

**CONSTRUCTION NOTICE
FOR THE
STUART SUBSTATION EXPANSION PROJECT**

**Duke Energy Ohio, Inc.
OPSB Case No. 21-927-EL-BNR**

**Submitted to:
The Ohio Power Siting Board
Pursuant to OAC 4906-06-05**

**Submitted by:
Duke Energy Ohio, Inc.**

September 2021



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CONSTRUCTION NOTICE

This Construction Notice has been prepared by Duke Energy Ohio, Inc. (hereafter “Duke Energy Ohio”) in accordance with Ohio Administrative Code (OAC) Section 4906-6-05 for the review of Accelerated Certificate Applications for the Stuart Substation Expansion (Project). The following sections correspond to the administrative code sections for the requirements of a Construction Notice.

4906-6-5(B) GENERAL INFORMATION

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

The name of the project and applicant's reference number, names and reference number(s) of resulting circuits, a brief description of the project, and why the project meets the requirements for a Construction Notice.

Name of Project:

Duke Energy Ohio Stuart Substation Expansion (Project)

Reference Numbers:

OPSB Filing Number: The Project has been assigned Ohio Power Siting Board (OPSB) Case Number 21-927-EL-BNR.

PJM Number: PJM will assign a Supplemental project number when PJM completes its do-no-harm analysis.

2021 LTFR: This Project was not included in the 2021 LTFR as it is an expansion and separation of Duke Energy Ohio assets from others within an existing substation. The transmission line work was also not included since it consists of reconductoring at the same capacity and will not require a new structure or ground disturbance.

Circuit Reference: This Project relates to Transmission Circuit 5886, a 138-kV transmission line.

Brief Description of the Project:

The Project involves expanding the substation on Duke Energy Ohio's property or existing easements, expanding the existing substation perimeter fencing, and reconfiguring equipment to accommodate new equipment inside the substation for more efficient and reliable operations. The substation expansion will comprise an area of approximately 0.75 acre, as compared with the existing approximate 10.6-acre Stuart Substation. The chain-link perimeter fence of the substation will expand to the south of the existing fence. All the expansion will be within Duke Energy Ohio's property and existing easements. A new fence will also be installed within the existing combined Stuart Substation to separate Duke Energy Ohio's equipment from equipment operated by other electric transmission utilities that currently share the use

of the existing 10.6-acre Stuart Substation. Two new access gates and drives will be constructed to access the expanded and reconfigured Duke Energy Ohio Stuart Substation.

The Project also proposes to reuse the existing 138-kV transmission line conductor, which will be shortened by approximately 95 feet and will run from an existing bus structure within the substation to an existing steel three pole structure located north of the Stuart Substation fence.

The Project meets the requirements for a Construction Notice, as set forth in Appendix A to OAC Rule 4906-1-01:

(4) Constructing additions to existing electric power transmission stations or converting distribution station to transmission stations where:

(a) There is a twenty percent or less expansion of the fenced area.

4906-6-05(B)(2) Statement of Need

If the proposed project is an electric power transmission line or gas or natural gas transmission line, a statement explaining the need for the proposed facility.

The Stuart Substation in Sprigg Township, Adams County, Ohio, will undergo reconfiguration and the installation of new equipment to improve the reliability of the local community's electricity. The upgrades and expansion to the Stuart Substation align with the 2014 announcement that Duke Energy would be exit the Midwest commercial generating business. This business decision included the sale of nine power plants in Ohio, including the J.M. Stuart Station. Duke Energy Ohio will retain ownership of the expanded and reconfigured Stuart Substation where only Duke Energy Ohio equipment is located within the proposed new perimeter fence. The Project will modernize the Duke Energy Ohio portion of the substation so that it operates independently from the existing combined Stuart Substation.

The expansion of the Stuart Substation and separation of Duke Energy Ohio-owned equipment from the existing combined Stuart Station will increase security, improve reliability, and increase Duke Energy Ohio's ability to maintain and efficiently operate its portion of the reconfigured substation. The proposed substation reconfiguration will meet regulatory standards to serve electricity to homes, schools, hospitals, and businesses in the area.

4906-6-05(B)(3) Project Location

The applicant shall provide the location of the project in relation to existing or proposed lines and substations shown on an area system map of sufficient scale and size to show existing and proposed transmission facilities in the project area.

The location of the Project is depicted in Attachment A – Figures. Figure 1 depicts the general Project vicinity on a USGS quadrangle topographic map. Figure 2 depicts the planned substation expansion in relation to the existing larger Stuart substation fence and property boundary.

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

The applicant shall describe the alternatives considered and reasons why the proposed location or route is best suited for the proposed facility. The discussion shall include, but not be limited to, impacts associated with socioeconomic, ecological, construction, or engineering aspects of the project.

The proposed Project will occur entirely within Duke Energy Ohio's easements. No additional long-term impacts to adjacent properties are anticipated as a result of the Project. Therefore, the current alignment is the only reasonable alternative available and no other alternatives were considered.

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

The applicant shall describe its public information program to inform affected property owners and tenants of the nature of the project and the proposed timeframe for project construction and restoration activities.

Information on the ongoing status of this Project can be found at the following website: www.duke-energy.com/Stuart.

4906-6-05(B)(6) Construction Schedule

The applicant shall provide an anticipated construction schedule and proposed in-service date of the project.

Construction is scheduled to begin January 2, 2022, pending approval of this Construction Notice. The Project is anticipated to be completed and in service by June 1, 2023.

4906-6-05(B)(7) Area Map

The applicant shall provide a map of at least 1:24,000 scale clearly depicting the facility with clearly marked streets, roads, and highways, and an aerial image.

Attachment A – Figures depicts the general location of the Project. Figure 1 depicts the general Project vicinity on a USGS quadrangle topographic map. Figure 2 depicts the planned substation expansion in relation to the existing substation fence and property boundary.

4906-6-05(B)(8) Property Agreements

The applicant shall provide a list of properties for which the applicant has obtained easements, options, and/or land use agreements necessary to construct and operate the facility and a list of the additional properties for which such agreements have not been obtained.

Stuart Substation is located on Parcel 193-00-00-016.001, which is owned by Dayton Power and Light. The proposed 138-kV Transmission Line reconductoring extends onto parcel 193-00-00-016.000, which is owned by Hamerkop Development LLC. Easement rights have been granted to Duke Energy Ohio.

4906-6-05(B)(9) Technical Features

The applicant shall describe the following information regarding the technical features of the project:

Duke Energy Ohio proposes to expand the existing substation by an area of approximately 0.75 acre. This expansion will increase the existing 10.60-acre substation to approximately 11.35-acres (an approximate 7.14% increase in size). The expansion will be completed in an existing paved laydown area used as material storage. The chain link perimeter fence will expand approximately 135 feet south of the existing fence. All expansion will be within Duke Energy Ohio's property and easements. Once the perimeter fence has been expanded, Duke Energy Ohio will relocate equipment and install approximately 350 ft. of interior chain link fence between the new gates to separate Duke Energy Ohio owned and operated equipment from equipment owned and maintained by other transmission operators (AES Corporation). The new Duke Energy Ohio separated substation area will consist of approximately 3.6-acres, which will be accessed through two new access drives and gates, one at the north of the substation and one at the south, as shown in Figure 2.

Approximately 250 ft. of 138-kV transmission line (Circuit 5886) will be removed and reinstalled from the existing bus within the Stuart Substation to an existing steel 3 pole structure (HL1) situated to the north.

4906-6-05(B)(9)(a) Operating characteristics, estimated number and types of structures required, and right-of-way and/or land requirements.

This Project consists of a physical expansion of the existing Stuart Substation. This is the initial phase of improvements to be made at Stuart Substation once the expansion has been completed.

Voltage:	138-kV
Structure Type:	Not new structures outside of the substation
Conductors:	Three (3) 954 ACSR 45x7 "Rail"
Static Wire:	Two (2) Wires; One is 7NO8 Alumoweld and the second is OPGW AC99/669-27
Insulators:	138-kV glass insulators
ROW:	Easement

4906-6-05(B)(9)(b) Electric and Magnetic Fields

For electric power transmission lines that are within one hundred feet of an occupied residence or institution, the production of electric and magnetic fields during the operation of the proposed electric power transmission line.

The Project involves expansion of a substation fence with no residences or institutions within 100 feet. This section is not applicable.

4906-6-05(B)(9)(c) Project Cost**The estimated capital cost of the project.**

The estimated capital cost of the Project is \$9,192,176. This estimate includes grading, installation of the new perimeter fencing, and necessary upgrades.

4906-6-05(B)(10) Social and Economic Impacts**The applicant shall describe the social and ecological impacts of the project:****4906-6-05(B)(10)(a) Land Use Characteristics****Provide a brief, general description of land use within the vicinity of the proposed project, including a list of municipalities, townships, and counties affected.**

The Project is located in Sprigg Township, Adams County, Ohio. The existing Stuart Substation is in an industrial area adjacent to the former Stuart Generation Station. The proposed substation expansion, transmission line reconductoring, and new station entrance drive will occur entirely within Duke Energy Ohio easements. No changes in land use are proposed.

4906-6-05(B)(10)(b) Agricultural Land Information**Provide the acreage and a general description of all agricultural land, and, separately, all agricultural district land, existing at least sixty days prior to submission of the application within the potential disturbance area of the project.**

The expansion area of the Stuart Substation, transmission line reconductoring, and new entrance drive are immediately adjacent to the existing substation fence within Duke Energy Ohio easements. None of this area has been used for agricultural purposes. No Agricultural District Land parcels were identified at or adjacent to the substation property. There will be no anticipated impacts to agricultural land as a result of the Project.

4906-6-05(B)(10)(c) Archaeological and Cultural Resources**Provide a description of the applicant's investigation concerning the presence or absence of significant archaeological or cultural resources that may be located within the potential disturbance area of the project, a statement of the findings of the investigation, and a copy of any document produced as a result of the investigation.**

A review of the Ohio Historic Preservation Office (OHPO) Online Mapping System indicated no known archaeological resources within the area of proposed ground disturbance. No structures listed on the national Register of Historic Places (NRHP) were identified within 0.5 mile of the Project. The mapped soil unit within the proposed work areas suggest cut and fill or other construction activity. Disturbed soils, gravel, and pavement were confirmed during site reconnaissance. A Project Summary Form and corresponding report were submitted to OHPO requesting concurrence that no historic properties will be affected. OHPO provided concurrence on August 9, 2021. A copy of the concurrence is provided in Attachment B.

4906-6-05(B)(10)(d) Local, State, and Federal Agency Correspondence

Provide a list of the local, state, and federal governmental agencies known to have requirements that must be met in connection with the construction of the project, and a list of documents that have been or are being filed with those agencies in connection with siting and constructing the project.

No federal or state agencies are anticipated to have jurisdiction over the Project. No local permits are expected to be necessary.

4906-6-05(B)(10)(e) Threatened, Endangered, and Rare Species

Provide a description of the applicant's investigation concerning the presence or absence of federal and state designated species (including endangered species, threatened species, rare species, species proposed for listing, species under review for listing, and species of special interest) that may be located within the potential disturbance area of the project, a statement of the findings of the investigation, and a copy of any document produced as a result of the investigation.

The United States Fish and Wildlife Service (USFWS) Ohio County Distribution of Federally Listed Threatened, Endangered, Proposed, and Candidate Species (available at <https://www.fws.gov/midwest/Endangered/lists/ohio-cty.html>) was reviewed to identify the threatened and endangered species known to occur in Adams County. This USFWS publication lists the Indiana bat (*Myotis sodalis*; federally endangered), northern long-eared bat (*Myotis septentrionalis*; federally threatened), running buffalo clover (*Trifolium stoloniferum*; federally endangered), and several endangered mussel species. Coordination with the USFWS and Ohio Department of Natural Resources (ODNR) was initiated on June 28, 2021, to identify the Project's potential effect on any federally listed threatened or endangered species or critical habitat. A response from USFWS was received on July 19, 2021, indicating that no adverse effects to federally listed species are anticipated. A response was received from ODNR on August 10, 2021. ODNR identified several mussel, fish, salamander, and bird species, as well as the bat species listed above, the timber rattlesnake, and the Allegheny woodrat. However, no potential bat habitat trees are located within the Project Boundary. No streams were observed within the Project area of disturbance; therefore, no aquatic species would be present. Habitat for the other species was not observed. No impacts to state-listed species are anticipated. The agency correspondence is included in Attachment C – Natural Resource Assessment.

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

Provide a description of the applicant's investigation concerning the presence or absence of areas of ecological concern (including national and state forests and parks, floodplains, wetlands, designated or proposed wilderness areas, national and state wild and scenic rivers, wildlife areas, wildlife refuges, wildlife management areas, and wildlife sanctuaries) that may be located within the potential disturbance area of the project, a statement of the findings of the investigation, and a copy of any document produced as a result of the investigation.

As a part of the investigation, V3 Companies conducted an investigation for areas of ecological concern on the Stuart Substation property. No wetlands, streams, or other areas of ecological concern were identified. V3 Companies' field investigation can be found in Attachment C – Natural Resource Assessment. A review of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) revealed that no portion of the Project Area lies within a 100-year floodplain and/or floodway. The Public Areas Database of the United States (PADUS) was also reviewed to locate potentially ecologically

sensitive properties in the Project vicinity. No such properties were identified within one mile from the Project. Based on the field investigation and review of publicly available data, impacts to areas of ecological concern are not anticipated.

4906-6-05(B)(10)(g) Unusual Conditions

Provide any known additional information that will describe any unusual conditions resulting in significant environmental, social, health, or safety impacts.

To the best of Duke Energy Ohio's knowledge, no unusual conditions exist that would result in environmental, social, health, or safety impacts. Construction and operation of the proposed Project will meet all applicable safety standards established by the Occupational Safety and Health Administration and will be in accordance with the requirements specified in the latest revision of the National Electric Code as adopted by the Public Utilities Commission of Ohio.

4906-6-07 SERVICE AND PUBLIC DISTRIBUTION OF ACCELERATED CERTIFICATE APPLICATIONS

Serve a copy of the application on the chief executive officer of each municipal corporation, county, township, and the head of each public agency charged with the duty of protecting the environment or of planning land use in the area in which any portion of such facility is to be located. Hard copies shall be made available upon request.

Place a copy of the application or place a notice of the availability of such application in the main public library of each political subdivision as referenced in division (B) of section 4906.06 of the Revised Code. If a notice is provided, that notice shall state that an electronic or paper copy of the application is available from the applicant (with instructions as to how to obtain an electronic or paper copy), available for inspection at the applicant's main office, available for inspection at the board's main office, and available at any other sites at which the applicant will maintain a copy of the application.

Maintain on its website information as to how to request an electronic or paper copy of the application. Upon request for a paper copy of the application, the applicant shall supply the copy within five business days and at no more than cost.

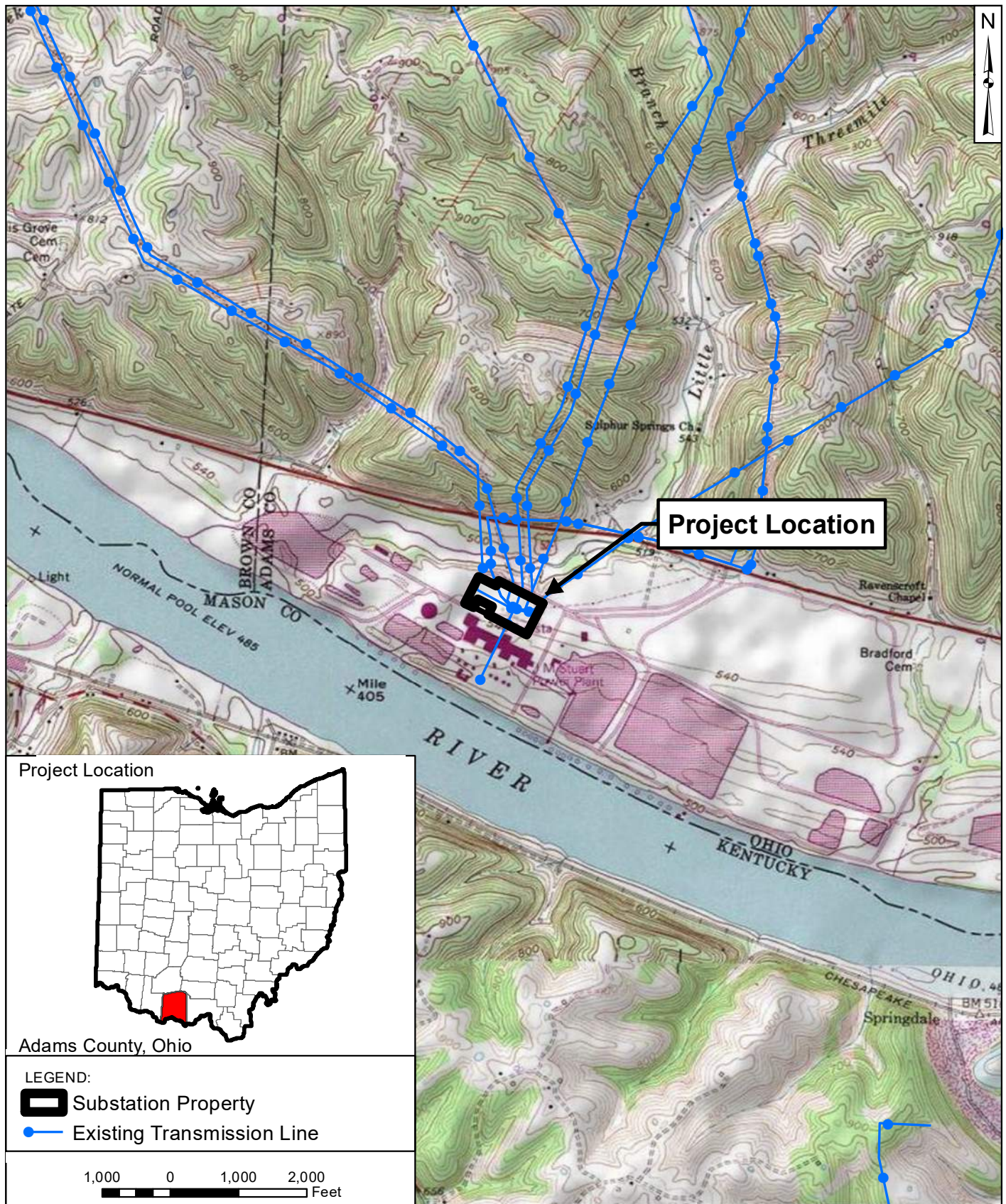
Proof of compliance with this rule shall be filed with the board within seven days of filing the accelerated application.

Copies of the Construction Notice have been sent to the appropriate public officials for Adams County and Sprigg Township, as well as to the Adams County Public Library.

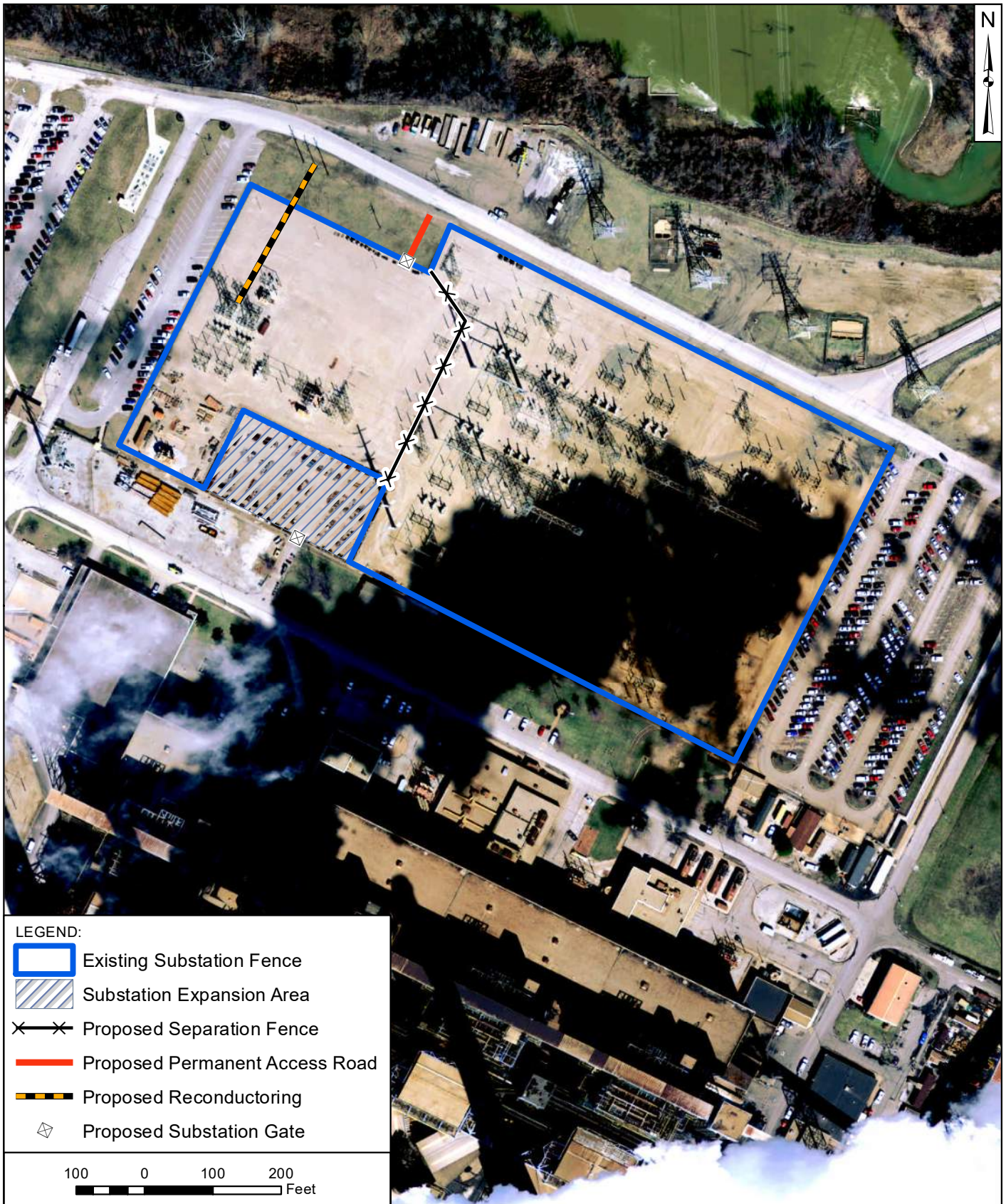
Duke Energy Ohio will maintain a copy of this Application on its website at: www.duke-energy.com/Stuart.

Duke Energy Ohio will file proof of compliance on the docket within 7 days of filing this application.

ATTACHMENT A – FIGURES



 <p>312 Walnut Street Suite 1600 Cincinnati, Ohio 45202 513-800-3622 phone www.v3co.com</p> <p>Visio, Vertere, Virtute... "The Vision To Transform with Excellence"</p>	<p>PROJECT NO.: 20568.013</p>	 <p>CLIENT: DUKE ENERGY</p>	<p>TITLE: PROJECT LOCATION</p>	
	<p>CREATED BY: ARG</p> <p>DATE: 09/20/2021</p> <p>SCALE: See Scale Bar</p>			
		<p>BASE LAYER: ESRI USA Topo Maps 2013</p>	<p>SITE: Stuart Substation Expansion Adams County, Ohio</p>	<p>FIGURE: 1</p>



LEGEND:

- Existing Substation Fence
- Substation Expansion Area
- Proposed Separation Fence
- Proposed Permanent Access Road
- Proposed Reconductoring
- Proposed Substation Gate

100 0 100 200
Feet

 <p>312 Walnut Street Suite 1600 Cincinnati, Ohio 45202 513-800-3622 phone www.v3co.com</p> <p>Visio, Vertere, Virtute... "The Vision To Transform with Excellence"</p>	<p>PROJECT NO.: 20568.013</p>	<p>CLIENT: </p>	<p>TITLE: PROJECT LAYOUT</p>	
	<p>CREATED BY: ARG</p>			
	<p>DATE: 09/20/2021</p>	<p>BASE LAYER: OSIP 2014</p>	<p>SITE: Stuart Substation Expansion Adams County, Ohio</p>	<p>FIGURE: 2</p>
	<p>SCALE: See Scale Bar</p>			

ATTACHMENT B – CULTURAL RESOURCES COORDINATION



In reply refer to
2021-ADA-52257

August 9, 2021

Aaron Geckle
V3 Companies, Ltd.
312 Walnut Street, Suite 1600
Cincinnati, Ohio 45202

Dear Mr. Geckle:

RE: Stuart Substation Expansion, Sprigg Township, Adams County, Ohio

This is in response to the receipt, on August 3, 2021, regarding the proposed substation expansion at the Stuart substation, Sprigg Township, Adams County, Ohio. The comments of the Ohio Historic Preservation Office are submitted in accordance with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended.

Based on the information submitted, it is my opinion that the proposed undertaking will not affect properties listed in or eligible for listing in the National Register of Historic Places. No further coordination is required unless the project changes or archaeological remains are discovered during the course of the project. In such a situation, this office should be contacted as per 36 CFR 800.13.

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) 298-2000, or by email at nyoung@ohiohistory.org. Please note the Ohio SHPO now accepts electronic-only submissions for state and/or federal review under Section 106 and ORC 149.53. Please send your submissions to section106@ohiohistory.org. We have also updated our [Survey Report Submission Standards](#)

Sincerely,

A handwritten signature in blue ink that reads "Nathan J. Young".

Nathan J. Young, Project Reviews Manager
Resource Protection and Review

800 E. 17th Ave., Columbus, OH 43211-2474 • 614.297.2300 • ohiohistory.org

ATTACHMENT C – NATURAL RESOURCES ASSESSMENT



12 August 2021

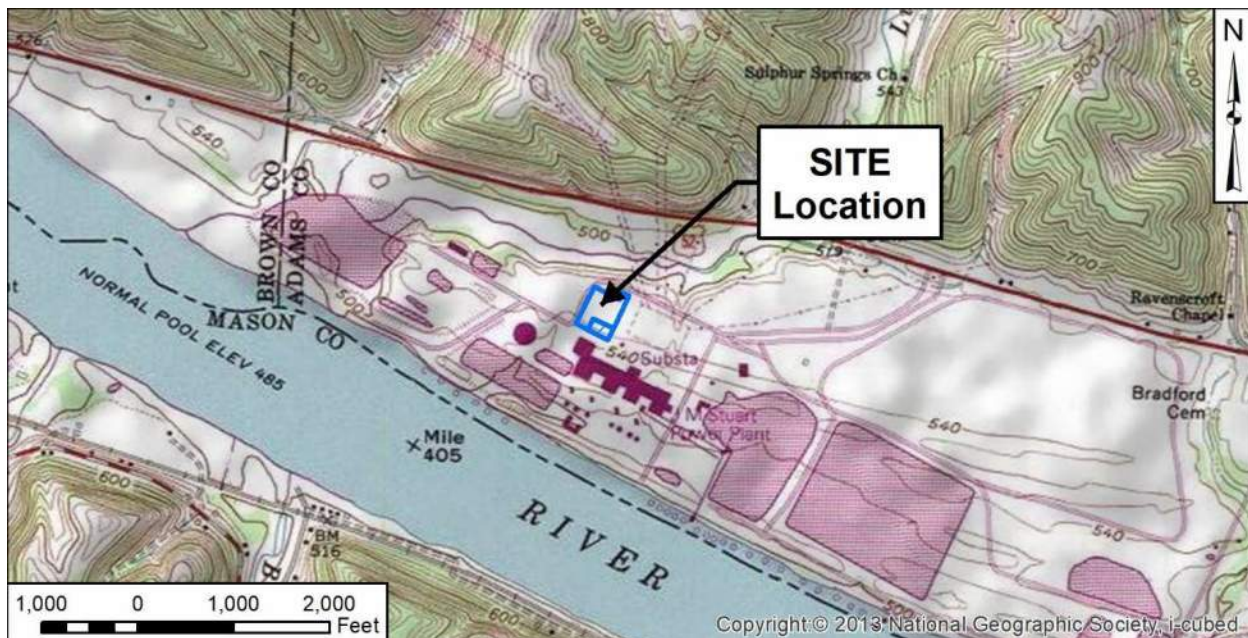
Mr. Dane Vandewater
Duke Energy
315 Main Street
Mail Code EX 0446-06
Cincinnati, Ohio 45202-4161

**RE: Stuart Substation Expansion Project | Natural Resources Assessment Letter Report
Sprigg Township, Adams County, Ohio**

Dear Mr. Vandewater,

The purpose of this report is to describe the findings of a natural resource assessment of the existing Stuart Substation property located southwest of the intersection of U.S. 52 and Lick Skillet Road, Sprigg Township, Adams County, Ohio (SITE) for evidence of wetlands and/or other jurisdictional “Waters of the U.S.” The SITE is situated in the Maysville East, Kentucky-Ohio USGS 7.5 Minute Quadrangle Map (**Figure 1**). The existing substation is proposed for expansion to the south of the existing footprint with a new permanent access drive extending from the north.

Figure 1: USGS Topographic Map Maysville East Quadrangle



The scope of work included determination of the presence of wetlands and/or other jurisdictional “Waters of the U.S.” within the SITE area, using the U.S. Army Corps of Engineers (USACE) methodology described in the *Corps of Engineers Wetland Delineation Manual, 1987* (1987 Manual) and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (2012

Supplement). The purpose of the desktop review and SITE investigation was to identify areas that may qualify as wetlands or “Waters of the U.S.” by the USACE.

Desktop Review

National Wetland Inventory

V3 reviewed the applicable National Wetland Inventory (NWI) map to determine the presence or absence or potential wetland areas at the SITE. No NWI features appear on-SITE.

Natural Resource Conservation Service Soil Survey

V3 reviewed the Natural Resources Conservation Service (NRCS) Web Soil Survey data of Adams County, Ohio in order to identify distinct soil unit boundaries in the SITE. Review of the map indicates that the SITE is situated within the Udorthents, silty soil unit, predominantly occurring in areas of cut and fill or other construction activity. This soil was not identified as hydric.

Flood Insurance Rate Map

V3 also reviewed Federal Emergency Management Agency (FEMA) National Flood Hazard Layer (NFHL) data for the local area of the SITE. The FIRM indicates that the SITE is not located within a regulated floodway or flood zone.

Endangered, Threatened, and Rare Species Evaluation

The United States Fish and Wildlife Service (USFWS) *Ohio County Distribution of Federally-Listed Threatened, Endangered, Proposed, and Candidate Species* (available at <https://www.fws.gov/midwest/Endangered/lists/ohio-cty.html>) was reviewed to identify the threatened and endangered species known to occur in Adams County, Ohio. This USFWS publication lists the Indiana bat (*Myotis sodalis*; federally endangered), northern long-eared bat (*Myotis septentrionalis*; federally threatened), running buffalo clover (*Trifolium stoloniferum*; federally endangered), and several endangered mussel species. Coordination with the USFWS and Ohio Department of Natural Resources (ODNR) was initiated in an effort to identify the Project’s potential effect on any federally or state listed threatened or endangered species or critical habitat. A response from USFWS was received on 19 July 2021 indicating that no adverse effects to federal Endangered, Threatened and Rare (ETR) species are anticipated (**Attachment A**). A response from ODNR was provided on 10 August 2021. ODNR identified several mussel, fish, salamander, and bird species, as well as the bat species listed above, timber rattlesnake, and Allegheny woodrat. However, no potential bat habitat trees are located within the SITE Boundary. No streams were observed on-SITE, therefore no aquatic species would be present. Habitat for the other species was also not observed. No impacts to ETR species are anticipated. The ODNR response is provided in **Attachment A**.

Current Site Description

The majority of the SITE consisted of fill from past land disturbance and gravel for the substation pad. The proposed substation expansion area is paved. Remaining areas surrounding the substation fence are predominantly paved, graveled, or grass-covered. Soil pits dug at unpaved and un graveled locations on-SITE confirmed disturbed, gravelly soils. Adjacent land use includes other areas of the former J.M. Stuart Generation Station.

Wetlands, Streams, Drainage Features, and Other Potential “Waters of the U.S.”

No wetlands, streams, or drainage features were identified on-SITE. **Figure 2** depicts the Delineation Area Map and photo locations.

Figure 2: Delineation Area Map



SITE Photos

During the field reconnaissance of the SITE completed on 23 July 2021, V3 took digital photographs to document existing conditions and areas of interest.



Photo 1: Looking S at the SITE



Photo 2: Proposed access road area looking SE



Photo 3: Existing fence corner looking NE



Photo 4: Proposed expansion area looking W



Photo 5: Proposed expansion area looking E



Photo 6: 3-pole structure to be reconducted

Conclusions

Based on the criteria established by the USACE 1987 manual and the 2012 Eastern Mountains and Piedmont Supplement, no wetlands, streams, or other drainage features were identified within the SITE boundary. According to the NRCS Web Soil Survey, the SITE is situated within the Udorthents, silty soil unit, predominantly occurring in areas of cut and fill or other construction activity. They are not considered hydric soils. Disturbed soils were confirmed during the SITE reconnaissance.

V3 appreciates the opportunity to be of service to Duke Energy and looks forward to working together in the future. If you have any questions or comments concerning the natural resource assessment, please contact us at your earliest convenience.

Best regards,
V3 Companies. Ltd

A handwritten signature in blue ink, appearing to read 'Aaron Geckle'.

Aaron Geckle
Senior Project Manager

A handwritten signature in blue ink, appearing to read 'Jeffrey S. Moody'.

Jeffrey S. Moody
Regulatory Services Group Leader

Attachment A

ETR Species Correspondence



Aaron Geckle

From: Ohio, FW3 <ohio@fws.gov>
Sent: Monday, July 19, 2021 11:56 AM
To: Aaron Geckle
Cc: Vandewater, Dane G
Subject: Duke Energy - Stuart Substation Expansion Project, Adams County, Ohio

CAUTION: This email originated from outside of V3. Do not click links or open attachments unless you trust the sender.



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-1700

Dear Mr. Geckle,

The U.S. Fish and Wildlife Service (Service) 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 effects 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: Due to the project, type, size, and location, we do not anticipate adverse effects to federally endangered, threatened, or proposed species or proposed or designated critical habitat. If there are any project modifications during the term of this action, or additional information for listed or proposed species or their critical habitat becomes available, or if new information reveals effects of the action that were not previously considered, then please contact us for additional project review.

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,

A handwritten signature in blue ink, appearing to read "Patrice M. Ashfield". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Patrice M. Ashfield
Field Office Supervisor



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

August 10, 2021

Aaron Geckle
V3 Companies
312 Walnut Street, Suite 1600
Cincinnati, OH 45202

Re: 21-0586; Duke Energy Stuart Substation, Adams County, Ohio

Project: The proposed project involves the expansion of the existing substation fence by approximately 1.2 acres.

Location: The proposed project is located in Manchester Township, Adams 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:

Smooth buttonweed (*Spermacoce glabra*), P
Running buffalo clover (*Trifolium stoloniferum*), E, FE
Spring nettle (*Urtica chamaedryoides*), E
Wartyback (*Cyclonaias nodulata*), E
Yellow sandshell (*Lampsilis teres*), E
Washboard (*Megaloniais nervosa*), E
River darter (*Percina shumardi*), T

The review was performed on the project area specified in the 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. Additional comments on some of the features may be found in pertinent sections below.

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; U = state status under review; X = presumed extirpated in Ohio; FE = federal endangered, and FT = federal threatened.

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 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 species of bats 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. If trees are present within the project area, and trees must be cut, the DOW recommends 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. If trees are present within the project area, and trees must be cut during the summer months, the DOW recommends a mist net survey or acoustic survey be conducted from June 1 through August 15, prior to any cutting. Mist net and acoustic surveys should be conducted in accordance with the most recent version of the “OHIO DIVISION OF WILDLIFE GUIDANCE FOR BAT SURVEYS AND TREE CLEARING”. <https://ohiodnr.gov/static/documents/wildlife/wildlife-management/Bat+Survey+Guidelines.pdf>

If state listed bats are documented, DOW recommends cutting only occur from October 1 through March 31, however, limited summer tree cutting may be acceptable after consultation with DOW (contact Erin Hazelton, erin.hazelton@dnr.ohio.gov)

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, 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 project is within the range of the following listed mussel species:

Federally Endangered

club shell (*Pleurobema clava*)

fanshell (*Cyprogenia stegaria*)

pink mucket (*Lampsilis orbiculata*)

rayed bean (*Villosa fabalis*)

sheepnose (*Plethobasus cyphus*)
snuffbox (*Epioblasma triquetra*)
State Endangered
butterfly (*Ellipsaria lineolata*)
ebonyshell (*Fusconaia ebenus*)
long-solid (*Fusconaia maculata maculata*)
wartback (*Quadrula nodulata*)
washboard (*Megalonaias nervosa*)
yellow sandshell (*Lampsilis teres*)

State Threatened
black sandshell (*Ligumia recta*)
fawnsfoot (*Truncilla donaciformis*)
threehorn wartback (*Obliquaria reflexa*)

Due to the location, and that there is no in-water work proposed in a perennial stream, this project is not likely to impact these species.

The project is within the range of the following listed fish species.

State Endangered
goldeye (*Hiodon alosoides*)
popeye shiner (*Notropis ariommus*)
shortnose gar (*Lepisosteus platostomus*)
shovelnose sturgeon (*Scaphirhynchus platyrhynchus*)

State Threatened
American eel (*Anguilla rostrata*)
channel darter (*Percina copelandi*)
paddlefish (*Polyodon spathula*)
river darter (*Percina shumardi*)

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 these or other aquatic species.

The project is within the range of the timber rattlesnake (*Crotalus horridus*), a state endangered species, and a federal species of concern. The timber rattlesnake is a woodland species, utilizing dry slopes and rocky outcrops. In addition to using wooded areas, the timber rattlesnake utilizes sunlit gaps in the canopy for basking and deep rock crevices for overwintering. Due to the location, the type of habitat within the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the green salamander (*Aneides aeneus*), a state endangered amphibian. Due to the location, the type of habitat within the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the cave salamander (*Eurycea lucifuga*), a state endangered species. Due to the location, the type of habitat within the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the midland mud salamander (*Pseudotriton montanus diastictus*), a state threatened species. Due to the location, the type of habitat within the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the eastern spadefoot toad (*Scaphiopus holbrookii*), a state endangered species. This species is found in areas of sandy soils that are associated with river valleys. Breeding habitats may include flooded agricultural fields or other water holding depressions. Due to the location, the type of habitat within the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the Allegheny woodrat (*Neotoma magister*), a state endangered species. The Allegheny woodrat utilizes rocky outcrops such as cliffs and caves in forested areas. To avoid impacts to this species, impacts to cliffs and rocky outcrops should be avoided. In addition, a buffer of 100 feet above and 200 feet below cliffs and rocky outcrops should be maintained. Due to the location, the type of habitat within the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the lark sparrow (*Chondestes grammacus*), a state endangered bird. This sparrow nests in grassland habitats with scattered shrub layers, disturbed open areas, as well as patches of bare soil. In the Oak Openings area west of Toledo, lark sparrows occupy open grass and shrubby fields along sandy beach ridges. These summer residents normally migrate out of Ohio shortly after their young fledge or leave the nest. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 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 loggerhead shrike (*Lanius ludovicianus*), a state endangered bird. The loggerhead shrike nests in hedgerows, thickets and fencerows. They hunt over hayfields, pastures, and other grasslands. If thickets or other types of dense shrubbery habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 1 through July 31. If this 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.ohio.gov if you have questions about these comments or need additional information.

Mike Pettegrew
Environmental Services Administrator (Acting)

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Summary: Application Construction Notice for Duke Energy Ohio Stuart Substation Extension Project electronically filed by Dianne Kuhnell on behalf of Duke Energy Ohio, Inc. and Rocco D'Ascenzo and Kingery, Jeanne W.