

---

AES Ohio  
1900 Dryden Road  
Dayton, Ohio 45439

September 23, 2021

Chairman Jenifer French  
Ohio Power Siting Board  
180 East Broad Street  
Columbus, Ohio 43215

Re: **West Milton – Eldean 138kV Line**  
Ohio Power Siting Board Case No. 18-1259-EL-BTX  
Notification of USACE and Floodplain Authorization

Dear Chairman French,

The Dayton Power and Light Company doing business as “AES Ohio” submits this notice to inform you of the following approvals and agency correspondence to satisfy Conditions 9, 11, and 14 related to the January 16, 2020 OPSB Approval of the above referenced project:

- On April 30, 2021, the U.S. Army Corps of Engineers (“USACE”) determined that the above referenced project meets the criteria for authorization under Nationwide Permit (NWP) No. 57 under the January 13, 2021 Federal Registrar, Notice of Reassurance of NWPs (86 FR 2744). (Enclosure 1)
- On August 23, 2021, the Miami County Planning and Zoning Department determined that the above referenced project does not require a floodplain permit for the above referenced project (Enclosure 2)
- On September 15, 2020, the U.S. Fish and Wildlife Services provided an informal consultation letter. (Enclosure 3)
- On November 3, 2020, the Ohio Department of Natural Resources provided an informal consultation letter. (Enclosure 4)
- On September 3, 2021, the Ohio Environmental Protection Agency determined that the above referenced project meets the criteria for authorization under National Pollutant Discharge Elimination System (NPDES) – Construction Site Stormwater General Permit OHC000005. (Enclosure 5)

To ensure compliance of the condition requirements, a tracking spreadsheet has been developed. AES Ohio anticipates that construction of the Project will begin October 25, 2021.

Please feel free to contact me if you have any questions regarding this notification letter.

Respectfully submitted,

ss:/ *Randall V. Griffin*

Randall V Griffin (Ohio Bar No. 0080499)  
Chief Regulatory Counsel  
The Dayton Power and Light Company

---

937-479-8983  
[Randall.griffin@aes.com](mailto:Randall.griffin@aes.com)

Enclosures: (1) U.S. Army Corps of Engineers authorization letter; (2) Miami County Planning and Zoning Department consultation correspondence; (3) U.S. Fish and Wildlife Service informal consultation letter; (4) Ohio Department of Natural Resources informal consultation letter; (5) Ohio EPA NPDES authorization letter.

---

**Enclosure 1**  
**U.S. Army Corps of Engineers Authorization Letter**



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
HUNTINGTON DISTRICT, CORPS OF ENGINEERS  
502 EIGHTH STREET  
HUNTINGTON, WEST VIRGINIA 25701-2070

April 30, 2021

Regulatory Division  
North Branch  
LRH-2021-270-GMR

**NATIONWIDE PERMIT #57 VERIFICATION**

Ms. Amanda Foti  
Dayton Power and Light  
1900 Dryden Road  
Dayton, Ohio 45439

Dear Ms. Foti:

I refer to the request, received in this office on March 26, 2021 for the pre-construction notification (PCN) concerning the West Milton – Eldean 138kV Electric Line Project, submitted on your behalf by GAI, Consultants. The proposed project would be located in West Milton Township, Miami County, Ohio. The 16.7-mile electric line would start at (Eldean 40.07994 latitude, -84.23677 longitude) and end at (West Milton 39.93755 latitude, -84.33244 longitude). We have assigned the following file number to your PCN: LRH-2021-270-GMR. Please reference this file number on all future correspondence related to this subject proposal.

The United States Army Corps of Engineers' (Corps) authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328, including the amendment to 33 CFR 328.3 (85 Federal Register 22250), and 33 CFR 329. Section 404 of the Clean Water Act (Section 404) requires a Department of the Army (DA) permit be obtained prior to the discharge of dredged or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 requires a DA permit be obtained for any work in, on, over or under navigable water.

The proposed project, as described in the submitted information, has been reviewed in accordance with Section 404 and Section 10. Based on your description of the proposed work, and other information available to us, it has been determined that this project will not involve activities subject to the requirements of Section 10. However, this project will include the discharge of dredged or fill material into waters of the United States subject to the requirements of Section 404 at one (1) single and complete project location.

In the submitted PCN materials received in this office on March 26, 2021, you have requested a DA authorization to permanently discharge dredged and/or fill material into 0.004 acre of one (1) wetland (Wetland F) for the installation of two (2) utility poles. Additionally, you have requested to temporarily place construction matting into 0.31 acre of one (1) wetland (Wetland F) in association with the West Milton – Eldean 138kV Electric Line Project. After

construction, the temporary fills will be removed in their entirety and the affected areas returned to pre-construction elevations and revegetated, as appropriate. The project will be completed as proposed in the Pre-Construction Notification dated March 26, 2021.

Based on your description of the proposed work, it has been determined the proposed discharge of dredged and/or fill material into waters of the United States for the construction of the West Milton – Eldean 138kV Electric Line Project meets the criteria for authorization under Nationwide Permit (NWP) No. 57 under the January 13, 2021 Federal Register, Notice of Reissuance of NWPs (86 FR 2744) provided you comply with all terms and conditions of the enclosed materials and special conditions. A copy of this NWP can be found on our website at <http://www.lrh.usace.army.mil/Missions/Regulatory.aspx>

This verification is valid until the expiration date of the NWPs, unless the NWP authorization is modified, suspended, or revoked. The verification will remain valid if the NWP authorization is reissued without modification or the activity complies with any subsequent modification of the NWP authorization. The 2021 NWPs published January 13, 2021 in the Federal Register (86 FR 2744), are scheduled to be modified, reissued, or revoked on March 15, 2026. Prior to this date, it is not necessary to contact this office for re-verification of your project unless the plans for the proposed activity are modified. Furthermore, if you commence or under contract to commence this activity before March 15, 2026, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

A copy of the NWP and this verification letter must be kept at the site during construction. Upon completion of the activities authorized by this NWP verification, the enclosed certification must be signed and returned to this office. If you have any questions concerning the above, please contact Mr. Cecil Cox at (304)399-5274, by mail at the above address, or by email at [Cecil.m.cox@usace.army.mil](mailto:Cecil.m.cox@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "Laurie A. Moore".

Laurie A. Moore  
Regulatory Project Manager  
North Branch

Enclosures

cc:

Tyler Rankin (via email)

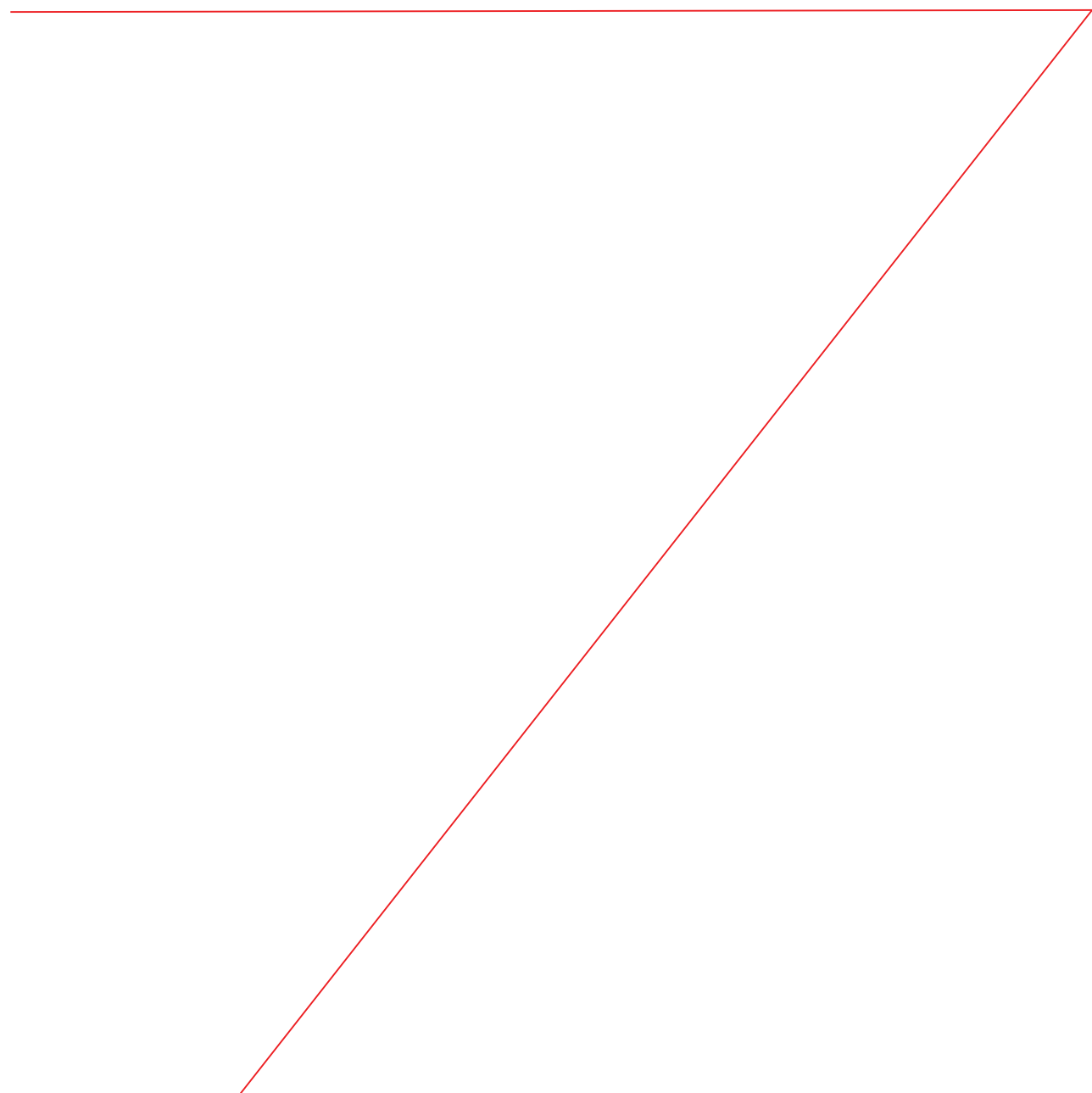
**SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 57 VERIFICATION  
WEST MILTON – ELDEAN 138KV ELECTRIC LINE PROJECT  
LRH-2021-270-GMR  
1 OF 2**

1. All work will be conducted in accordance with the submitted Pre-Construction Notification for the West Milton – Eldean 138kV Electric Line received in this office on March 26, 2021.
2. Enclosed is a copy of Nationwide Permit 57, which will be kept at the site during construction. A copy of the nationwide permit verification, special conditions, and the submitted construction plans must be kept at the site during construction. The permittee will supply a copy of these documents to their project engineer responsible for construction activities.
3. Construction activities will be performed during low flow conditions to the greatest extent practicable. Additionally, appropriate site specific best management practices for sediment and erosion control will be fully implemented during construction activities at the site.
4. Should new information regarding the scope and/or impacts of the project become available that was not submitted to this office during our review of the proposal, the permittee will submit written information concerning proposed modification(s) to this office for review and evaluation, as soon as practicable.
5. In the event any previously unknown historic or archaeological sites or human remains are uncovered while accomplishing the activity authorized by this nationwide permit authorization, the permittee must cease all work in waters of the United States immediately and contact local, state and county law enforcement offices (only contact law enforcement on findings of human remains), the Corps at 304-399-5210 and Ohio Historic Preservation Office at 614-298-2000. The Corps will initiate the Federal, state and tribal coordination required to comply with the National Historic Preservation Act and applicable state and local laws and regulations. Federally recognized tribes are afforded a government-to-government status as sovereign nations and consultation is required under Executive Order 13175 and 36 CFR Part 800.
6. The project site lies within the range of the Indiana bat (*Myotis sodalis*), a federally-listed endangered species and the northern long-eared bat (*Myotis septentrionalis*), a federally-listed threatened species. Several factors have contributed to the two species decline, including habitat loss, fragmentation of habitat and the disease White Nose Syndrome. During winter, the two bat species hibernate in caves and abandoned mines. Suitable summer habitat for the Indiana bats and the northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags  $\geq 3$  inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit

**SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 57 VERIFICATION  
WEST MILTON – ELDEAN 138KV ELECTRIC LINE PROJECT  
LRH-2021-270-GMR  
2 OF 2**

the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat. The permittee will preserve wooded/forested habitats exhibiting any of the characteristics listed above wherever possible. Should suitable habitat be present that cannot be saved during construction activities, any trees  $\geq 3$  inches dbh will only be cut between October 1 – March 31.

7. Section 7 obligations under Endangered Species Act must be reconsidered if new information reveals impacts of the project that may affect federally listed species or critical habitat in a manner not previously considered, the proposed project is subsequently modified to include activities which were not considered during Section 7 consultation with the United States Fish and Wildlife Service, or new species are listed or critical habitat designated that might be affected by the subject project.



---

**Enclosure 2**  
**Miami County Planning and Zoning Department Consultation**  
**Correspondence**



**From:** Dan Suerdieck <DSuerdieck@MiamiCountyOhio.gov>  
**Sent:** Monday, August 23, 2021 3:19 PM  
**To:** Tyler Rankin  
**Subject:** RE: Floodplain Coordination with Miami County for transmission line structures within Floodplain

**EXERCISE CAUTION: This is an External Email Message!**

*\*\*Think before clicking on links, opening attachments, or responding\*\**

Tyler,

I looked through our regulations a bit more closely and found the following under “exemptions”: “Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.”

If this would apply to the proposed project then no permit would be needed and your requirement to coordinate with our office would be met.

Thanks,  
Dan

Dan Suerdieck  
Miami County  
Planning and Zoning Manager



---

**From:** Tyler Rankin <[T.Rankin@gaiconsultants.com](mailto:T.Rankin@gaiconsultants.com)>  
**Sent:** Monday, August 23, 2021 2:32 PM  
**To:** Dan Suerdieck <[DSuerdieck@MiamiCountyOhio.gov](mailto:DSuerdieck@MiamiCountyOhio.gov)>  
**Subject:** Re: Floodplain Coordination with Miami County for transmission line structures within Floodplain

**CAUTION EXTERNAL EMAIL:**

**This message originated from a non-Miami County email server. *DO NOT OPEN* any attachments and *DO NOT CLICK ANY LINKS* unless you have contacted the sender to verify its legitimacy or confirmed you were expecting it. Contact the IT Department at ext. 5440 if you need assistance.**

Thanks Dan. If you think it's required, go ahead and pull the permit work together and send it over with any required fees

Thanks,  
Tyler

Get [Outlook for iOS](#)

---

**From:** Dan Suerdieck <[DSuerdieck@MiamiCountyOhio.gov](mailto:DSuerdieck@MiamiCountyOhio.gov)>  
**Sent:** Monday, August 23, 2021 8:41:34 AM  
**To:** Tyler Rankin <[T.Rankin@gaiconsultants.com](mailto:T.Rankin@gaiconsultants.com)>  
**Subject:** RE: Floodplain Coordination with Miami County for transmission line structures within Floodplain

**EXERCISE CAUTION: This is an External Email Message!**

*\*\*Think before clicking on links, opening attachments, or responding\*\**

Good Morning Tyler,

I have not heard back from ODNR but will try and follow up with them today. The project would appear to meet our requirements. If you would prefer to pay for the permit rather than wait for an answer from ODNR on whether or not this is an exempt project we should be able to get all of the paperwork put together by the end of the day.

Thanks,  
Dan

Dan Suerdieck  
Miami County  
Planning and Zoning Manager



---

**From:** Tyler Rankin <[T.Rankin@gaiconsultants.com](mailto:T.Rankin@gaiconsultants.com)>  
**Sent:** Friday, August 20, 2021 4:20 PM  
**To:** Marc Walters <[M.Walters@gaiconsultants.com](mailto:M.Walters@gaiconsultants.com)>; Dan Suerdieck <[DSuerdieck@MiamiCountyOhio.gov](mailto:DSuerdieck@MiamiCountyOhio.gov)>  
**Subject:** Re: Floodplain Coordination with Miami County for transmission line structures within Floodplain

---

**CAUTION EXTERNAL EMAIL:**

**This message originated from a non-Miami County email server. *DO NOT OPEN* any attachments and *DO NOT CLICK ANY LINKS* unless you have contacted the sender to verify its legitimacy or confirmed you were expecting it. Contact the IT Department at ext. 5440 if you need assistance.**

Hi Dan,

Just wanted to check back in with you and see if you heard anything from ODNR if a floodplain permit would be required or if this meets the standards of your Flood Damage Reduction Resolution.

Thank you,  
Tyler Rankin

Get [Outlook for iOS](#)

---

**From:** Tyler Rankin  
**Sent:** Thursday, August 12, 2021 8:45:06 AM  
**To:** Marc Walters <[M.Walters@gaiconsultants.com](mailto:M.Walters@gaiconsultants.com)>; Dan Suerdieck <[DSuerdieck@miamicountyohio.gov](mailto:DSuerdieck@miamicountyohio.gov)>  
**Subject:** RE: Floodplain Coordination with Miami County for transmission line structures within Floodplain

Dan,

For your reference, attached is our response letter from ODNR that Marc previously mentioned. Comments regarding the Stillwater River and its Floodplain are mentioned on pages 3 and 4.

There is an existing line crossing the Stillwater River where AES Ohio plans to install their new line, as recommended in this letter.

Let me know if you need any other information.

Thanks,  
Tyler

---

**From:** Marc Walters <[M.Walters@gaiconsultants.com](mailto:M.Walters@gaiconsultants.com)>  
**Sent:** Thursday, August 12, 2021 8:26 AM  
**To:** Dan Suerdieck <[DSuerdieck@miamicountyohio.gov](mailto:DSuerdieck@miamicountyohio.gov)>  
**Cc:** Tyler Rankin <[T.Rankin@gaiconsultants.com](mailto:T.Rankin@gaiconsultants.com)>  
**Subject:** Re: Floodplain Coordination with Miami County for transmission line structures within Floodplain

Hi Dan. We have a ODNR consultation letter for the crossing of that would be of value. They should be aware of the crossing to some extent and didn't mention a separate permit required. Let us know if you get any other direction. Thanks.

Marc Walters, MPA, CPESC

Senior Environmental Manager  
GAI Consultants, Inc.  
(M) 317.376.3802

Sent from my iOS 14 Mobile Device

On Aug 12, 2021, at 7:54 AM, Dan Suerdieck <[DSuerdieck@miamicountyohio.gov](mailto:DSuerdieck@miamicountyohio.gov)> wrote:

**EXERCISE CAUTION: This is an External Email Message!**

*\*\*Think before clicking on links, opening attachments, or responding\*\**

Good Morning Tyler,

This looks like it should meet the standards of our Flood Damage Reduction Resolution. I have an email in to my flood plain contact at ODNR to see if we need to put together a formal permit or if the project coordination below is sufficient.

Thanks,  
Dan

Dan Suerdieck  
Miami County  
Planning and Zoning Manager  
<[image002.png](#)>

---

**From:** Tyler Rankin <[T.Rankin@gaiconsultants.com](mailto:T.Rankin@gaiconsultants.com)>  
**Sent:** Wednesday, August 11, 2021 11:20 AM  
**To:** Dan Suerdieck <[DSuerdieck@MiamiCountyOhio.gov](mailto:DSuerdieck@MiamiCountyOhio.gov)>  
**Cc:** Marc Walters <[M.Walters@gaiconsultants.com](mailto:M.Walters@gaiconsultants.com)>  
**Subject:** RE: Floodplain Coordination with Miami County for transmission line structures within Floodplain

**CAUTION EXTERNAL EMAIL:**

**This message originated from a non-Miami County email server. *DO NOT OPEN* any attachments and *DO NOT CLICK ANY LINKS* unless you have contacted the sender to verify its legitimacy or confirmed you were expecting it. Contact the IT Department at ext. 5440 if you need assistance.**

Hi Dan,

Attached are additional plans for Utility Pole Structures 121 and 122 located within the floodplain of the Stillwater River. Temporary grading will take place within the

floodplain to gain access to installation locations but will be graded back to original contours. I am also attaching the original SWPPP plan map showing the location of the proposed pole structures and temporary controls that will be implemented.

Let me know if you have any other questions to help make a determination on whether or not any further coordination is required with your office.

Thanks,  
Tyler

**Tyler E. Rankin, MS, CNRP**  
Senior Project Environmental Specialist

**GAI Consultants**, 11 Spiral Drive, Suite 8, Florence, KY 41042

**D** 859.212.0226 **M** 859-912-1755

[Facebook](#) | [LinkedIn](#) | [Twitter](#) | [YouTube](#) | [Instagram](#) | [News & Insights](#)

<image001.png>

GAI CONSULTANTS CONFIDENTIALITY NOTICE: This communication contains confidential information belonging to the sender and may be legally privileged. This communication is solely for the use of its intended recipient. If you are not the intended recipient, inform the sender of the error and remove this email from your system. If this transmission includes any technical information, design data, and/or recommendations, they are provided only as a matter of convenience and may not be used for final design and/or construction.

---

**From:** Dan Suerdieck <[DSuerdieck@MiamiCountyOhio.gov](mailto:DSuerdieck@MiamiCountyOhio.gov)>  
**Sent:** Tuesday, July 20, 2021 11:47 AM  
**To:** Tyler Rankin <[T.Rankin@gaiconsultants.com](mailto:T.Rankin@gaiconsultants.com)>  
**Cc:** Marc Walters <[M.Walters@gaiconsultants.com](mailto:M.Walters@gaiconsultants.com)>  
**Subject:** RE: Floodplain Coordination with Miami County for transmission line structures within Floodplain

**EXERCISE CAUTION: This is an External Email Message!**

*\*\*Think before clicking on links, opening attachments, or responding\*\**

Good Morning Tyler,

I presume the proposed structures shown on the plan are utility poles? So long as no work is being done within the banks of the water course and everything will be graded back to its current state, I do not see anything which would prevent me from issuing a flood plain development permit. If they exist, I would request a full set of plans for the area in question when you are ready to move forward.

Thanks,  
Dan

Dan Suerdieck  
Miami County  
Planning and Zoning Manager

<image002.png>

---

**From:** Tyler Rankin <[T.Rankin@gaiconsultants.com](mailto:T.Rankin@gaiconsultants.com)>

**Sent:** Monday, July 19, 2021 2:01 PM

**To:** Dan Suerdieck <[DSuerdieck@MiamiCountyOhio.gov](mailto:DSuerdieck@MiamiCountyOhio.gov)>

**Cc:** Marc Walters <[M.Walters@gaiconsultants.com](mailto:M.Walters@gaiconsultants.com)>

**Subject:** Floodplain Coordination with Miami County for transmission line structures within Floodplain

**CAUTION EXTERNAL EMAIL:**

**This message originated from a non-Miami County email server. *DO NOT OPEN* any attachments and *DO NOT CLICK ANY LINKS* unless you have contacted the sender to verify its legitimacy or confirmed you were expecting it. Contact the IT Department at ext. 5440 if you need assistance.**

Hi Dan,

Thanks for taking my call today. As we discussed, I am working on a new transmission line project where there are 2 structures proposed to be within the 100 year floodplain of the still water river, off of State Road 55. No impacts are anticipated below the banks of the river. Temporary access may require some temporary fill for construction equipment to get to structure locations but the area will be graded back to pre-construction conditions after work is complete. Attached are our draft stormwater plans showing pole locations, proposed access, and river/floodplain boundaries. Please let me know what type of coordination with your office is needed to complete this portion of the project.

Feel free to call me with any questions or concerns.

Thanks,  
Tyler

**Tyler E. Rankin, MS, CNRP**  
Senior Project Environmental Specialist

**GAI Consultants**, 11 Spiral Drive, Suite 8, Florence, KY 41042

**D** 859.212.0226 **M** 859-912-1755

[Facebook](#) | [LinkedIn](#) | [Twitter](#) | [YouTube](#) | [Instagram](#) | [News & Insights](#)

<image001.png>

GAI CONSULTANTS CONFIDENTIALITY NOTICE: This communication contains confidential information belonging to the sender and may be legally privileged. This communication is solely for the use of its intended recipient. If you are not the intended recipient, inform the sender of the error and remove this email from your system. If this transmission includes any technical information, design data, and/or recommendations, they are provided only as a matter of convenience and may not be used for final design and/or construction.

---

**Enclosure 3**  
**U.S. Fish and Wildlife Service Informal Consultation Letter**



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# 03E15000-2020-TA-2453

Dear Mr. Glenn,

We have received your recent correspondence requesting information about the subject proposal. There are no federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area. The following comments and recommendations will assist you in fulfilling the requirements for consultation under section 7 of the Endangered Species Act of 1973, as amended (ESA).

The U.S. Fish and Wildlife Service (Service) recommends that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat (e.g., forests, streams, wetlands). Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. If streams or wetlands will be impacted, the Corps of Engineers should be contacted to determine whether a Clean Water Act section 404 permit is required. Best management practices should be used to minimize erosion, especially on slopes. All disturbed areas should be mulched and revegetated with native plant species. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

**FEDERALLY LISTED SPECIES COMMENTS:** All projects in the State of Ohio lie within the range of the federally endangered **Indiana bat** (*Myotis sodalis*) and the federally threatened **northern long-eared bat** (*Myotis septentrionalis*). In Ohio, presence of the Indiana bat and northern long-eared bat is assumed wherever suitable habitat occurs unless a presence/absence survey has been performed to document absence. Suitable summer habitat for Indiana bats and northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags  $\geq 3$  inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat. In the winter, Indiana bats and northern long-eared bats hibernate in caves and abandoned mines.



**The proposed project is in the vicinity of one or more confirmed records of Indiana bats.** Therefore, we recommend that trees  $\geq 3$  inches dbh be saved wherever possible. Because the project will result in a small amount of forest clearing relative to the available habitat in the immediately surrounding area, habitat removal is unlikely to result in significant impacts to these species. Since Indiana bat presence in the vicinity of the project has been confirmed, clearing of trees  $\geq 3$  inches dbh during the summer roosting season may result in direct take of individuals. If any caves or abandoned mines may be disturbed, further coordination with this office is requested to determine if fall or spring portal surveys are warranted. If no caves or abandoned mines are present and tree removal is unavoidable, we recommend that removal of any trees  $\geq 3$  inches dbh only occur between October 1 and March 31. Following this seasonal tree clearing recommendation should ensure that any effects to Indiana bats and northern long-eared bats are insignificant or discountable. **Please note that, because Indiana bat presence has already been confirmed in the project vicinity, any additional summer surveys would not constitute presence/absence surveys for this species.**

The proposed project lies within the range of the endangered **rayed bean** (*Villosa fabalis*) and **snuffbox** (*Epioblasma triquetra*). These two mussel species are known to occur in the Stillwater River. If impacts to the Stillwater River are proposed, we recommend that a survey be conducted to determine the presence or probable absence of rayed bean and snuffbox in the vicinity of the proposed site. Any survey should be designed and conducted in coordination with the Ohio Field Office. Surveyors must have valid Federal and State permits to survey for federally listed mussels in Ohio.

If there is a federal nexus for the project (e.g., federal funding provided, federal permits required to construct), no tree clearing should occur on any portion of the project area until consultation under section 7 of the ESA, between the Service and the federal action agency, is completed. We recommend that the federal action agency submit a determination of effects to this office, relative to the Indiana bat and northern long-eared bat, for our review and concurrence.

Due to the project type, size, and location, we do not anticipate adverse effects to any other federally endangered, threatened, proposed, or candidate species. Should the project design change, or during the term of this action, additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of the action that were not previously considered, consultation with the Service should be initiated to assess any potential impacts.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the ESA, and are consistent with the intent of the National Environmental Policy Act of 1969 and the Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed section 7 consultation document. We recommend that the project be coordinated with the Ohio Department of Natural Resources due to the potential for the project to affect state listed species and/or state lands. Contact Mike Pettegrew, Acting Environmental Services Administrator, at (614) 265-6387 or at [mike.pettegrew@dnr.state.oh.us](mailto: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](mailto: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".

Patrice M. Ashfield  
Field Office Supervisor

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

---

**Enclosure 4**  
**Ohio Department of Natural Resource Informal Consultation Letter**



# 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

November 3, 2020

Anthony Glenn  
GAI Consultants  
6000 Town Center Blvd., Suite 300  
Canonsburg, PA 15317

**Re:** 20-881; DP&L West Milton-Eldean 138 kV Transmission Line Project

**Project:** The proposed project involves the installation of an approximate 16.71-mile a 138 kV overhead electric transmission line extending from DP&L's West Milton Substation to their Eldean Substation.

**Location:** The proposed project is located in Concord and Union Townships, Miami 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:

Wood's-hellebore (*Melanthium woodii*), T  
Elktoe (*Alasmodonta marginata*), SC  
Snuffbox (*Epioblasma triquetra*), E, FE  
Creek heelsplitter (*Lasmigona compressa*), SC  
Kidneyshell (*Ptychobranhus fasciolaris*), SC  
Rayed bean (*Villosa fabalis*), E, FE  
Waterfall  
Stillwater State Scenic River  
Francis Scenic River Easement – ODNR Scenic Rivers Program  
Stillwater Scenic River Easement – ODNR Scenic Rivers Program  
Twin Arch Reserve – Miami Co. Park District  
Brukner Nature Center – Brukner Nature Center

The review was performed on the project area you specified in your request as well as an additional one-mile radius. Records searched date from 1980. This information is provided to inform you of features present within your project area and vicinity.

Please note that Ohio has not been completely surveyed and we rely on receiving information from many sources. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Although all types of plant communities have been surveyed, we only maintain records on the highest quality areas.

Statuses are defined as: E = state endangered; T = state threatened; P = state potentially threatened; SC = state species of concern; SI = state special interest; A = species recently added to state inventory, status not yet determined; X = presumed extirpated in Ohio; FE = federal endangered, FT = federal threatened, FSC = federal species of concern, FC = federal candidate species.

**Fish and Wildlife:** The Division of Wildlife (DOW) has the following comments.

The DOW recommends that impacts to streams, wetlands and other water resources be avoided and minimized to the fullest extent possible, and that best management practices be utilized to minimize erosion and sedimentation.

The project is within the vicinity of records for the Indiana bat (*Myotis sodalis*), a state endangered and federally 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 Sarah Stankavich, [sarah.stankavich@dnr.state.oh.us](mailto:sarah.stankavich@dnr.state.oh.us)).

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  $\geq 20$  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 Sarah Stankavich, [sarah.stankavich@dnr.state.oh.us](mailto:sarah.stankavich@dnr.state.oh.us) 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*)

rayed bean (*Villosa fabalis*)

snuffbox (*Epioblasma triquetra*)

This project must not have an impact on freshwater native mussels at the project site. This applies to both listed and non-listed species. Per the Ohio Mussel Survey Protocol (2020), all Group 2, 3, and 4 streams (Appendix A) require a mussel survey. Per the Ohio Mussel Survey Protocol, Group 1 streams (Appendix A) and unlisted streams with a watershed of 5 square miles or larger above the point of impact should be assessed using the Reconnaissance Survey for Unionid Mussels (Appendix B) to determine if mussels are present. Mussel surveys may be recommended for these streams as well. This is further explained within the Ohio Mussel Survey Protocol. Therefore, if in-water work is planned in any stream that meets any of the above criteria, the DOW recommends the applicant provide information to indicate no mussel impacts will occur. If this is not possible, the DOW recommends a professional malacologist conduct a mussel survey in the project area. If mussels that cannot be avoided are found in the project area, as a last resort, the DOW recommends a professional malacologist collect and relocate the mussels to suitable and similar habitat upstream of the project site. Mussel surveys and any subsequent mussel relocation should be done in accordance with the Ohio Mussel Survey Protocol. The Ohio Mussel Survey Protocol (2020) can be found at:

<http://wildlife.ohiodnr.gov/portals/wildlife/pdfs/licenses%20&%20permits/OH%20Mussel%20Survey%20Protocol.pdf>

The project is within the range of the Iowa darter (*Etheostoma exile*), a state endangered fish. The DOW recommends no in-water work in perennial streams from April 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 this or other aquatic 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.

**Natural Areas:** The Ohio Scenic Rivers Program has the following comment.

The Ohio Scenic Rivers Program staff have reviewed the DP&L West Milton-Eldean transmission line project in Miami County, Ohio for installation of a 16.71-mile-long electric transmission line between the West Milton and Eldean substations. The line will cross the Stillwater State Scenic River. Although the Scenic Rivers Program does not have approval authority over any privately funded projects, assuming that no public dollars will be used for any of the line build, program staff have provided recommendations to continue to protect the Stillwater State Scenic River:

- Based on the proposed route and provided maps, the line will be placed over the Route 55 bridge southeast of the Village of Ludlow Falls and will avoid a new crossing over the Stillwater State Scenic River. The Ohio Scenic Rivers Program staff continue to recommend that every attempt be made to “overbuild” the wires vertically on an existing tower at the actual river crossing location, thus spanning the river valley. This will reduce the amount of riparian vegetation that needs to be cleared to install and maintain the transmission lines long term. Once the lines are beyond the stream channel and any existing riparian forest buffer on either side of the stream, the lines could then be installed on poles or structures running parallel to existing structures.



- DP&L should avoid clearing trees from within 50 feet of the Stillwater State Scenic River to avoid destabilizing stream banks and accelerating the potential for bank erosion. If clearing must be done in these areas, stumps should be left in place to help maintain bank stability. All vegetative waste, such as tree limbs and trunks generated during construction, should be wind-rowed or chipped and disposed of appropriately. However, no wind-rowed or chipped vegetation, or other project-related material, should be left in wetlands, riparian areas or the floodways of the Stillwater State Scenic River or any of its tributaries. Leaving such material in these areas can degrade water quality or be at risk of being washed down stream during a flood event and causing a log jam.
- For long term maintenance in riparian areas, the Scenic Rivers Program requests that DP&L plant low growing native shrubs and trees (underneath transmission lines) to provide some form of a riparian forest buffer at the river crossing location. Scenic Rivers Program staff can assist regarding determining which species may be most appropriate for crossing of the Stillwater State Scenic River. Aaron Rourke, Southwest Regional Manager, can assist with a native plant list and any questions that DP&L may have about the Stillwater State Scenic River. Mr. Rourke may be contacted at Aaron.Rourke@dnr.ohio.gov or 614-230-8534.
- A Storm Water Pollution Prevention Plan (SWPPP) should be developed for the project to prevent sediment-laden runoff from reaching Stillwater State Scenic River or its tributaries. Items such as perimeter controls should be implemented prior to the start of any soil disturbance. Disturbed soils should be immediately seeded and mulched at the completion of the project.
- Aaron Rourke, Southwest Regional Manager, would like to be invited to a pre-construction meeting with the contractor present and be notified of the project start date one week prior to the commencement of work. He may ask to make onsite visits during the duration of the project to ensure scenic river protection measures are being properly implemented. Please also contact him one week prior to completion of the project. He may be reached at 614-230-8534 or [aaron.rourke@dnr.state.oh.us](mailto:aaron.rourke@dnr.state.oh.us).

**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](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 (614) 265-6397 or [Sarah.Tebbe@dnr.state.oh.us](mailto:Sarah.Tebbe@dnr.state.oh.us) if you have questions about these comments or need additional information.

Mike Pettegrew  
Environmental Services Administrator (Acting)

---

**Enclosure 5**  
**Ohio Environmental Protection Agency NPDES Authorization**  
**Letter**





Mike DeWine, Governor  
Jon Husted, Lt. Governor  
Laurie A. Stevenson, Director

Sep 03, 2021

Dayton Power & Light d/b/a AES Ohio  
Amanda Foti  
1065 Woodman Drive  
Dayton, OH 45432

Re: Approval Under Ohio EPA National Pollutant Discharge Elimination System (NPDES) - Construction Site Stormwater General Permit - OHC000005

Dear Applicant,

Your NPDES Notice of Intent (NOI) application is approved for the following facility/site. Please use your Ohio EPA Facility Permit Number in all future correspondence.

<b>Facility Name:</b>	West Milton to Eldean 138kV Transmission Line Proj
<b>Facility Location:</b>	6995 W Frederick Garland Rd
<b>City:</b>	West Milton
<b>County:</b>	Miami
<b>Township:</b>	Concord
<b>Ohio EPA Facility Permit Number:</b>	1GC08320*AG
<b>Permit Effective Date:</b>	Sep 03, 2021

Please read and review the permit carefully. The permit contains requirements and prohibitions with which you must comply. Coverage under this permit will remain in effect until a renewal of the permit is issued by the Ohio EPA.

If more than one operator (defined in the permit) will be engaged at the site, each operator shall seek coverage under the general permit. Additional operator(s) shall submit a Co-Permittee NOI to be covered under this permit. There is no fee associated with the Co-Permittee NOI form.

Please be aware that this letter only authorizes discharges in accordance with the above referenced NPDES CGP. The placement to fill into regulated waters of the state may require a 401 Water Quality Certification and/or Isolated Wetlands Permit from Ohio EPA. Also, a Permit-To-Install (PTI) is required for the construction of sanitary or industrial wastewater collection, conveyance, storage, treatment, or disposal facility; unless a specific exemption by rule exists. Failure to obtain the required permits in advance is a violation of Ohio Revised Code 6111 and potentially subjects you to enforcement and civil penalties.

To view your electronic submissions and permits please Logon in to the Ohio EPA's eBusiness Center at <http://ebiz.epa.ohio.gov>.

If you need assistance or have questions please call (614) 644-2001 and ask for Construction Site Stormwater General Permit support or visit our website at <http://www.epa.ohio.gov>.

Sincerely,

Laurie A. Stevenson  
Director

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

**Commission of Ohio Docketing Information System on**

**9/23/2021 8:30:16 AM**

**in**

**Case No(s). 18-1259-EL-BTX**

Summary: Notification of Compliance for West Milton - Eldean 138kV Line electronically filed by Ms. Sarah Howdeshelt on behalf of The Dayton Power and Light Company