize impacts to ecological resources to the fullest extent possible.

4906-6-05(B)(10)(g) Additional Information

There are no unusual conditions that will result in significant environmental, social, health or safety impacts from the Project.

Figures

- Figure 1 - Project Location Topographic Map
- Figure 2 - Project Location Aerial Map
- Figure 3 - Ecological Resources

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LEGEND

	PROPOSED ELECTRIC TRANSMISSION		EXISTING SUBSTATION
	EXISTING ELECTRIC TRANSMISSION		TEMPORARY WORKSPACE
	EXISTING PIPELINE		PERMANENT RIGHT-OF-WAY
	PROPOSED PIPELINE		PIPELINE WORK AREA
	ROAD CENTERLINE		

NOTES

1. BASEMAP: GOOGLE IMAGERY DATE 03.20.2021. IMAGE GEOREFERENCED USING ARCMAP.
2. ROAD CENTERLINES: OHIO LOCATION BASED RESPONSE SYSTEM.
3. EXISTING PIPELINES, ELECTRIC TRANSMISSION LINES, AND SUBSTATION WERE HAND DIGITIZED USING AERIAL IMAGERY AND CONSTRUCTION LAYDOWN PLAN DATED 11.15.2019. ALL LOCATIONS ARE APPROXIMATE.



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**HALEY
ALDRICH**

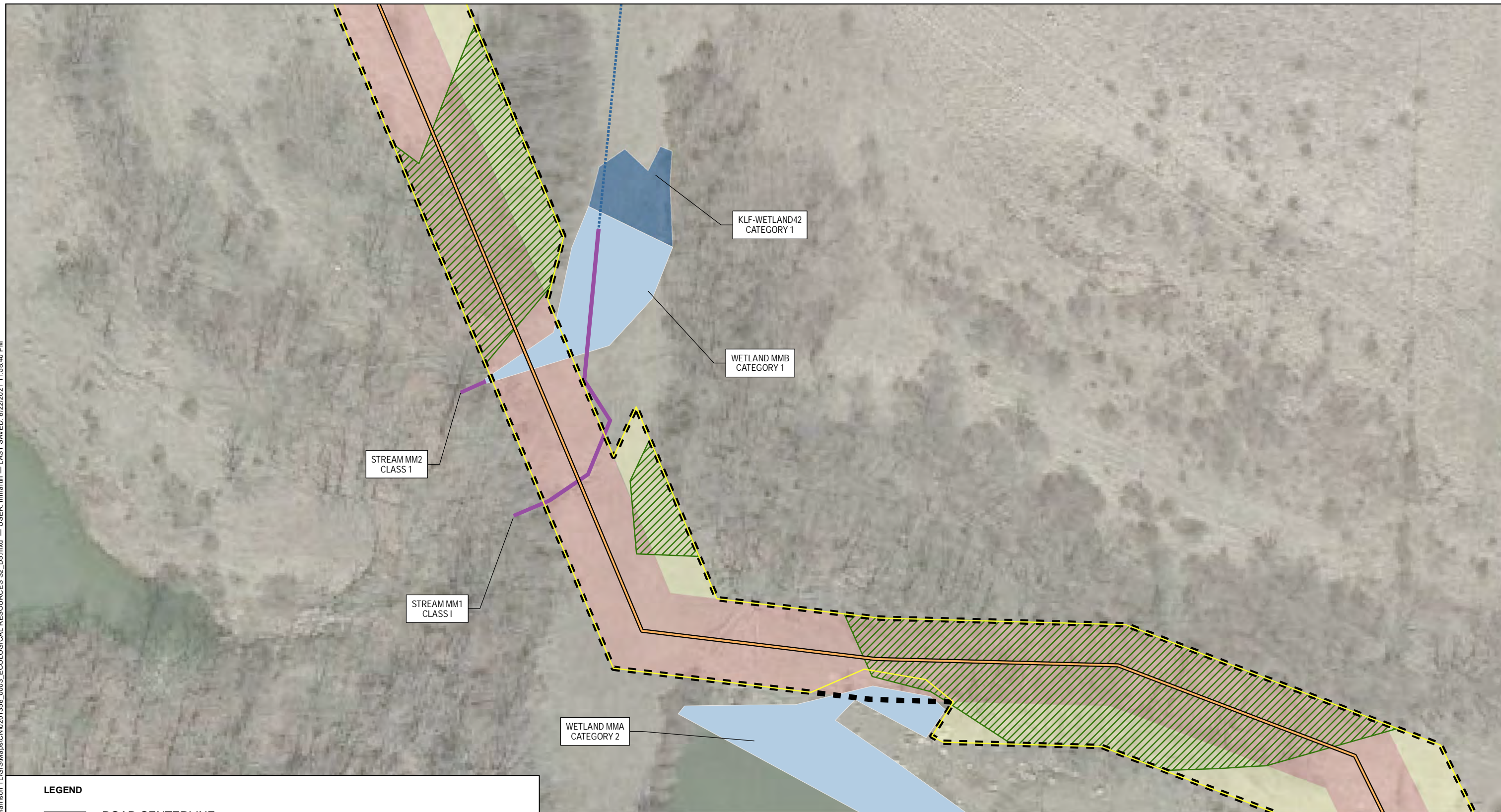
HARRISON PIPELINE PROJECT
HARRISON COUNTY, OHIO

PROJECT LOCATION AERIAL MAP

AUGUST 2021

FIGURE 2

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LEGEND

	ROAD CENTERLINE		2021 DELINEATED STREAM
	PROPOSED PIPELINE		2021 DELINEATED WETLANDS
	PERMANENT RIGHT-OF-WAY		TREE CLEARING
	TEMPORARY WORKSPACE		LIMIT OF WORK
	PREVIOUSLY DELINEATED STREAM		
	PREVIOUSLY DELINEATED WETLANDS		

NOTES

1. BASEMAP: GOOGLE IMAGERY DATE 03.20.2021. IMAGE GEOREFERENCED USING ARCMAP.
2. ROAD CENTERLINES: OHIO LOCATION BASED RESPONSE SYSTEM.
3. 2021 WETLAND AND STREAM DELINEATIONS CONDUCTED BY HALEY AND ALDRICH. PREVIOUS DELINEATIONS COMPLETED BY OTHERS.
4. NO FEMA FLOOD HAZARD AREAS MAPPED IN THE VICINITY OF THE PROJECT.



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**HALEY
ALDRICH**

HARRISON PIPELINE PROJECT
HARRISON COUNTY, OHIO

ECOLOGICAL RESOURCES

AUGUST 2021

**FIGURE 3
SHEET 1**

Attachment A: SHPO Correspondence



In reply, refer to
2017-HAS-38234

July 7, 2021

Lynn Gresock
Haley & Aldrich, Inc.
3 Bedford Farms Dr., Suite 301
Bedford, NH 03110
LGresock@haleyaldrich.com

RE: Harrison Power Project and Related Facilities, Harrison County, Ohio

Dear Ms. Gresock:

This is in response to the correspondence, received on June 17, 2021, regarding the proposed Harrison Power Project and Related Facilities, Harrison County, Ohio. We appreciate the opportunity to comment on this project. The comments of the Ohio State Historic Preservation Office (SHPO) are made pursuant to Section 149.53 of the Ohio Revised Code and the Ohio Power Siting Board rules for siting this project (OAC 4906-4 and 4906-5). The comments of the Ohio SHPO are also submitted in accordance with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108 [36 CFR 800]).

Previous coordination letters were issued for this project to CB&I on 3/21/2017 and Kleinfelder, Inc. on 4/2/2018 (as well as coordination letters issued to OPSB on 11/9/2017 and 02/26/2018) regarding various components of the Harrison Power Plant project, including the footprint of the power plant and the 4.5-mile long transmission line that connect the generating facility to the Nottingham Substation. The current project area under review includes refinement of the construction plan for the Harrison Electric Line and the Harrison Pipeline. These sections of the project area also underwent strip-mining activities in the mid-1970's and in the 1990's, strip mining reclamation occurred.

Based on the information submitted, our office continues to agree the proposed project will have no effect on historic properties. No further coordination with this office is necessary, unless the project changes or unless new or additional historic properties are discovered during implementation of this project. In such a situation, this office should be contacted. Please be advised that this is a Section 106 decision. This review decision may not extend to other SHPO programs. If you have any questions, please contact me at (614) 298-2022, or by e-mail at khorrocks@ohiohistory.org. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Krista Horrocks".

Krista Horrocks, Project Reviews Manager
Resource Protection and Review

RPR Serial No. 1088997

Attachment B: USFWS Correspondence

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



June 25, 2021

TAILS# 03E15000-2018-TA-0118

TAILS# 03E15000-2018-TA-0081

Dear Ms. Gresock:

The U.S. Fish and Wildlife Service (Service) has received your recent correspondence requesting information about the subject proposal. Previous correspondence was provide for two of the components of the project. 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: For the Harrison power generating facility (TAILS# 03E15000-2018-TA-0118) tree clearing is not anticipated. For the Harrison pipeline, one acre of tree clearing is expected to be conducted during the winter season. The Harrison electric line (TAILS# 03E15000-2018-TA-0081) will require the clearing of 4.5 acres of forest habitat. Due to the project type, size, location, and the proposed implementation of seasonal tree cutting (clearing of trees ≥ 3 inches diameter at breast height between October 1 and March 31) for all project components to avoid impacts to the endangered Indiana bat (*Myotis sodalis*) and threatened northern long-eared bat (*Myotis septentrionalis*), we do not anticipate adverse effects to any 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.

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.

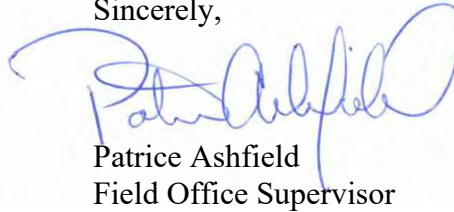
Stream and Wetland Avoidance: Over 90% of the wetlands in Ohio have been drained, filled, or modified by human activities, thus is it important to conserve the functions and values of the remaining wetlands in Ohio (https://epa.ohio.gov/portals/47/facts/ohio_wetlands.pdf). We recommend avoiding and minimizing 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.

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

Attachment C: ODNR Correspondence

From: Nathan.Reardon@dnr.ohio.gov
To: [Gresock, Lynn](#)
Subject: RE: Harrison Power and Related Components - Species Protection Measures
Date: Wednesday, July 7, 2021 11:52:38 AM
Attachments: [image003.png](#)

CAUTION: External Email

Hi Lynn,

I have responded below to each item in **red**. If you need anything else as you sort through this, please let me know.

Thank you,
Nathan

Nathan Reardon
Compliance Coordinator
ODNR Division of Wildlife
2045 Morse Road
Columbus, OH 43229
Phone: 614-265-6741
Email: nathan.reardon@dnr.ohio.gov

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Please consider the environment before printing this email.

From: Gresock, Lynn <LGresock@haleyaldrich.com>
Sent: Tuesday, June 29, 2021 3:00 PM
To: Reardon, Nathan <Nathan.Reardon@dnr.ohio.gov>
Subject: Harrison Power and Related Components - Species Protection Measures

Thank you for reviewing information associated with the Harrison Power project and its related components with me. As we discussed, Haley & Aldrich, Inc. (Haley & Aldrich) has been asked by Harrison Power Holding LLC to render an opinion regarding the issues identified through Ohio Department of Natural Resources (ODNR) review of the proposed Harrison Power Project (Harrison Power Generating Facility) and its associated natural gas pipeline corridor (Harrison Pipeline, which is very proximate to the Harrison Power Generating Facility site) and electric transmission line corridor (Harrison Electric Line, which extends approximately 4.5 miles from the Harrison Power Generating Facility to the Nottingham Substation). The proposed locations of the three related features (collectively, the Project) are shown on the attached figure.

In speaking with Sarah Tebbe, she noted that the ODNR Office of Real Estate and Land Management (REALM) will be imminently issuing an updated review for a version of the Harrison Pipeline (although not for the most up-to-date route, which is the one reflected on the attached figure). Given that ODNR completes a review for the identified work areas plus a one-mile radius, Sarah said she believes that this pending review will suffice to update review for both the corrected Harrison Pipeline and for the Harrison Power Generating Facility (which overlaps and is very proximate). I will be following up with her to complete a refreshed review for the Harrison Electric Line.

In this email, I'd like to confirm with you the species protection measures we discussed in order to be clear with regard to construction obligations.

- Listed bats – The Indiana bat and northern long-eared bat were identified in earlier ODNR correspondence and it is my understand that we would expect to see the little brown bat and tricolored bat also identified in refreshed consultation. Very limited clearing is proposed for the Project. No trees are anticipated to be cleared for the Harrison Power Generating Facility; approximately 1 acre of trees are anticipated to be cleared for the Harrison Pipeline; and approximately 4.5 acres of trees are anticipated to be cleared for the Harrison Electric Line, for a total of approximately 5.5 acres (shown in green on Figure 1). Clearing of trees greater than or equal to 3 inches diameter at breast height will only occur during the period from October 1 through March 31. Therefore, it is our understanding that no impact to state-listed bats with potential to occur within the State of Ohio will result from the Project. **Yes, if trees are cut during the period from October 1 through March 31, impacts to the 4 species of state listed bats are not likely.**
- Grassland birds – The upland sandpiper was identified in earlier ODNR correspondence, and you noted that the northern harrier would likely be included in refreshed correspondence. Within the Project area, much of the land would be considered suitable habitat for these species (although none were observed and no calls heard during a recent reconnaissance by a Haley & Aldrich natural resource professional). It is our understanding that, as long as construction work commences between August 1 through April 14 and is active and ongoing thereafter, such that habitat viability remains impaired, no further measures associated with potential upland sandpiper nesting would be required. If the construction schedule cannot accommodate commencement of work during that period, Harrison Power Holding LLC plans to closely mow-to-stubble the intended work areas prior to the nesting season period and continue with weekly mowing from prior to April 15 until such time as active construction alters and disrupts the area. It is anticipated that keeping the grasses in proposed work areas short will preclude the use of this area for potential upland sandpiper nesting. Alternatively, a survey in accordance with ODNR protocols could be conducted prior to construction activities in order to confirm the absence of ground-nesting birds. It should be noted that, once construction of the Harrison Pipeline and Harrison Electric Line is completed, grassy vegetation would be allowed to regrow, and habitat conditions would be expected to continue to be suitable for nesting habitat, except where specific structures are to be located. **Yes, this approach is sufficient in avoiding impacts to the upland sandpiper and the northern harrier. However, to be effective, the grass must be maintained at a stubble height, and the construction activity must be consistent and of a high volume to discourage nesting.**

- Bald eagles – Although United States Fish & Wildlife Service documentation indicated that bald eagle nests are not known to be present, the OPSB Certificate for the Harrison Electric Line includes conditions requiring a pre-construction survey to confirm whether such a nest may be present. If a nest is present, various restrictions on nearby clearing and on work during certain seasons would be required. A Haley & Aldrich natural resource professional has walked the proposed route for the Harrison Electric Line and associated areas and no eagle nests were identified, nor does particularly well-suited habitat appear to exist. When we spoke, you reviewed available ODNr mapping and indicated that no eagle nests are known nearby. Therefore, we do not believe that the identified work restrictions would be warranted or necessary. While I won't discourage it, a bald eagle nest search is not part of ODNr's recommendations.
- Other species issues – The OPSB conditions for the Harrison Pipeline included a statement that construction efforts should be fully responsive to ODNr concerns, without an indication of what specific concerns might require attention. If any issues other than the bat and grassland bird issues noted above are of concern, please let us know so appropriate measures can be considered. The only other thing that will be commented on in a letter is that in-water work in perennial streams should be avoided from March 15 through June 30 to reduce impacts to indigenous aquatic species and their habitat. While not guaranteed, a waiver of this condition can be applied for.

I would appreciate your confirmation that the above construction measures will be protective of the state-listed species identified with the potential to occur within the Project area. Let me know if you have any questions or require additional information. Thank you!

Lynn Gresock

Lynn Gresock

Principal Consultant

Haley & Aldrich, Inc.

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T: (603) 391.3325

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Ohio Department of Natural Resources

MIKE DEWINE, GOVERNOR

MARY MERTZ, DIRECTOR

Office of Real Estate

John Kessler, Chief
2045 Morse Road – Bldg. E-2
Columbus, OH 43229
Phone: (614) 265-6621
Fax: (614) 267-4764

July 22, 2021

Jill Vovaris
Kleinfelder, Inc.
51 Dutilh Road, Suite 200
Cranberry Township, PA 16066

Re: 21-0487; Harrison Pipeline Project

Project: The proposed project involves constructing approximately 0.94 miles of a 16-inch diameter natural gas pipeline within an approximately 11.5-acre limit of disturbance from the proposed Harrison Power Plant.

Location: The proposed project is located in the City of Cadiz, Harrison 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:

Upland sandpiper (*Bartramia longicauda*), State endangered
Northern harrier (*Circus hudsonius*), State endangered

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.

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 vicinity of records for the northern long-eared bat (*Myotis septentrionalis*), a state endangered and federally threatened species, and the little brown bat (*Myotis lucifugus*), a state endangered species. Because presence of state endangered bat species has been established in the area, summer tree cutting is not recommended, and additional summer surveys would not constitute presence/absence in the area. However, limited summer tree cutting inside this buffer may be acceptable after further consultation with DOW (contact Erin Hazelton at Erin.hazelton@dnr.ohio.gov).

In addition, the entire state of Ohio is within the range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species, the northern long-eared bat (*Myotis septentrionalis*), a state endangered and federally threatened species, the little brown bat (*Myotis lucifugus*), a state endangered species, and the tricolored bat (*Perimyotis subflavus*), a state endangered species. During the spring and summer (April 1 through September 30), these bat species predominately roost in trees behind loose, exfoliating bark, in crevices and cavities, or in the leaves. However, these species are also dependent on the forest structure surrounding roost trees. The DOW recommends tree cutting only occur from October 1 through March 31, conserving trees with loose, shaggy bark and/or crevices, holes, or cavities, as well as trees with DBH ≥ 20 if possible.

The DOW also recommends that a desktop habitat assessment, followed by a field assessment if needed, is conducted to determine if there are potential hibernaculum(a) present within the project area. Information about how to conduct habitat assessments can be found in the current USFWS “Range-wide Indiana Bat Survey Guidelines.” If a habitat assessment finds that potential hibernacula are present within 0.25 miles of the project area, please send this information to Erin Hazelton, at Erin.hazelton@dnr.ohio.gov for project recommendations. If a potential or known hibernaculum is found, the DOW recommends a 0.25-mile tree cutting and subsurface disturbance buffer around the hibernaculum entrance, however, limited summer or winter tree cutting may be acceptable after consultation with DOW. If no tree cutting or subsurface impacts to a hibernaculum are proposed, this project is not likely to impact these species.

The DOW recommends no in-water work in perennial streams from March 15 through June 30 to reduce impacts to indigenous aquatic species and their habitat. If no in-water work is proposed in a perennial stream, this project is not likely to impact aquatic species.

The project is within the range of the northern harrier (*Circus hudsonis*), a state endangered bird. This is a common migrant and winter species. Nesters are much rarer, although they occasionally breed in large marshes and grasslands. Harriers often nest in loose colonies. The female builds a nest out of sticks on the ground, often on top of a mound. Harriers hunt over grasslands. If this type of habitat will be impacted, construction should be avoided in this habitat during the species’ nesting period of April 15 through July 31. If this habitat will not be impacted, this project is not likely to impact this species.

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 through 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 Sarah Tebbe, Environmental Specialist, at Sarah.Tebbe@dnr.state.oh.us if you have questions about these comments or need additional information.

Mike Pettegrew
Environmental Services Administrator (Acting)

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Case No(s). 21-0867-GA-BNR

Summary: Application Cover Letter, Affidavit, and Part I of Construction Notice Application electronically filed by Mr. Michael J. Settineri on behalf of Harrison Power LLC