

**CONSTRUCTION NOTICE  
FOR THE  
FAIRFIELD TRANSMISSION POLE PROJECT**

**Duke Energy Ohio, Inc.  
OPSB Case No. 22-725-EL-BNR**

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

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

**September 2022**



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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 Fairfield Transmission Pole (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 Fairfield Transmission Pole Project (Project)

Reference Numbers:

<u>OPSB Filing Number:</u>	The Project has been assigned Ohio Power Siting Board (OPSB) Case Number 22-725-EL-BNR.
<u>PJM Number:</u>	This project does not meet the definition of an M-3 project and, therefore, is not reported to PJM.
<u>2022 LTFR:</u>	This Project was included in the 2022 LTFR; the FE-T9 form is on page 95.
<u>Circuit Reference:</u>	This Project relates to Transmission Circuit F5781, a 138-kV transmission line.

#### **Brief Description of the Project:**

The Project involves the addition of a transmission pole between two existing structures on the F5781 138-kV circuit in the City of Fairfield, Butler County, Ohio. The structure will be added on the east side of U.S. 127 and west of Pleasant Avenue/Leway Drive, approximately 450 feet north of Hunter Road, to allow for the installation of distribution equipment. The new direct embedded structure will be located within existing easements. The new above-ground steel monopole will be installed on 138-kV circuits to provide the necessary structure on which to install needed self-optimizing grid equipment on the underbuilt 12.5-kV distribution line. The existing 138-kV transmission line will be transferred to the new structure. No new conductor will be installed.

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

- (2) *Adding new circuits on existing structures designed for multiple circuit use, replacing conductors on existing structures with larger or bundled conductors, adding structures to an existing transmission line, or replacing structures with a different type of structure, for a distance of:*
- (a) *Two miles or less.*

#### **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 F5781 138-kV circuit in Fairfield, Butler County, Ohio, will have a new structure added in order to allow the installation of self-optimizing grid equipment (a recloser) on the underbuilt 12.5-kV electric distribution line to improve the reliability of the local community's electricity. There is not enough clearance between the distribution and transmission line to allow for use of a distribution-only skip-span pole. Therefore, the new structure must also carry the transmission line. The Project will increase Duke Energy Ohio's ability to maintain and efficiently operate its system in the area. The proposed Project 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 location of the new transmission pole along the F5781 138 kV transmission circuit.

#### **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 Project is located along an existing transmission circuit where distribution equipment is required. The Project will occur entirely within existing right-of-way. No additional long-term impacts to adjacent properties are anticipated as a result of the Project. Therefore, the current configuration 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.**

The Project is located entirely within Duke Energy Ohio right-of-way. Any impacted property owner(s) will be notified prior to construction activities. Further information on the ongoing status of this Project and other Duke Energy Projects can be found at the following website:

[www.duke-energy.com/fairfield](http://www.duke-energy.com/fairfield)

**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 October 2022, pending approval of this Construction Notice. The Project is anticipated to be completed and in service by December 2022.

**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 new transmission pole location on an aerial photograph.

**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.**

The Project is located within road right-of-way adjacent to Parcel A0700129000025. No new right-of-way is necessary for the Project.

**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 install on new 85-foot-tall monopole, with an above-ground height of approximately 72.5 feet and with approximately 12.5 feet buried. The new above-ground steel monopole will be installed on 138-kV circuits to provide a structure to install equipment on the 12.5-kV electric distribution line (under-build) that is located on the same structures. The existing 138-kV transmission line will be transferred from the new structures; no new conductor will be installed. The technical features are shown in Figure 2.

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

Voltage:	138-kV
Structure Type:	One 85' steel pole that is directly embedded – 72.5 feet above ground and 12.5 feet in the ground.
Conductors:	existing 954AAC B37
Static Wire:	existing 1/0 ACSR 6/1
Insulators:	138-kV polymer insulators – on new steel pole
ROW:	No new easements are required for this project.

**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 the addition of one new transmission pole. No new conductor is planned. 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 \$135,256. This Class 4 estimate includes installation of the new transmission structure and necessary equipment.

**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 the City of Fairfield, Butler County, Ohio. The proposed structure installation will occur entirely within existing 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 Project is in an urban area immediately adjacent to a local street and single-family residential lot. None of this area has been used for agricultural purposes. No Agricultural District Land parcels were identified at or adjacent to the Project. 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. A Project Summary Form and corresponding report were submitted to OHPO requesting concurrence that no

historic properties will be affected. OHPO provided concurrence on July 13, 2022. 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) Information for Planning and Consultation (IPaC) website lists the Project area within the range of the Indiana bat (*Myotis sodalis*; federally endangered), northern long-eared bat (*Myotis septentrionalis*; federally threatened) and Monarch butterfly (*Danaus plexippus*; federal candidate). Coordination with the Ohio Department of Natural Resources (ODNR) was initiated in an effort to identify the Project's potential effect on any federally or state listed Endangered, Threatened and Rare (ETR) species or critical habitat. A response from ODNR was provided on August 3, 2022. ODNR identified four bat species, two mussel species, two fish species, three bird species, Kirtland's snake, and cave salamander. However, no potential bat habitat trees are located within the site Boundary. No streams were observed onsite; therefore, no aquatic species would be present. Habitat for the other species was also not observed. No impacts to ETR 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 within a 200-foot by 75-foot area surrounding the proposed pole location. 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.**

A link to a copy of the Construction Notice has been sent to the appropriate public officials for Butler County and the City of Fairfield. Additionally, a link has been sent to the Butler County Public Library.

Duke Energy Ohio will maintain a copy of this Application on its website at:

[www.duke-energy.com/fairfield](http://www.duke-energy.com/fairfield)

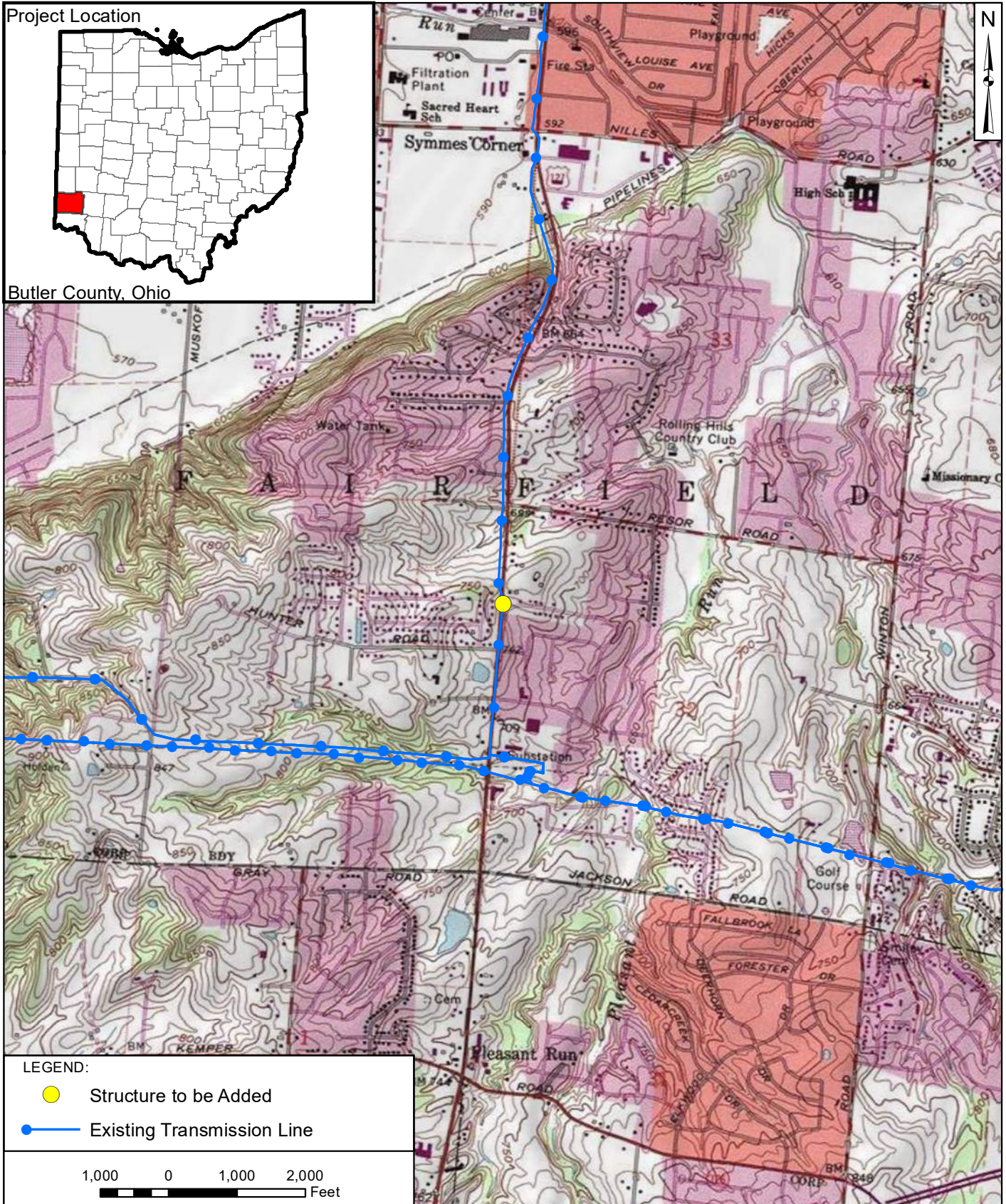
Duke Energy Ohio will file proof of compliance on the docket within 7 days of filing this application.



## **ATTACHMENT A – FIGURES**



Butler County, Ohio



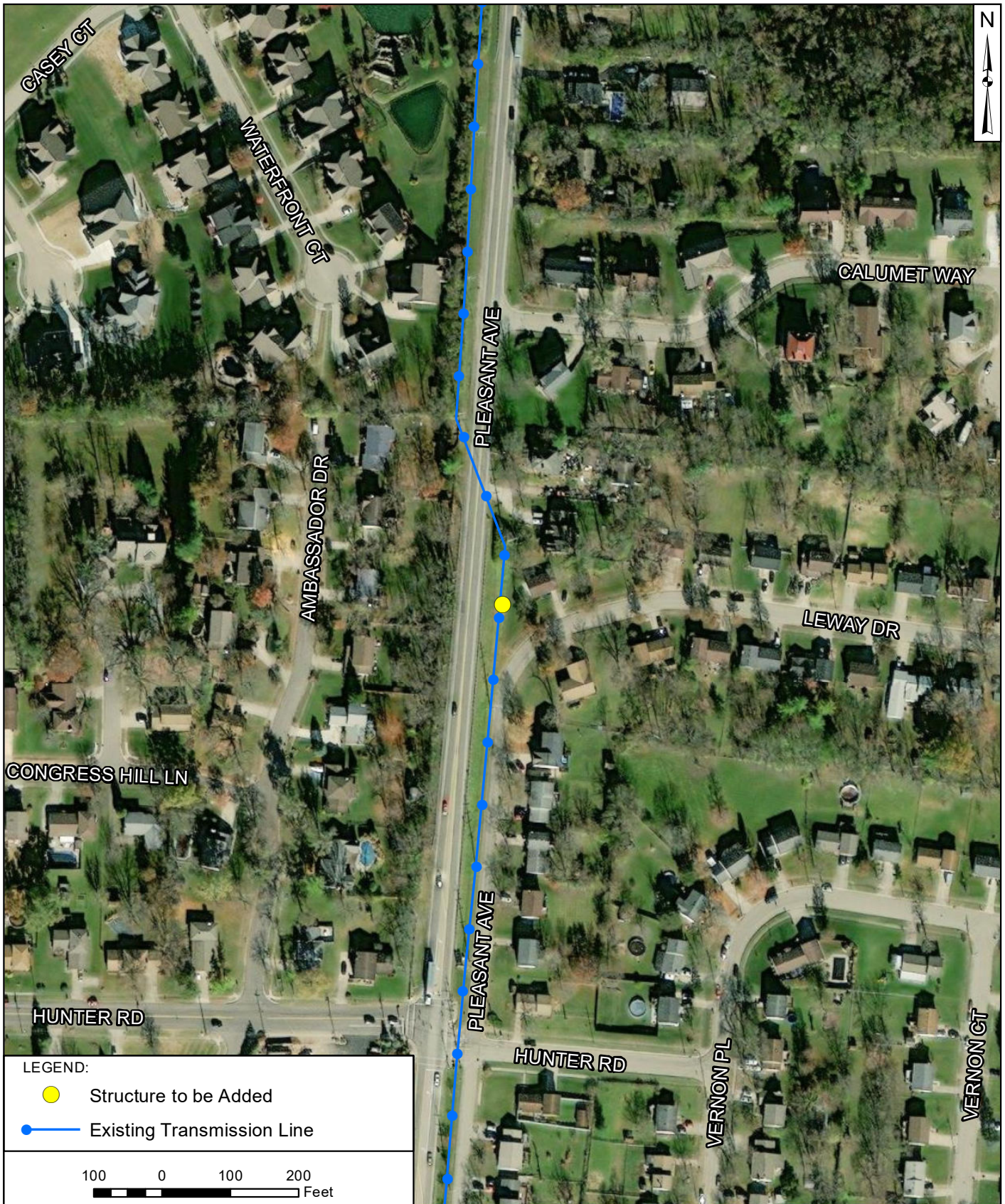
LEGEND:

- Structure to be Added
- Existing Transmission Line

1,000 0 1,000 2,000  
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>	PROJECT NO.: 20568.033	 <p>CLIENT: DUKE ENERGY</p>	TITLE: <b>PROJECT LOCATION</b>	
	CREATED BY: ARG			
	DATE: 09/12/2022		SITE: Fairfield Transmission Pole Project Butler County, Ohio	FIGURE: 1
	SCALE: See Scale Bar			





**LEGEND:**

- Structure to be Added
- Existing Transmission Line

100    0    100    200  
Feet

 <div>312 Walnut Street Suite 1600 Cincinnati, Ohio 45202 513-800-3622 phone www.v3co.com</div>	PROJECT NO.: 20568.033	 <div>CLIENT:</div>	TITLE:  <b>PROJECT LAYOUT</b>	
	CREATED BY: ARG			
	DATE: 08/31/2022		BASE LAYER: ESRI World Imagery (2020)	SITE:  Fairfield Transmission Pole Project Butler County, Ohio
Visio, Vertere, Virtute... "The Vision To Transform with Excellence"	SCALE: See Scale Bar			

ATTACHMENT B – CULTURAL RESOURCES CONCURRENCE





In reply refer to  
2022-BUT-55249

July 13, 2022

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

Dear Mr. Geckle:

RE: Duke Energy Fairfield 43 Transmission Pole Replacement, Fairfield, Butler County,  
Ohio

This is in response to the receipt of correspondence, on July 5, 2022, regarding the proposed transmission pole replacement in Butler 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 have no effect on 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](mailto: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](mailto: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

## ATTACHMENT C – NATURAL RESOURCES ASSESSMENT



19 August 2022

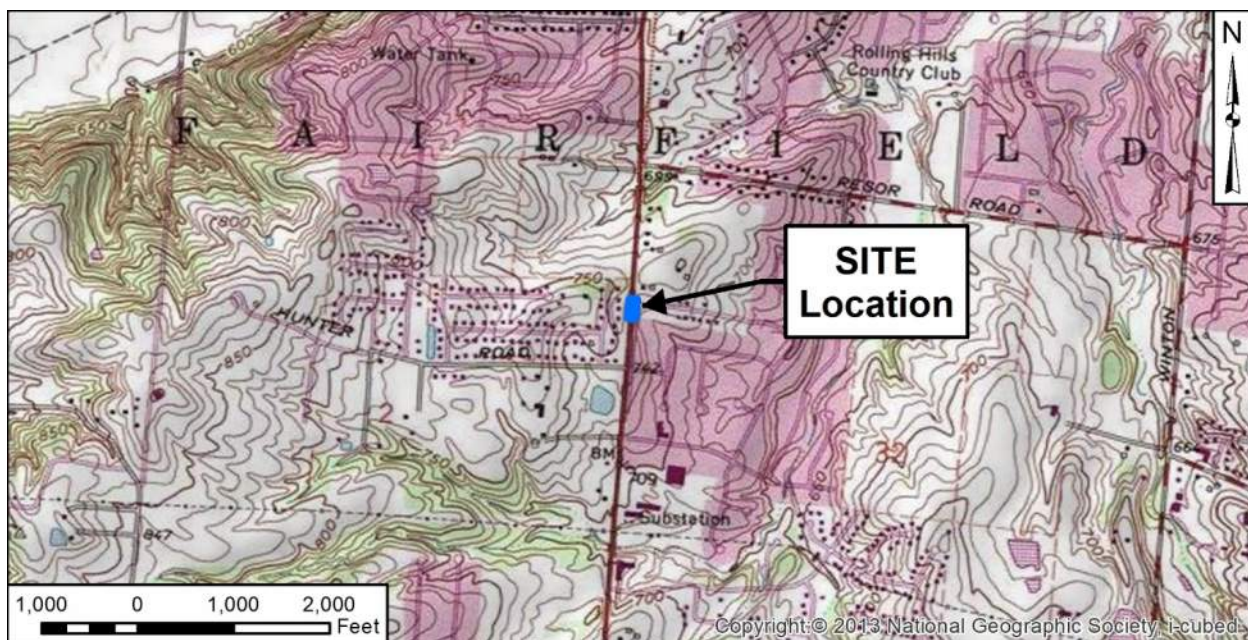
Mr. Dane Vandewater  
Duke Energy  
315 Main Street  
Mail Code EX 0446-06  
Cincinnati, Ohio 45202-4161

RE: Fairfield Transmission Pole (43)  
Natural Resources Assessment Letter Report  
City of Fairfield, Butler County, Ohio

Dear Mr. Vandewater,

The purpose of this report is to describe the findings of a natural resource assessment of the proposed Fairfield 43 Transmission Pole Project (Project) located on the east side of U.S. 127 and west of Pleasant Avenue/Leway Drive approximately 450 feet north of Hunter Road, City of Fairfield, Butler County, Ohio (SITE) for evidence of wetlands and/or other jurisdictional "Waters of the U.S." The SITE is situated in the Greenhills, Ohio USGS 7.5 Minute Quadrangle Map (**Figure 1**). The proposed Project involves the addition of a transmission pole between Structures BT108-20 and BT108-21 on the F5781 (138 kV circuit) and F5762 (69 kV circuit) to allow for the installation of distribution equipment. A 200-foot by 75-foot study area has been established around the approximately new pole location to account for access to the pole location and adjacent work areas.

Figure 1: USGS Topographic Map Greenhills 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: Midwest Region (2010 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

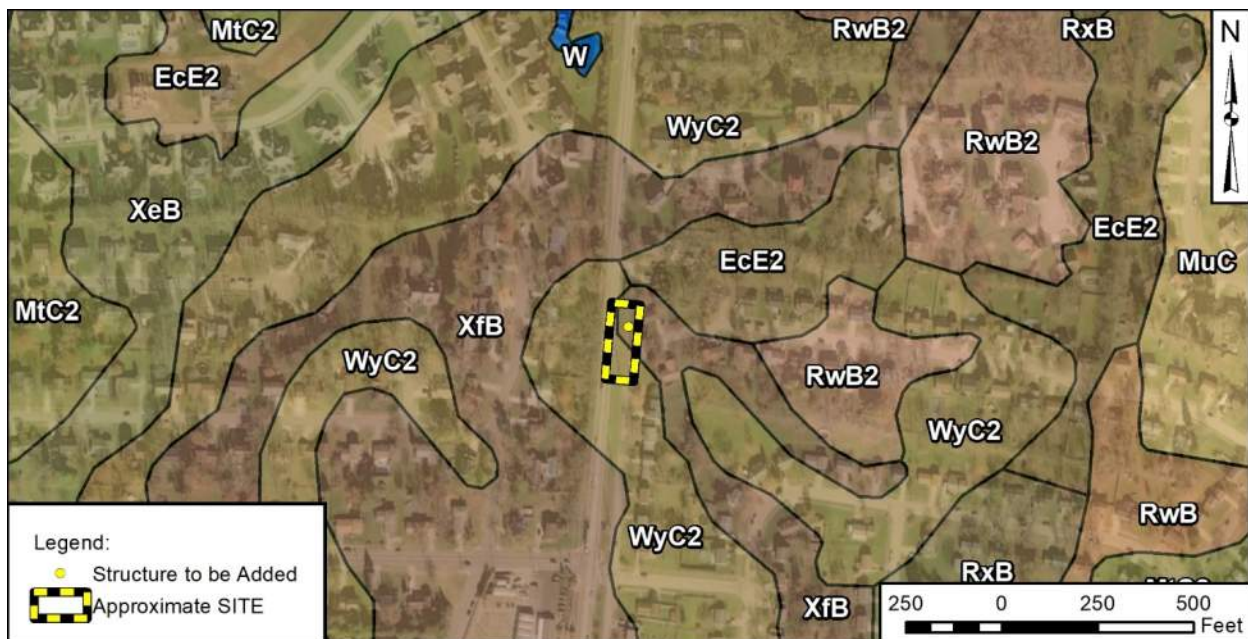
### National Wetland Inventory

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 Butler 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 Wynn silt loam, 6 to 12 percent slopes, eroded and Xenia silt loam, bedrock substratum, 2 to 6 percent slopes (XfB) soil units. These soils were not identified as hydric. **Figure 2** provides a map of the soil series crossed by the Project.

Figure 2: Soil Series in the Project Area





### 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. No flood permitting is required. **Figure 3** provides a map showing the flood zones in the project area.

Figure 3: Flood Zones in the Project Area



### Endangered, Threatened, and Rare Species Evaluation

The United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website lists the Project area within the range of the Indiana bat (*Myotis sodalis*; federally endangered), northern long-eared bat (*Myotis septentrionalis*; federally threatened) and Monarch butterfly (*Danaus plexippus*; federal candidate). Coordination with the 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 ODNR was provided on 3 August 2022. ODNR identified four bat species, two mussel species, two fish species, three bird species, Kirtland's snake, and cave salamander. 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 SITE consisted of a turf grass adjacent to a local street. Evidence of fill from past land disturbance was observed. Adjacent land use included residential and transportation corridors.

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

No wetlands, streams, or drainage features were identified on-SITE. **Figure 4** depicts the Delineation Area Map and photo locations.

Figure 4: Delineation Area Map



**SITE Photos**

During the field reconnaissance of the SITE completed on 29 June 2022, V3 took digital photographs to document existing conditions and areas of interest.



**Photo 1: Looking NW at Project area**



**Photo 2: Looking S view of Project area**





**Photo 3: Looking W at Project area**



**Photo 4: Looking N along ROW**

### Conclusions

Based on the criteria established by the USACE 1987 manual and the Midwest 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 Wynn silt loam, 6 to 12 percent slopes, eroded soil unit. This soil was not identified as hydric. Disturbed soils were observed 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*





# 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 3, 2022

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

**Re:** 22-0678; Duke Energy Fairfield Transmission Pole

**Project:** The proposed project involves the addition of a transmission pole between two existing structures on the F5781 (138 kV circuit) and F5762 (69 kV circuit)

**Location:** The proposed project is located in the City of Fairfield, Butler 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:** A review of the Ohio Natural Heritage Database indicates there are no records of state or federally listed plants or animals within one mile of the specified project area. Records searched date from 1980.

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.

**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, and the tricolored bat (*Perimyotis subflavus*), a state endangered species. Because presence of state endangered bat species has been established in the area, summer tree cutting is not recommended, and additional summer surveys would not constitute presence/absence in the area. However, limited summer tree cutting inside this buffer

may be acceptable after further consultation with DOW (contact Eileen Wyza at [Eileen.Wyza@dnr.ohio.gov](mailto:Eileen.Wyza@dnr.ohio.gov)).

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

The DOW also recommends that a desktop habitat assessment is conducted, followed by a field assessment if needed, to determine if a potential hibernaculum is present within the project area. Direction on how to conduct habitat assessments can be found in the current USFWS "[RANGE-WIDE INDIANA BAT & NORTHERN LONG-EARED BAT SURVEY GUIDELINES](#)." If a habitat assessment finds that a potential hibernaculum is present within 0.25 miles of the project area, please send this information to Eileen Wyza 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 the 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 rayed bean (*Villosa fabalis*), a state endangered and federally endangered mussel, and the fawnsfoot (*Truncilla donaciformis*), a state threatened mussel. 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 tongue-tied minnow (*Exoglossum laurae*), a state endangered fish, and the American eel (*Anguilla rostrata*), a state threatened fish. 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 Kirtland's snake (*Clonophis kirtlandii*), a state threatened species. This secretive species prefers wet fields and meadows. 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 black-crowned night-heron (*Nycticorax nycticorax*), a state-threatened bird. Night-herons are so named because they are nocturnal, conducting most of their foraging in the evening hours or at night, and roost in trees near wetlands and waterbodies during the day. Night herons are migratory and are typically found in Ohio from April 1 through December 1 but can be found in more urbanized areas with reliable food sources year-round. Black-crowned night-herons primarily forage in wetlands and other shallow aquatic habitats, and roost in trees nearby. These night-herons nest in small trees, saplings, shrubs, or sometimes on

the ground, near bodies of water and wetlands. 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 type of habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the least bittern (*Ixobrychus exilis*), a state threatened bird. This secretive marsh species prefers dense emergent wetlands with thick stands of cattails, sedges, sawgrass or other semiaquatic vegetation interspersed with woody vegetation and open water. 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 type of habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the upland sandpiper (*Bartramia longicauda*), a state endangered bird. Nesting upland sandpipers utilize dry grasslands including native grasslands, seeded grasslands, grazed and ungrazed pasture, hayfields, and grasslands established through the Conservation Reserve Program (CRP). If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 15 through July 31. If this type of habitat will not be impacted, this project is not likely to impact this species.

Due to the potential of impacts to federally listed species, as well as to state listed species, we recommend that this project be coordinated with the US 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.

ODNR appreciates the opportunity to provide these comments. Please contact Mike Pettegrew at [mike.pettegrew@dnr.ohio.gov](mailto:mike.pettegrew@dnr.ohio.gov) if you have questions about these comments or need additional information.

Mike Pettegrew  
Environmental Services Administrator

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Summary: Application Construction Notice for the Fairfield Transmission Pole Project filed by Duke Energy Ohio, Inc. electronically filed by Mrs. Debbie L. Gates on behalf of Duke Energy Ohio Inc. and D'Ascenzo, Rocco O. Mr. and Akhbari, Elyse and Kingery, Jeanne W and Vaysman, Larisa