



Legal Department

American Electric Power  
1 Riverside Plaza  
Columbus, OH 43215-2373  
AEP.com

August 25, 2022

Ms. Tanowa Troupe, Secretary  
Ohio Power Siting Board  
180 East Broad Street  
Columbus, Ohio 43215-3793

**Hector Garcia**  
Senior Counsel –  
Regulatory Services  
(614) 716-3410 (P)  
[hgarcia1@aep.com](mailto:hgarcia1@aep.com)

**RE: In the Matter of the Letter of Notification of AEP Ohio Transmission  
Company for the Hillsboro-Millbrook Park 138 kV Circuit Rebuild  
Adjustment Project  
Case No. 22-0010-EL-BLN**

Dear Ms. Troupe:

In satisfaction of Condition (3) of the Staff Report for the project listed above, AEP Ohio Transmission Company, Inc. (“the Company”) submits this notice and attachment to inform you of the coordination with the Ohio Department of Natural Resources (“ODNR”) Division of Wildlife (“DOW”) and United States Fish and Wildlife Services (“USFWS”) in regards to tree clearing prior to October 1<sup>st</sup>. As mentioned in the condition compliance letter dated August 25<sup>th</sup> 2022, enclosed is the response from DOW and USFWS in regard to conditional tree clearing. A copy of the relevant emails and letter is attached hereto.

The Company will supplement this information on this docket if additional documentation is provided by ODNR or USFWS or if further consultation with either agency is necessary.

If you have any questions regarding this information, please do not hesitate to contact me.

Respectfully submitted,

/s/ Hector Garcia

Hector Garcia (0084517), Counsel of Record  
Counsel for AEP Ohio Transmission Company, Inc.

cc: John Jones, Counsel OPSB Staff  
Jon Pawley, OPSB Staff

# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Ecological Services  
4625 Morse Road, Suite 104  
Columbus, Ohio 43230  
(614) 416-8993 / FAX (614) 416-8994



July 18, 2022

TAILS#: 03E15000-2019-I-2039

Dear Ms. Clarkston:

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: <https://ecos.fws.gov/ecp/species/9045>). 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, 2027 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](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

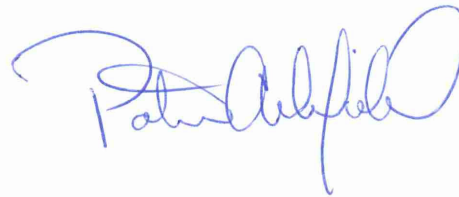
species. In addition, prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

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](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,



Patrice Ashfield  
Field Office Supervisor

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

**From:** [Eileen.Wyza@dnr.ohio.gov](mailto:Eileen.Wyza@dnr.ohio.gov)  
**To:** [Boyer, Angela](#); [Valerie Clarkston](#)  
**Cc:** [Allison R Wheaton](#); [Jeremy Alberts](#); [Ohio, FW3](#)  
**Subject:** RE: [EXTERNAL] #22-023 - AEP's Hillsboro to Millbrook Park Rebuild Project - Summer Mist Net Survey Report  
**Date:** Monday, July 25, 2022 3:14:54 PM  
**Attachments:** [image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image001.png](#)

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Hi Valerie,

Thank you for your patience. The Ohio Division of Wildlife (DOW) has received the summer bat survey report for the AEP's Hillsboro to Millbrook Park Rebuild project, conducted according to current U.S. Fish and Wildlife Service (USFWS) and Ohio Department of Natural Resources, Division of Wildlife (DOW) guidance. Because the Northern long-eared bat was detected and not tracked to a specific roost tree, tree cutting is not recommended in this area between April 1 and September 30. Limited summer tree cutting inside this buffer, as outlined in the DOW guidance for Bat Surveys and Tree clearing (May 2022) may be acceptable after further consultation with DOW.

Thank you,

**Eileen Wyza**  
Wildlife Biologist  
Ohio Division of Wildlife  
Phone: 614-265-6764  
Email: [Eileen.Wyza@dnr.ohio.gov](mailto:Eileen.Wyza@dnr.ohio.gov)

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**From:** Boyer, Angela <angela\_boyer@fws.gov>  
**Sent:** Monday, July 18, 2022 12:02 PM  
**To:** Valerie Clarkston <VClarkston@envsi.com>; Wyza, Eileen <Eileen.Wyza@dnr.ohio.gov>  
**Cc:** Allison R Wheaton <arwheaton@aep.com>; Jeremy Alberts <JAlberts@envsi.com>; Ohio, FW3 <ohio@fws.gov>  
**Subject:** Re: [EXTERNAL] #22-023 - AEP's Hillsboro to Millbrook Park Rebuild Project - Summer Mist Net Survey Report

Hello,

The USFWS response letter is attached.

Sincerely,  
Angie

---

**From:** Valerie Clarkston <[VClarkston@envsi.com](mailto:VClarkston@envsi.com)>  
**Sent:** Friday, July 15, 2022 3:08 PM  
**To:** Boyer, Angela <[angela\\_boyer@fws.gov](mailto:angela_boyer@fws.gov)>; [Eileen.Wyza@dnr.ohio.gov](mailto:Eileen.Wyza@dnr.ohio.gov) <[Eileen.Wyza@dnr.ohio.gov](mailto:Eileen.Wyza@dnr.ohio.gov)>  
**Cc:** Allison R Wheaton <[arwheaton@aep.com](mailto:arwheaton@aep.com)>; Jeremy Alberts <[JAlberts@envsi.com](mailto:JAlberts@envsi.com)>  
**Subject:** [EXTERNAL] #22-023 - AEP's Hillsboro to Millbrook Park Rebuild Project - Summer Mist Net Survey Report

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Good afternoon, Angela and Eileen –

Mist net surveys along AEP's Hillsboro to Millbrook Park Rebuild Project in Pike and Scioto counties were conducted from 7 June to 8 July 2022. Eighty-four complete and eight partial net nights of

effort across 21 sites yielded capture of 82 bats, including a non-reproductive adult female northern long-eared bat. No Indiana, little brown, or tricolored bats were captured during current survey efforts. Per the Guidelines, the northern long-eared bat received a radio-transmitter and diurnal roost telemetry was conducted for the seven-day minimum. A signal was never detected and thus no roost trees were documented within the Project area.

Further details are within the full-length report available for download using the link below:

 [AEP's Hillsboro-Millbrook Park Rebuild Project – 2022 Summer Mist Net Survey Report](#)

Thank you for your review, and please reach out with any questions!

Valerie



**Valerie Clarkston, M.S., CWB®, CE**

Project Manager

Environmental Solutions & Innovations, Inc.  
8 Bettys Lane | Scott Depot, WV 25560 | USA

**office:** 513.451.1777 **cell:** 513.382.0925

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**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**8/25/2022 12:02:06 PM**

**in**

**Case No(s). 22-0010-EL-BLN**

Summary: Notice Updated Letter of Notice, Hillsboro-Millbrook Condition 3  
electronically filed by Hector Garcia-Santana on behalf of AEP Ohio Transmission  
Company, Inc.