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AES Ohio  
1900 Dryden Road  
Dayton, Ohio 45439

March 28, 2023

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

Re: **Madison 345kV Substation Project**  
**Ohio Power Siting Board Case No. 22-1079-EL-BLN**  
**Notification of ODNR Correspondence**

Dear Chairman French,

The Dayton Power and Light Company (“DP&L”) doing business as AES Ohio hereby submits this notice to inform you of the following correspondence to satisfy Condition 5 related to the March 2, 2023 Ohio Power Siting Board (“OPSB”) approval of the above referenced project. On March 1, 2023, AES Ohio contacted Ohio Department of Natural Resources (“ODNR”) to notify the department that temporary impacts were anticipated to one (1) jurisdictional perennial stream as a result of this Project. In response, ODNR stated that stream is unlikely to have fish that are present within this reach and work can occur at any time without applying for a waiver (Enclosure).

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

Enclosure: Ohio Department of Natural Resources correspondence

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**Enclosure**  
**Ohio Department of Natural Resources Correspondence**

**From:** [Nathan.Reardon@dnr.ohio.gov](mailto:Nathan.Reardon@dnr.ohio.gov)  
**To:** [Mike.Pettegrew@dnr.ohio.gov](mailto:Mike.Pettegrew@dnr.ohio.gov); Tyler Rankin  
**Cc:** Marc Walters; [Samantha.Robbins@dnr.ohio.gov](mailto:Samantha.Robbins@dnr.ohio.gov)  
**Subject:** RE: ODNR Reference No. 21-0857; AES Ohio Madison Substation Project  
**Date:** Thursday, March 2, 2023 5:12:08 AM  
**Attachments:** [image005.png](#)  
[image006.png](#)  
[image002.png](#)

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Tyler,

I suspect this stream is right on the border between perennial and intermittent, and that it is unlikely that fish are present within this reach. I don't think it appropriate to apply the in-water restrictions. Therefore, work can occur at any time without applying for a waiver. If there are any questions, please let me know.

Thanks,  
Nathan

Nathan Reardon  
Compliance Coordinator  
ODNR Division of Wildlife  
2045 Morse Road  
Columbus, OH 43229  
Phone: 614-265-6741  
Email: [nathan.reardon@dnr.ohio.gov](mailto:nathan.reardon@dnr.ohio.gov)

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**From:** Pettegrew, Mike <Mike.Pettegrew@dnr.ohio.gov>  
**Sent:** Wednesday, March 1, 2023 4:14 PM  
**To:** Tyler Rankin <T.Rankin@gaiconsultants.com>  
**Cc:** Marc Walters <M.Walters@gaiconsultants.com>; Reardon, Nathan <Nathan.Reardon@dnr.ohio.gov>; Robbins, Samantha <Samantha.Robbins@dnr.ohio.gov>  
**Subject:** RE: ODNR Reference No. 21-0857; AES Ohio Madison Substation Project

Hi Tyler

I am copying Nathan Reardon of DOW on this email to provide some guidance on your inquiry. The

instream work restriction dates are not only intended to provide some protection to listed species, but indigenous fish species in general. I would question whether the channel the resource you show in the pictures is even perennial and if not then the comment probably wouldn't apply, but you obviously would have the knowledge of flow regimes for the particular resource.

Nate, can you please review and provide some guidance? Thanks.

	<p><b>Mike Pettegrew</b> <i>Environmental Services Administrator</i> Ohio Department of Natural Resources, Office of Real Estate &amp; Land Management 2045 Morse Road, Building E-2 Columbus, Ohio 43229 Office: (614) 265-6387 <a href="mailto:mike.pettegrew@dnr.ohio.gov">mike.pettegrew@dnr.ohio.gov</a> <a href="https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/real-estate/environmental-review/">https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/real-estate/environmental-review/</a></p> <p><small><i>This message is intended solely for the addressee(s). Should you receive this message by mistake, we would be grateful if you informed us that the message has been sent to you in error. In this case, we also ask that you delete this message and any attachments from your mailbox, and do not forward it or any part of it to anyone else. Thank you for your cooperation and understanding.</i></small></p>
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**From:** Tyler Rankin <[T.Rankin@gaiconsultants.com](mailto:T.Rankin@gaiconsultants.com)>

**Sent:** Wednesday, March 1, 2023 3:38 PM

**To:** Pettegrew, Mike <[Mike.Pettegrew@dnr.ohio.gov](mailto:Mike.Pettegrew@dnr.ohio.gov)>

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

**Subject:** ODNR Reference No. 21-0857; AES Ohio Madison Substation Project

Mr. Pettegrew,

This email is a follow-up to ODNR reference number 21-0857 for the AES Ohio Madison Substation Project dated October 8, 2021 (attached). As per your correspondence, we received the below information.

“The project is within the range of the Iowa darter (*Etheostoma exile*), a state endangered fish, and the tongue-tied minnow (*Exoglossum laurae*), a state threatened fish. The DOW recommends no in-water work in perennial streams from March 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 these or other aquatic species.”

Due to Project scope changes in timing and engineering design, it is anticipated that temporary impacts to one (1) jurisdictional perennial stream will occur as a result of this Project. These impacts are limited to the installation of two (2), 3-feet wide, flat bottom ditches that will discharge concentrated surface runoff into the stream (tributary to North Fork Massies Creek) north of the Project site. Based on current engineering plans, minor temporary impacts from excavation and grading will occur below the ordinary high water mark of the southern bank of the stream, totaling 6 feet, and will be immediately stabilized upon completion. No permanent fill is to be placed within the stream. These activities are scheduled to take place at an unknown date but sometime between March 15 and June 30. The approximate coordinates for these temporary impacts are 39.780123,

-83.615351.

Upon field review and survey of this stream, it is GAI's opinion that this perennial stream is of low quality and does not contain channel morphology or habitat characteristics where the two listed species would be found. Photos of the stream are attached for your reference. It is also GAI's opinion that construction activities and temporary impacts to this portion of the stream channel are not likely to impact these species. We are seeking ODNR staff's opinion that based on the state of this stream channel, that there is any likelihood for these fish species to be impacted by the project and that in stream work would be able to occur within the noted March 15 through June 30 restriction within this water resource.

Please reach out with any questions or if you need any additional information to make a determination on this project.

Thanks,  
Tyler

**Tyler E. Rankin, MS, CNRP**

Assistant Environmental Manager

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

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

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Commission of Ohio Docketing Information System on**

**3/28/2023 12:06:55 PM**

**in**

**Case No(s). 22-1079-EL-BLN**

Summary: Notification of ODNR Correspondence for Madison 345kV Substation Project electronically filed by Ms. Sarah Howdeshelt on behalf of Dayton Power & Light Company d/b/a AES Ohio.