CONSTRUCTION NOTICE
FOR THE
POLE REPLACEMENTS NEAR PROVIDENT SUBSTATION PROJECT

Duke Energy Ohio, Inc.
OPSB Case No. 22-943-EL-BNR

Submitted to:

The Ohio Power Siting Board

Pursuant to OAC 4906-06-05

Submitted by:

Duke Energy Ohio, Inc.

October 2022

TABLE OF CONTENTS

ATTACHMENTS

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 Pole Replacements Near Provident Substation Project (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 Pole Replacements Near Provident Substation Project

Reference Numbers:

OPSB Filing Number:	The Project has been assigned Ohio Power Siting Board (OPSB) Case Number 22-943-EL-BNR.
PJM Number:	This project does not meet the definition of an M-3 project and, therefore, is not reported to PJM.
2022 LTFR:	This Project was not included in the 2022 LTFR; however, will be included in the 2023 LTFR.
Circuit Reference:	This Project relates to Transmission Circuit 3885 (Fairfield to Port Union), a 138-kV transmission line.

Brief Description of the Project:

The Project involves the replacement of two (2) transmission structures (monopoles) and modification of a third monopole on the existing Fairfield to Port Union 3885 138-kV circuit into Provident Substation in West Chester Township, Butler County, Ohio. Two of the three structures, which are adjacent to the south of the existing distribution substation, will be relocated within approximately three (3) to five (5) feet of the existing structure location. These two structures will be replaced, within the existing alignment, with new steel monopole structures that are approximately 15 feet taller than the prior structures. The third existing steel monopole structure will be modified with the addition of down guy wires. The structure replacement and pole modification will alleviate clearance issues to an electric distribution line along Provident Drive. The existing 138-kV transmission line will be transferred to the two new structures. Additionally, a small segment of new conductor will be installed from the modified steel monopole structure into take-off structures within the existing substation.

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

(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 3885 138-kV circuit in West Chester Township, Butler County, Ohio, will replace certain structures in the vicinity of Provident Substation and Provident Drive in order to alleviate a clearance issue between a distribution line and 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 replacement transmission pole along the 3885 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 a clearance issue has been identified between the transmission line and a distribution line. The Project will occur entirely within property owned by Duke Energy Ohio. 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 property. Any impacted adjacent 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/Provident-Drive

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 Mid November 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 replacement 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 on Parcel M5610001000045, which is owned by Duke Energy Ohio and occupied by Provident Substation. 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 two (2) new steel monopole structures located within 3 to 5 feet of the existing steel structure location, with two replacement steel monopoles approximately 15 feet taller than the existing structures. The new steel structures will be 95 foot and 100-foot-tall monopoles, with an above-ground height of approximately 81.5 feet and 86 feet, respectively. The third structure involved in this project will be modified with the addition of down guy wires to support a slight angle change on the existing structure. The existing 138-kV transmission line (Circuit 3885 - Fairfield to Port Union) will be transferred to the two new structures, and a small segment of new conductor will be installed from the modified steel monopole structure to the next deadend structure. 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:	Two (2) steel poles that are directly embedded in the ground. Modification of existing structure with installation of down guy wires for structural

	support – no change in structure type or location
Height:	95’ steel pole (81.5’ above the ground) and 100’ steel pole (86’ above the ground)
Conductors:	(954 ACSR 45X7 STR) - existing, 76 feet – new conductor (same type)
Static Wire:	(7#8 AW) – existing, 76 feet – new conductor (same type)
Insulators:	138-kV Glass insulators – on new steel pole
ROW Land Requirements:	No new easements are required for this project.
Circuit	3885

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.

No residences or institutions are located within 100 feet of the Project. 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 $237,079. This Class 4 estimate includes installation of the replacement 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 West Chester Township, Butler County, Ohio. The proposed structure installation will occur entirely on property owned by Duke Energy Ohio and occupied by Provident Substation. 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 Provident Substation. 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 concurrence is pending. A copy of the concurrence will be provided to OPSB Staff upon receipt.

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). Follow-up coordination was initiated with USFWS to obtain comments regarding the Project. USFWS provided a response on 3 October 2022. The response identified the Indiana and northern long-eared bats as occurring throughout Ohio. The proposed Project is within the vicinity of one or more confirmed records of Indiana bats. Therefore, USFWS requested further coordination if any caves or abandoned mines may be disturbed. Based on review of GIS data for mine openings and karst features, no potential hibernacula are located within 0.5 mile of the SITE. Due to the project type, size, and location, USFWS did not anticipate adverse effects to any other federally endangered, threatened, or proposed species, or proposed or designated critical habitat. The USFWS correspondence is included in Attachment B – Natural Resource Assessment.

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 has not been received to date. ODNR identified four bat species, two mussel species, two fish species, three bird species, Kirtland's snake, and cave salamander on recent similar projects in Butler County. However, no potential bat habitat (trees, caves or karst) 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.

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 Project, V3 Companies conducted an investigation for areas of ecological concern within an approximately 0.5-acre 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 B – 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.

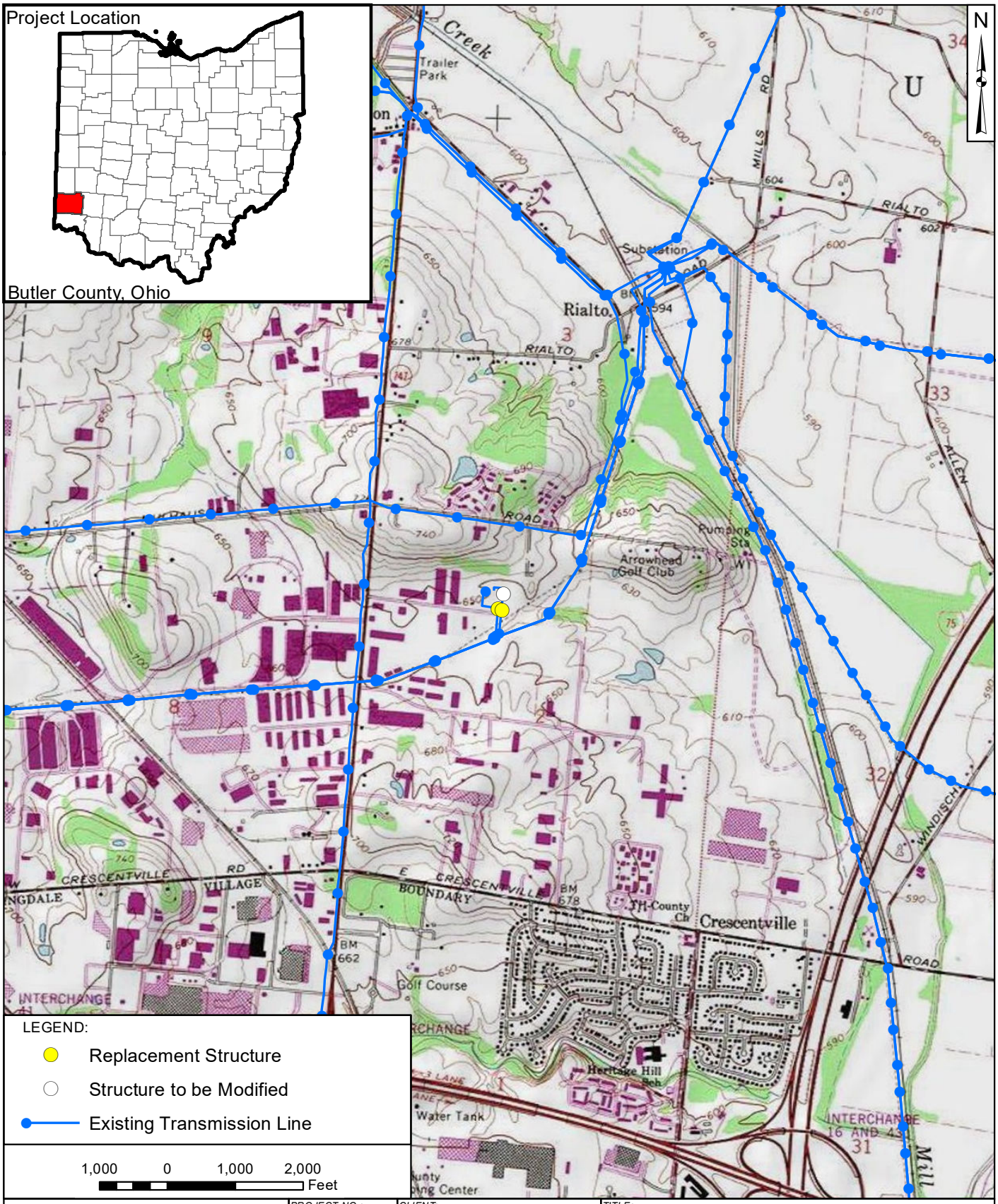
A link to a copy of the Construction Notice has been sent to the appropriate public officials for Butler County and West Chester Township. Additionally, a link has been sent to the Butler County Public Library.

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

www.duke-energy.com/Provident-Drive

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

ATTACHMENT A – FIGURES



312 Walnut Street
Suite 1600
Cincinnati, Ohio 45202
513-800-3622 phone
www.v3co.com

Visio, Vertere, Virtute...
"The Vision To Transform with Excellence"

PROJECT NO.:	20568.042
CREATED BY:	ARG
DATE:	10/12/2022
SCALE:	See Scale Bar
CLIENT:	DUKE ENERGY.
BASE LAYER:	ESRI USA Topo Maps 2013
TITLE:	**PROJECT LOCATION**
SITE:	Pole Replacements Near Provident Substation Project Butler County, Ohio
FIGURE:	1

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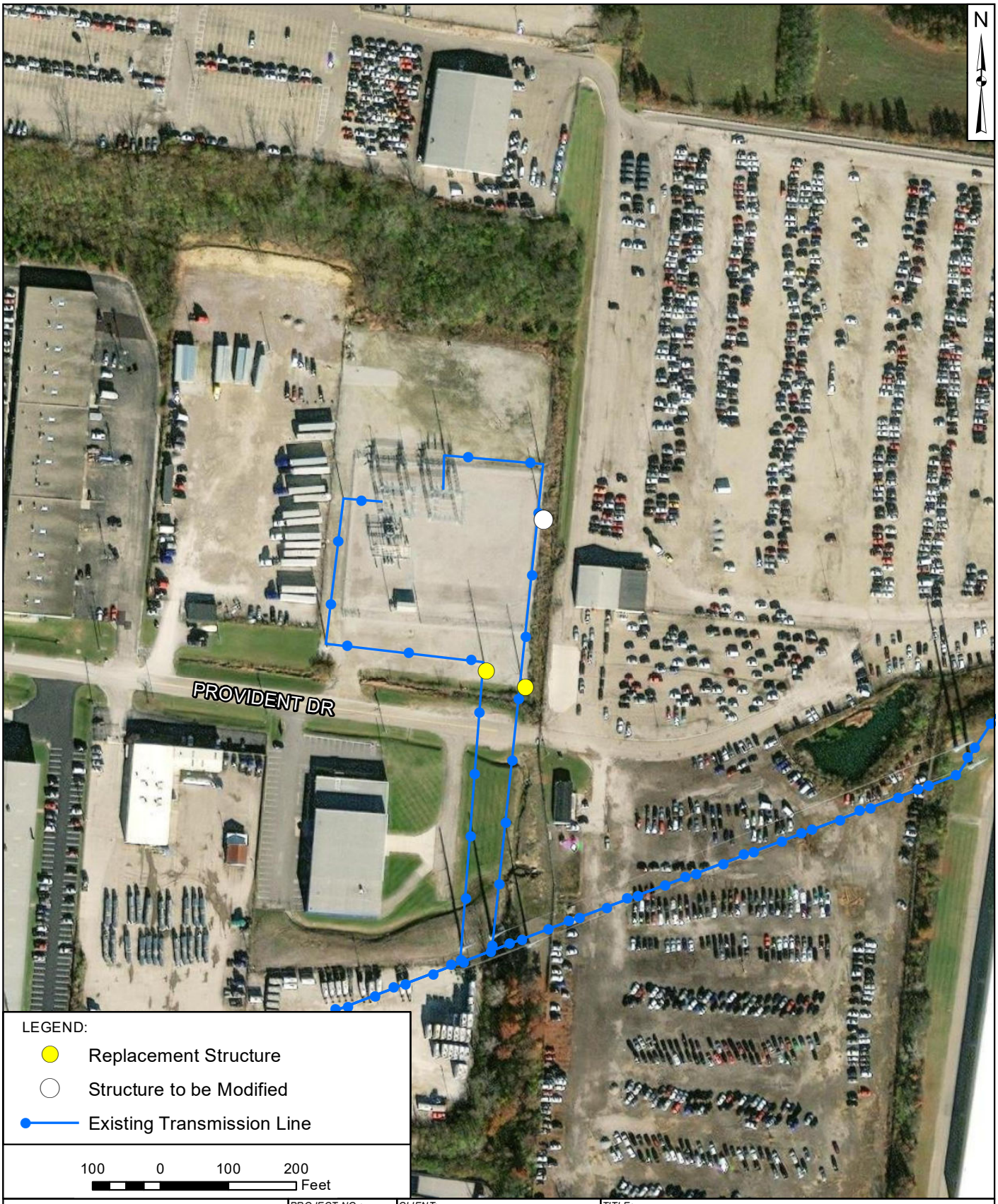

312 Walnut Street
Suite 1600
Cincinnati, Ohio 45202
513-800-3622 phone
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Visio, Vertere, Virtute...
"The Vision To Transform with Excellence"

PROJECT NO.: 20568.042

CREATED BY: ARG

DATE: 10/12/2022

SCALE: See Scale Bar

CLIENT: DUKE ENERGY.

BASE LAYER: ESRI World Imagery (2020)

TITLE: **PROJECT LAYOUT**

SITE: Pole Replacements Near Provident Substation Project Butler County, Ohio

FIGURE: 2

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ATTACHMENT B – NATURAL RESOURCES ASSESSMENT

7 October 2022

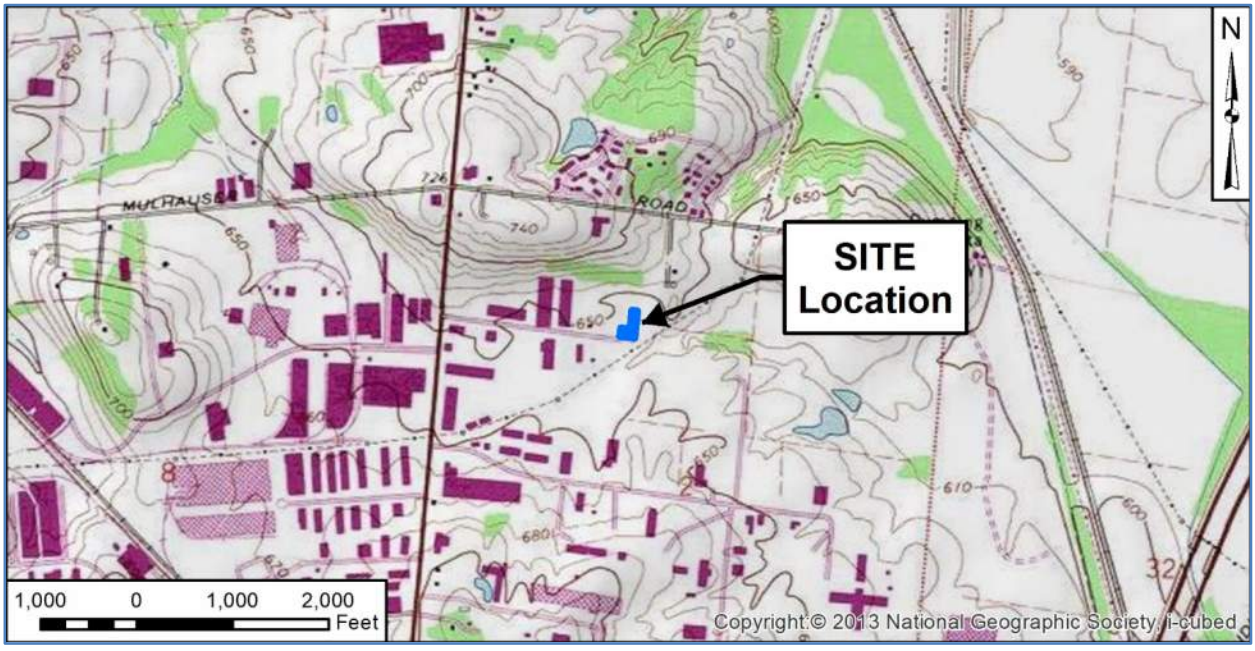
Mr. Dane Vandewater
Duke Energy
315 Main Street
Mail Code EX 0446-06
Cincinnati, Ohio 45202-4161

RE: Fairfield to Port Union Circuit 3885 – 138 kV Transmission Pole Replacement Project
Natural Resources Assessment Letter Report
West Chester Township, 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 to Port Union Circuit 3885 – 138 kV Transmission Pole Replacement Project (Project) located on the north side of Provident Drive, West Chester Township, Butler County, Ohio (SITE) for evidence of wetlands and/or other jurisdictional "Waters of the U.S." The SITE is situated in the Glendale, Ohio USGS 7.5 Minute Quadrangle Map (**Figure 1**). Duke Energy Ohio proposes the replacement of three transmission poles on the 3885 138 kV circuit into Provident Substation to alleviate clearance issues to a distribution line along Provident Drive. Duke Energy proposes to replace two of the structures closest to Provident Drive within five feet of their current locations. The third transmission pole was anticipated to shift 60 feet to the south; however updated engineering details indicate the third structure may only be modified with the installation of down guy wires verses being relocated. The two relocated poles will be slightly taller (~15 feet) than their current height to eliminate the clearance issue. The three poles are within the gravel pad of the existing substation but outside of the fence. A 0.5-acre study area has been established around the approximately new pole locations to account for access and adjacent work areas.

Figure 1: USGS Topographic Map Glendale 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

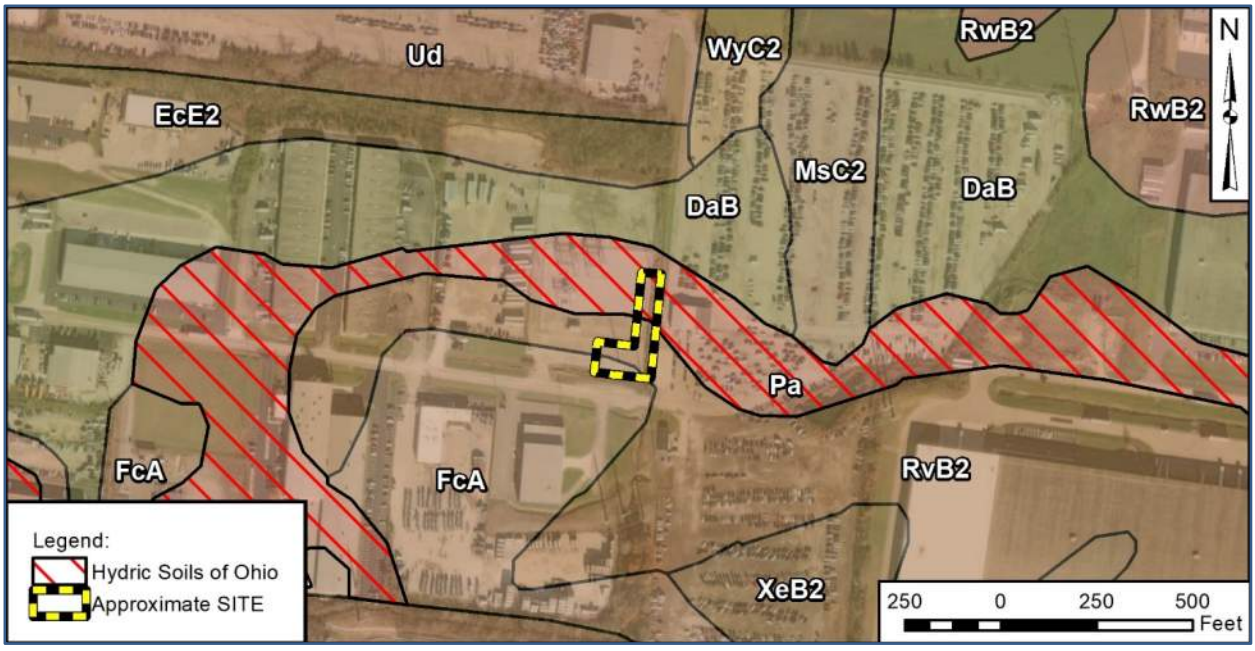
National Wetland Inventory

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 Patton silty clay loam, 0 to 2 percent slopes (Pa); Russell-Miamian silt loams, 2 to 6 percent slopes, moderately eroded (RvB2); and Fincastle silt loam, Southern Ohio Till Plain, 0 to 2 percent slopes (FcA) soil units. The Patton silty clay loam, 0 to 2 percent slopes unit is identified as hydric. Disturbed soils were observed during the site reconnaissance. **Figure 2** provides a map of the soil series crossed by the Project.

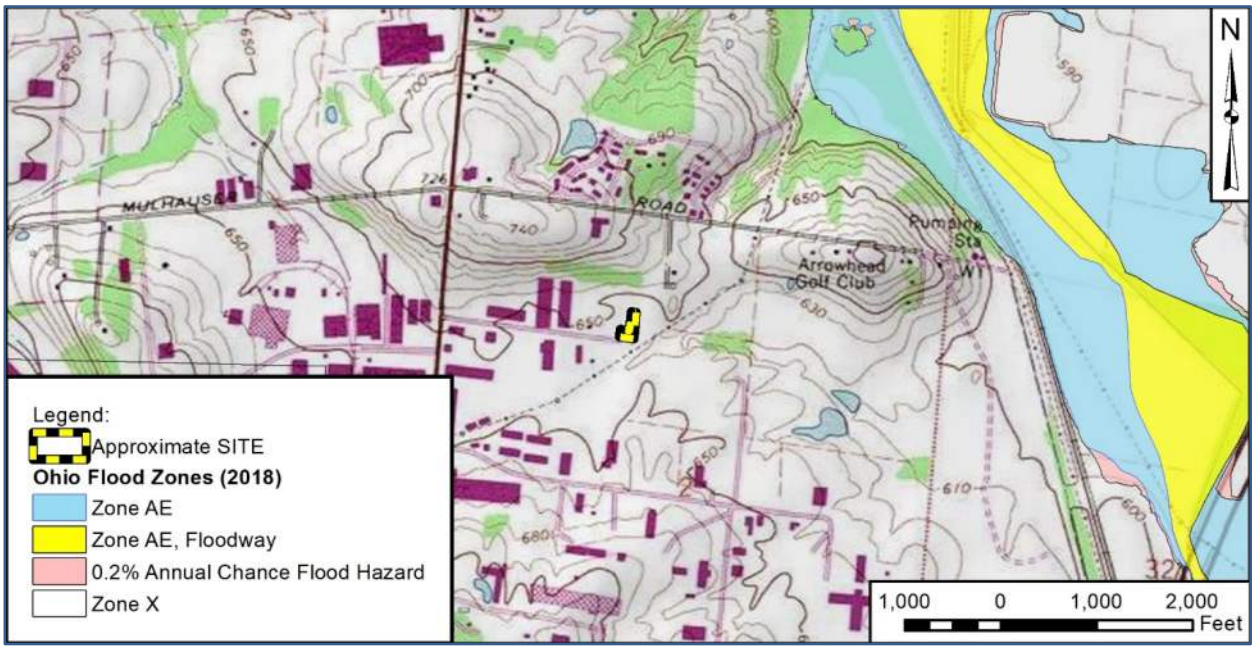
Figure 2: Soil Series in the Project Area



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). Follow-up coordination was initiated with USFWS to obtain comments regarding the Project. USFWS provided a response on 3 October 2022. The response identified the Indiana and northern long-eared bats as occurring throughout Ohio. The proposed Project is within the vicinity of one or more confirmed records of Indiana bats. Therefore, USFWS requested further coordination if any caves or abandoned mines may be disturbed. Based on review of GIS data for mine openings and karst features, no potential hibernacula are located within 0.5 mile of the SITE. Due to the project type, size, and location, USFWS did not anticipate adverse effects to any other federally endangered, threatened, or proposed species, or proposed or designated critical habitat.

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 has not been received to date. However, recent correspondence with ODNR for similar projects in Butler County identified four bat species, two mussel species, two fish species, three bird species, Kirtland's snake, and cave salamander. 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. Correspondence received to date is provided in **Attachment A**.

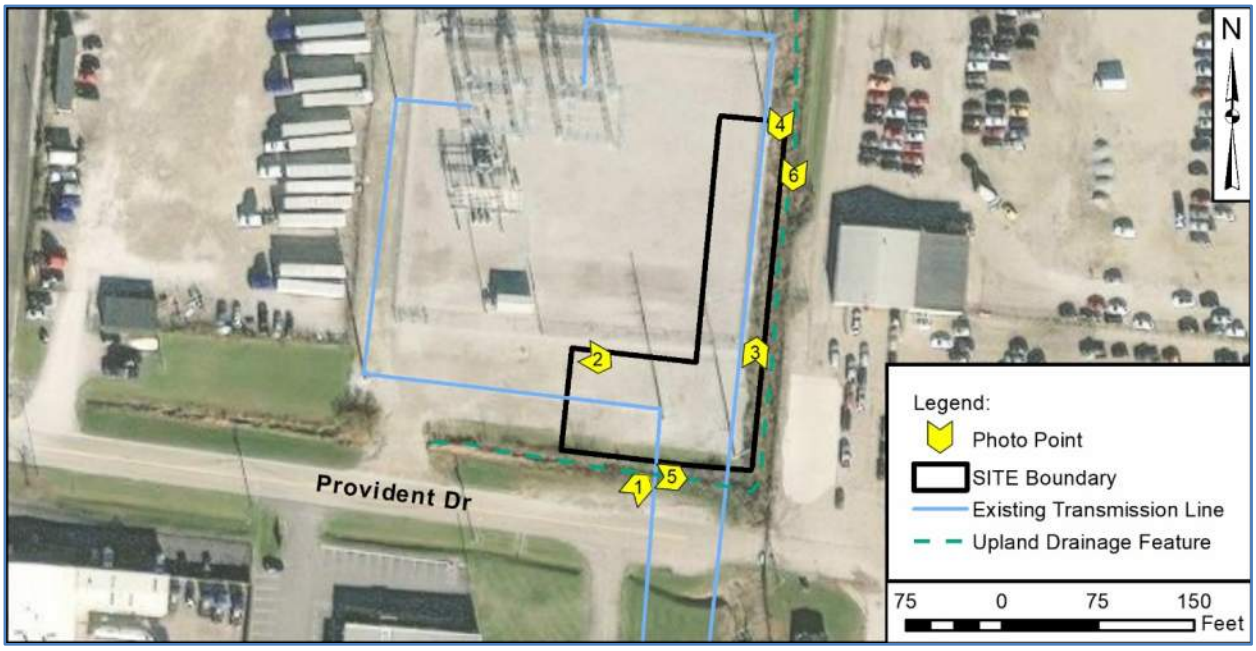
Current Site Description

The SITE consisted of an existing gravel substation pad adjacent to a local street. Evidence of fill from past land disturbance was observed. Adjacent land use included commercial/industrial businesses 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. An upland man-made stormwater conveyance feature was observed adjacent to the south and east of the SITE. Prior to the mid 1970's neither feature appeared to exist. The south drainage feature appears to have been constructed during infrastructure improvements for Provident Drive in the mid 1970's. The east drainage feature was constructed between after 1994 and prior to 2000 for the auto auction lot. The feature was dry at the time of the SITE reconnaissance. No ordinary high-water mark or defined bed and bank was observed. **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 3 October 2022, V3 took digital photographs to document existing conditions and areas of interest.

Photo 1: Looking NE at Project area

Photo 2: SE view of southern Project area

Photo 3: Looking N at northern Project area

Photo 4: Looking S at Project area

Photo 5: E view of southern upland drainage

Photo 4: S view of eastern upland drainage

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. An upland drainage feature was observed nearly adjacent to the east and south. This drainage feature appears to have been

created for stormwater conveyance during infrastructure improvements in the mid 1970's and between 1994 and 2000 when the auto auction site was developed. According to the NRCS Web Soil Survey, the SITE is situated within the Patton silty clay loam, 0 to 2 percent slopes (Pa); Russell-Miamian silt loams, 2 to 6 percent slopes, moderately eroded (RvB2); and Fincastle silt loam, Southern Ohio Till Plain, 0 to 2 percent slopes (FcA) soil units. The Patton silty clay loam, 0 to 2 percent slopes unit is 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

Aaron Geckle
Senior Project Manager

Jeffrey S. Moody
Regulatory Services Group Leader

Attachment A

ETR Species Correspondence

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

October 3, 2022

Project Code: 2022-000090381

Dear Mr. Geckle:

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).

Federally Threatened and Endangered Species: The endangered Indiana bat (*Myotis sodalis*) and threatened northern long-eared bat (*Myotis septentrionalis*) occur throughout the State of Ohio. The Indiana bat and northern long-eared bat may be found 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 breed that may also include adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, woodlots, fallow fields, and pastures. Roost trees for both species include live and standing dead trees ≥3 inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities. These roost trees may be located in forested habitats as well as linear features such as fencerows, riparian forests, and other wooded corridors. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet 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, rock crevices and abandoned mines.

Seasonal Tree Clearing for Federally Listed Bat Species: The proposed project is in the vicinity of one or more confirmed records of Indiana bats. Should the proposed project site contain trees ≥3 inches dbh, we recommend avoiding tree removal wherever possible. 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 trees ≥3 inches dbh cannot be avoided, we recommend removal of any trees ≥3 inches dbh only occur between October 1 and March 31. Seasonal clearing is recommended to avoid adverse effects to Indiana bats and northern long-eared bats. While incidental take of northern long-eared bats from most tree clearing is exempted by a 4(d) rule (see https://ecos.fws.gov/ecp/species/9045), incidental take of Indiana bats is still prohibited without a project-specific exemption. Thus, seasonal clearing is recommended where Indiana bats are known or assumed present. 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.

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

Summary: Notice Duke Energy Ohio, Inc.'s Construction Notice for the Pole Replacements Near Provident Substation Project electronically filed by Mrs. Tammy M. Meyer on behalf of Duke Energy Ohio Inc. and D'Ascenzo, Rocco and Kingery, Jeanne and Vaysman, Larisa and Akhbari, Elyse Hanson