
AES Ohio
1900 Dryden Road
Dayton, Ohio 45439

June 29, 2022

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

Re: **West Milton to Airport 138kV**
Ohio Power Siting Board Case No. 21-0972-EL-BLN
Notification of ODNR, USFWS Correspondence

Dear Chairman French,

The Dayton Power and Light Company doing business as AES Ohio submits this notice to inform you of the following agency correspondence to satisfy Conditions 2 and 3 related to the March 18, 2022 Ohio Power Siting Board (“OPSB”) approval of the above-referenced project:

- On June 28, 2022, AES Ohio determined that construction activities for the above referenced project would not take place in areas that require permits or authorizations by federal or state laws and regulations.
- On June 22, 2022, the U.S. Fish and Wildlife Service (“USFWS”) provided an informal consultation letter for the above referenced project (Enclosure 1).
- On June 22, 2022, the Ohio Department of Natural Resources (“ODNR”) provided an informal consultation letter for the above referenced project (Enclosure 2).

Furthermore, no federal or state permits are necessary for the above-referenced project.

AES Ohio anticipates that construction of the Project will commence as soon as July 18, 2022.

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
AES Ohio
937-259-8983 (cell)
Randall.griffin@aes.com

Enclosures: (1) U.S. Fish & Wildlife Service informal consultation letter; (2) Ohio Department of Natural Resources informal consultation letter.

Enclosure 1
U.S. Fish & Wildlife Service Informal Consultation Letter

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

Sent: Wednesday, June 22, 2022 8:48 AM

To: mgilmore@enviросcienceinc.com

Cc: Reardon, Nathan <Nathan.Reardon@dnr.ohio.gov>; Wyza, Eileen <Eileen.Wyza@dnr.ohio.gov>

Subject: Bat Survey #22-016 Response for West Milton – Airport 138kV, near Tipp City, Miami County, Ohio



UNITED STATES DEPARTMENT OF THE INTERIOR
U.S. Fish and Wildlife Service
Ecological Services Office
4625 Morse Road, Suite 104
Columbus, Ohio 43230
(614) 416-8993 / Fax (614) 416-8994



Dear Ms. Gilmore,

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

We have received your summer bat survey report for the subject project. The survey was conducted following current Service guidelines. No Indiana bats (*Myotis sodalis*) were captured/detected, demonstrating probable absence of Indiana bats in the project area. Currently, the Service has no known hibernacula or maternity roost records for northern long-eared bat (*Myotis septentrionalis*) in the vicinity of the project. Therefore, the 4(d) rule for the northern long-eared bat could be applied (see: <http://www.fws.gov/midwest/endangered/mammals/nleb/index.html>). Tree clearing on the project site at any time of the year is unlikely to result in adverse impacts to Indiana bats and will not result in any unauthorized incidental take of northern long-eared bats. Negative Indiana bat summer surveys are valid for five years. Therefore, no tree clearing should occur on the site after March 31, 2026 without further coordination with this office.

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.

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

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

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

Sincerely,



Patrice Ashfield
Field Office Supervisor

cc: Nathan Reardon, ODNR-DOW
Eileen Wyza, ODNR-DOW

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Enclosure 2
Ohio Department of Natural Resources Informal Consultation
Letter

From: Eileen.Wyza@dnr.ohio.gov <Eileen.Wyza@dnr.ohio.gov>

Sent: Wednesday, June 22, 2022 11:22 AM

To: Mary Gilmore <mgilmore@enviromscienceinc.com>

Cc: Angie Boyer <Angela_Boyer@fws.gov>

Subject: RE: Bat Survey #22-016 Response for West Milton – Airport 138kV, near Tipp City, Miami County, Ohio

Hi Mary,

The Ohio Division of Wildlife (DOW) has received the summer bat survey report for the AES Ohio's West Milton – Airport 138kV project, conducted according to current U.S. Fish and Wildlife Service (USFWS) and Ohio Department of Natural Resources, Division of Wildlife guidance. No Indiana (*Myotis sodalis*), northern long-eared (*M. septentrionalis*), little brown (*M. lucifugus*), or tricolored (*Perimyotis subflavus*) bats were detected, suggesting risk to these state-endangered species is low in the project area and tree cutting during summer maternity season is not likely to result in direct mortality of these species. Please contact DOW immediately should any bats be discovered. Should tree cutting need to occur after March 31, 2027, DOW recommends further consultation to reevaluate risk to these bat species.

This guidance does not constitute a full ODNR environmental review. If required, please contact the ODNR, Office of Real Estate Management to submit a request for agency environmental review coordination.

Thanks!



Eileen Wyza

Wildlife Biologist

Ohio Division of Wildlife

Phone: 614-265-6764

Email: Eileen.Wyza@dnr.ohio.gov

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Case No(s). 21-0972-EL-BLN

Summary: Notification of ODNR, USFWS Correspondence at AES Ohio West
Milton to Airport 138kV electronically filed by Ms. Sarah Howdeshelt on behalf of
Dayton Power & Light Company d/b/a AES Ohio