

CONSTRUCTION NOTICE

For the

V000B PIPELINE REPLACEMENT PROJECT

OPSB Case No. 23-265-GA-BNR

Submitted to:
The Ohio Power Siting Board
Pursuant to Ohio Administrative Code
Section 4906-6-05

Submitted by:
Duke Energy Ohio, Inc.
139 East 4th Street
Cincinnati, Ohio 45202

April 14, 2023

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4906-6-05: APPLICATION REQUIREMENTS

Duke Energy Ohio, Inc. (Duke Energy Ohio or the Company) provides the following information to the Ohio Power Siting Board (OPSB) pursuant to Ohio Administrative Code (OAC) Section 4906-6-05.

4906-6-05: GENERAL INFORMATION**4906-6-05(B)(1): PROJECT NAME AND DESCRIPTION**

The applicant shall provide 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.

Duke Energy Ohio operates an integrated natural gas system in southwest Ohio that includes infrastructure installed at various points in time over the past several decades. The Company has safely maintained this system while meeting the ever-changing needs of its customers and adhering to increasing state and federal regulatory oversight. Duke Energy Ohio is applying for a Construction Notice for the V000B Pipeline Replacement Project (Project), located in Hamilton County, Ohio, in Cincinnati (Attachment A, Figure 1). The Project is part of a larger existing V000B pipeline, which was originally installed in 1950. The Project consists of the following three non-contiguous areas of pipeline, further divided into segments: Segment 1900 west of the intersection of Erie Avenue and Roselyn Drive (coordinates: 39.150163°N; -84.408777°W), Segments 2300, 2350, and 2380 are along Duck Creek Road and Ridge Avenue near the Ridge Avenue and Interstate 71 interchange (coordinates: 39.166722°N; -84.422711°W), and Segments 2500-2700 are west of E Seymour Avenue north of the Carthage Avenue and Varelman Avenue intersection (coordinates: 39.178049°N; -84.453920°W).

The Project proposes to install approximately 2,012 linear feet (lf) of new 20" natural gas pipeline and to abandon in place the existing 20" pipeline at Segments 1900, 2300, 2350, 2380, 2500, and 2700. Approximately 698 lf of new pipeline will be installed at the Segment 1900 project location; approximately 1,124 lf of new pipeline at the Segments 2300, 2350, and 2380 location; and 190 lf of new pipeline at the Segment 2500 and 2700 locations. Duke Energy Ohio is acquiring temporary construction easements and permanent easements for all the newly installed pipeline segments.

The Project meets the requirements for a Construction Notice (CN) because it fits the criteria of OAC Rule 4906-1-01, Appendix B (1)(a) (Application Requirement Matrix for Gas Pipelines), which states:

(1) New construction, extension, relocation, upgrade, or replacement (except with a like facility) of gas pipelines or pipeline segments, as follows:

(a) Pipelines or pipeline segments not greater than one mile in length.

The proposed Project is within the requirements of Item (1)(a) because it is a replacement of gas pipeline segments totaling less than one mile in length.

This Project was included in the Company's 2020 Long-Term Forecast and can be found on page 68 of that filing. The Project has been assigned OPSB Case No. 23-265-GA-BNR.

4906-6-05 (B)(2): NEED FOR THE PROJECT

If the proposed project is an electric power transmission line or gas pipeline line, a statement explaining the need for the proposed facility.

The Project is part of a larger existing V000B pipeline, which is a vintage gas transmission pipeline originally installed in 1950. Because the existing line was constructed prior to the establishment of current federal and state safety regulations, it did not have to incorporate the safety parameters that are now both possible and required. The Company does not believe there is any imminent safety threat to the public from this pipeline. However, based on the Company's record review of the pipeline, its age, service, and lack of records, Duke Energy Ohio believes it is best to replace identified segments of the pipeline (which comprise the Project) before any anomalies could become a threat to the public.

This V000B pipeline extends approximately 3.94 miles in length from its origin in Norwood to its terminus in Cincinnati near the intersection of Erie Avenue and Rosslyn Drive. The Project consists of three non-contiguous areas of pipeline, further divided into segments. In total, the Project proposes to install approximately 2,012 lf of new 20-inch natural gas pipeline and to abandon in place the existing 20-inch pipeline. The Project is being undertaken due to determinations made following Maximum Allowable Operating Pressure (MAOP) record review. As part of MAOP record review, certain segments were identified that require replacement, as those segments would need to be pressure tested or inspected using in-line inspection (ILI) to assess measurement and control (M&C) threats. Thus, the existing segments of pipeline, if retained as an active line, would have to be assessed via hydrostatic testing and would require field material validation. *See* 49 CFR, Part 192, Subpart O, requirements. Due to the years of service of the pipeline and best practices for safety and the environment, the Company would have to retrofit the line to enable an in-line inspection before performing the hydrotest. These steps would increase the potential of a successful hydrotest and are important as the line would be subject to a minimum of 1.5 times its maximum allowable operating pressure during hydrotesting – a pressure that it may never have been subjected to.

Given the uncertainty associated with this process, age of the line, and potential negative outcomes, Duke Energy Ohio believes the best and lowest cost long-term solution to resolve any potential threats would be to replace the segments of pipeline identified in the MAOP record review, as proposed by the Project. The Project will consist of installing replacement pipe that will allow the existing V000B pipeline to be downgraded to distribution and operate below 20% Specified Minimum Yield Strength (SMYS), thus safely mitigating possible M&C threats.

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 shown on Figure 1 in Attachment A. This figure shows the approximate Project area, existing pipeline, and proposed segments to be abandoned in place and new pipeline to be installed.

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.

No alternatives have been proposed as this Project is a replacement of outdated segments along an existing pipeline. The existing pipeline in these segments would be abandoned in place and new pipeline would be installed within the immediate vicinity. This method is the most cost effective, with the least impact to the community and environment. Socioeconomics, land use, and ecological information is presented in Section 4906-6-05 B(10) of this application.

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.

Duke Energy Ohio initially sent letters to each affected property owner notifying them of the Project on May 21, 2021. Duke Energy Ohio has since been in contact with each property owner to obtain temporary construction and permanent easements for the new pipeline segments to be installed and has secured the requisite easements. Further information on the ongoing status of this Project and other Duke Energy Ohio Projects can be found at the following website: www.duke-energy.com/linev.

4906-6-05 (B)(6): CONSTRUCTION SCHEDULE

The applicant shall provide an anticipated construction schedule and proposed in-service date of the project.

The construction schedule for this Project is expected to begin in May 2023 and be completed by December 2023.

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.

Figures 5 through 7, included as Attachment A, contain an overview of each Project area at a scale of 1:24,000 and depicts the centerline of the pipeline, roads, highways, and municipalities.

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.

Duke Energy Ohio has acquired approximately 50 feet of permanent easement and an additional approximately 50 feet of temporary easement for construction and maintenance of the pipeline segments. All requisite easements for the Project have been acquired by the Company.

4906-6-05 (B)(9): TECHNICAL FEATURES

The applicant shall describe the following information regarding the technical features of the project:

4906-6-05 (B)(9)(a): OPERATING CHARACTERISTICS

The applicant shall provide operating characteristics, estimated number and types of structures required, and right-of-way and/or land requirements.

The equipment to be installed within the Project will include the following:

- Approximately 2,012' of 20" Steel X60/X65 natural gas pipeline;
- Sphericals for tie-ins to existing V000b pipeline; and
- Additional piping materials including reducers, elbows, tees, ball valves, caps, and plugs for associated segment installations.

Duke Energy Ohio has acquired approximately 50 feet of permanent easement and an additional 50 feet of temporary easement for construction and maintenance of the pipeline segments. State, township, and county road right-of-way permits will be required for construction within road rights-of-way.

Additionally, permits will be required for permanent drives and pipeline installation beneath state, county, or township road right-of-way.

4906-6-05 (B)(9)(b): ELECTRIC 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.

Not applicable as the Project is for natural gas pipeline replacements.

4906-6-05 (B)(9)(c): ESTIMATED COSTS

The estimated capital cost of the project.

The estimated capital cost for the Project is \$15,276,624. This is a Class 3 estimate.

4906-6-05 (B)(10): SOCIAL AND ECOLOGICAL IMPACTS

The applicant shall describe the social and ecological impacts of the project:

4906-6-05 (B)(10)(a): LAND USES

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 Hamilton County, Ohio. The proposed project areas are mainly located along roads and in urban areas consisting of disturbed maintained lawns and small woodlot habitats. Other land uses in the vicinity of the Project area include: residential property, commercial shopping centers and buildings, transportation corridors, and small isolated woodlots. There are no known parks, churches, wildlife management areas, or nature preserve lands within 1,000 feet of the Project. One palustrine emergent (PEM) wetland totaling 0.08 acres, and two streams totaling 979 linear feet, were identified during delineation efforts. The Company does not currently anticipate that the project will impact the wetland or streams; anticipated measures that will result in impacts avoidance are further described below in Section 4906-6-05 (B)(10)(f): Areas of Ecological Concern. No other environmental or cultural resources are expected to be affected as a result of this Project. Archaeological and cultural resources, as well as areas of ecological concern are further discussed in Sections 4906-6-05 (B)(10)(c) and 4906-6-05 (B)(10)(f) of this Construction Notice, respectively.

4906-6-05 (B)(10)(b): AGRICULTURAL LAND

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 located in urban areas consisting of disturbed maintained lawns and small isolated woodlot habitats, and agricultural lands are not present.

4906-6-05 (B)(10)(c): ARCHAEOLOGICAL OR 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.

As part of the investigation, a search of Ohio Historic Preservation Office's (OHPO) online mapping system was conducted on March 13, 2022, to identify the existence of any significant archeological or cultural resource sites within 1,000 feet of the Project Area. The review identified three previously recorded archaeological sites, seven historic-age non-archaeological sites (historic resources), one National Register of Historic Places (NRHP) District, and two previous cultural resource surveys in the Study Area (Attachment A, Figure 1). None of the sites or historic resources are in the Project Area. One cemetery - the Old Duck Creek Baptist Cemetery - is plotted within the Project Area. However, the database specifies there is no location confidence, and further research into the Old Duck Creek Baptist Church indicates it is likely the Columbia Baptist Church and cemetery listed on the National Register (NR 79002709) and well south of the Project.

The previous surveys overlap a portion of the current Project Area. One of these surveys identified the three previously recorded archeological sites. None of the sites or historic resources are in the Project Area. Numerous potential historic buildings were identified within the Study Area, but none in the Project Area. Due to lack of documented and existing resources in the Project Area, and insignificant findings from previous surveys within and around the Project Area, it is anticipated that there will be no adverse impacts to archaeological or cultural resources. On May 3, 2022, the OHPO responded and concurred the Project will have no effect on properties listed in or eligible for NRHP. This response is included in Attachment B.

4906-6-05 (B)(10)(d): LOCAL, STATE, AND FEDERAL REQUIREMENTS

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.

The Project proposes to disturb one or more acres of land and has obtained general permit coverage from the Ohio Environmental Protection Agency (OEPA) under the National Pollutant Discharge Elimination System (NPDES) program for storm water discharges from small and large construction projects.

The Project will include construction and installation of pipeline within the state road right-of-way limits and adjacent to I-71, and permits have been obtained through the Ohio Department of Transportation (ODOT). Other local permits required for these segments have been obtained through the City of Cincinnati for right-of-way efforts and Hamilton County for right-of-way efforts.

The Project also includes construction and installation of a new pipeline at location Segment 2300 beneath the Duck Creek Levee System owned and operated by the U.S. Army Corps of Engineers (USACE). Therefore, a USACE Section 408 permit was obtained for this location.

4906-6-05 (B)(10)(e): ENDANGERED, THREATENED, AND RARE SPECIES**INVESTIGATION**

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.

In February 2021, the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) report was reviewed for federal and state protected species present within and near the Survey Area. The Official Species List yielded three federally listed species, which included the Northern Long-Eared Bat (*Myotis septentrionalis*) as threatened, the Indiana Bat (*Myotis sodalis*) as endangered, and the Running Buffalo Clover (*Trifolium stoloiferum*) as endangered. According to the State-listed species for Hamilton County, obtained from the Ohio Department of Natural Resources (ODNR)-Division of Wildlife (DOW), the same three species were state listed. In addition, the state list

included forty-nine other species as State-endangered or State-threatened. No Critical Habitat for the species below was identified during the IPaC search.

Habitat within the Project area consists primarily of urbanized areas, maintained lawn, planted trees and shrubs, and small portions of isolated woodlot habitat. Some trees are located in the Project Area within a fragmented mature hardwood forested habitat at Segments 1900 and 2380. The trees in this area primarily consist of Eastern cottonwood (*Populus deltoides*), black walnut (*Juglans nigra*), and Eastern sycamore (*Platanus occidentalis*) identified as the dominant overstory species. However, both of these habitats have dense understories dominated by invasive honeysuckle (*Lonicera* spp.) shrubs and riverbank grape (*Vitis riparia*). An Avian Habitat Assessment was conducted to determine if construction activities may impact listed bird species in the Project area. On May 20, 2022, the ODNR responded and concurred that suitable habitat for listed bird species is not present within the project area and impacts to listed bird species is not likely. The ODNR response is included in Attachment B.

Additionally, an acoustic bat survey was performed to determine if protected bat species may be impacted by tree clearing activities in the Project area. Gray bat, Indiana bat, northern long-eared bat, and little brown bat were determined to be likely absent based on automated identification and manual vetting results. Tricolored bat was determined to be present along Segment 2300 in the forested area south of Duck Creek. This report was submitted to USFWS and ODNR for concurrence. USFWS responded that an adverse effect is not anticipated to the federally listed bat species identified in the Project area. The ODNR responded that because the tri-colored bat was detected, tree cutting is not recommended between April 1 through September 30. The Project construction schedule will require tree clearing within this window. Therefore, a tree survey was performed to identify potential roost trees, and the survey report was provided to ODNR for review. ODNR responded that emergence counts would need to be conducted for these trees prior to clearing. An emergence count survey report was provided to ODNR for review, and ODNR concurred with the proposed methodology. This USFWS and ODNR correspondence is included in Attachment C.

Running Buffalo Clover has been delisted from the Endangered Species Act by USFWS as of September 7, 2021. However, the species is still state protected. A Running Buffalo Clover survey was performed and submitted to ODNR for concurrence.

No suitable habitat that could support other listed species was noted during the site visit. Project review request letters were submitted to both the ODNR-DOW and USFWS on April 20, 2022. The USFWS

provided a Project Concurrence dated May 6, 2022. A response was received from ODNR on May 20, 2022. Copies of these agency communications are included in Attachment B.

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.

An environmental desktop review of publicly available regulatory maps, aerial photography, and other environmental databases for the three Project Areas was conducted to identify potential environmental challenges and areas of ecological concern within the vicinity of the Project. The desktop review identified potential streams and floodplains at Segments 1900 and 2300. No other national or state forests or parks, wilderness areas, national and state wild and scenic rivers, wildlife areas, or areas of ecological concerns were identified in or near the Project Areas.

A wetland delineation was conducted on June 8, 2021, which identified one PEM wetland and two streams. The wetland occupies 0.08-acre and crosses Segment 2350. One of the streams, known as Duck Creek, is a concrete-lined perennial stream feature located within the Survey Area and crosses Segment 2300. The second stream, another section of Duck Creek, is a concrete-lined perennial stream located within the survey area and parallels Segment 1900. The pipeline will be drilled or bored beneath Duck Creek at Segment 2300 and no impacts are anticipated from the Project. The PEM wetland will be avoided during construction of the Project. The delineated wetland and Duck Creek are shown on Figures 2 and 3 in Attachment A. Best management practices will be utilized to protect the wetland and stream habitats.

4906-6-05 (B)(10)(g): OTHER INFORMATION/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's knowledge, no unusual conditions exist that would result in significant environmental, social, health, or safety impacts.

4906-6-07: DOCUMENTATION OF CONSTRUCTION NOTICE APPLICATION
TRANSMITTAL AND AVAILABILITY FOR PUBLIC REVIEW

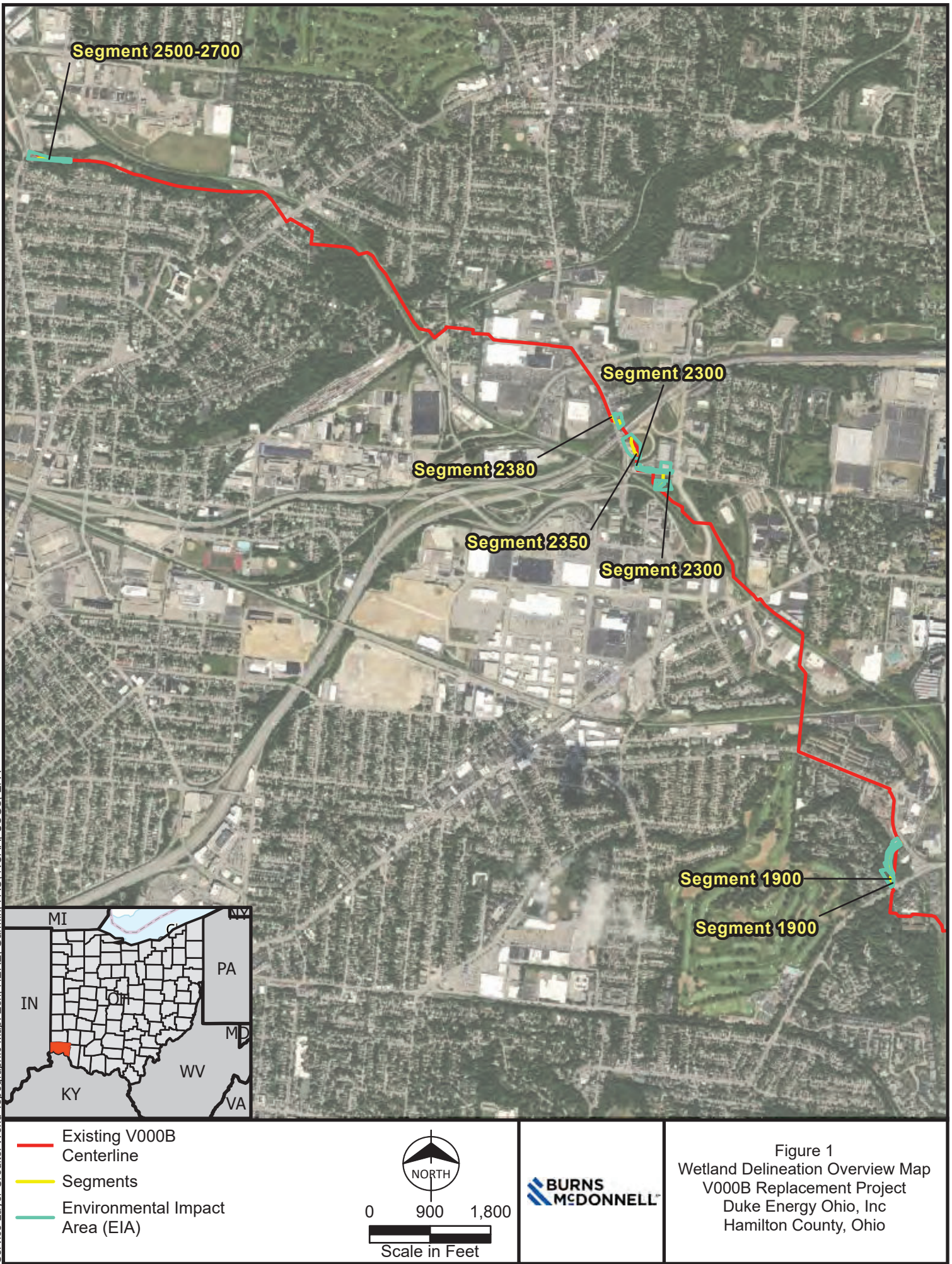
A link to this application has been sent to the appropriate public officials for Hamilton County, the City of Cincinnati, and the City of Norwood. Additionally, a link to this application was provided to the following libraries: Madisonville Public Library and Norwood Branch Library.

Duke Energy Ohio will maintain a copy of this Application on its website at: www.duke-energy.com/linev. Additionally, Duke Energy Ohio will maintain on its website information as to how to request an electronic or paper copy of the application.

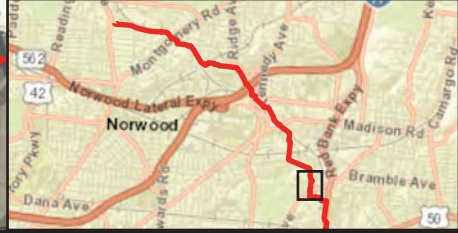
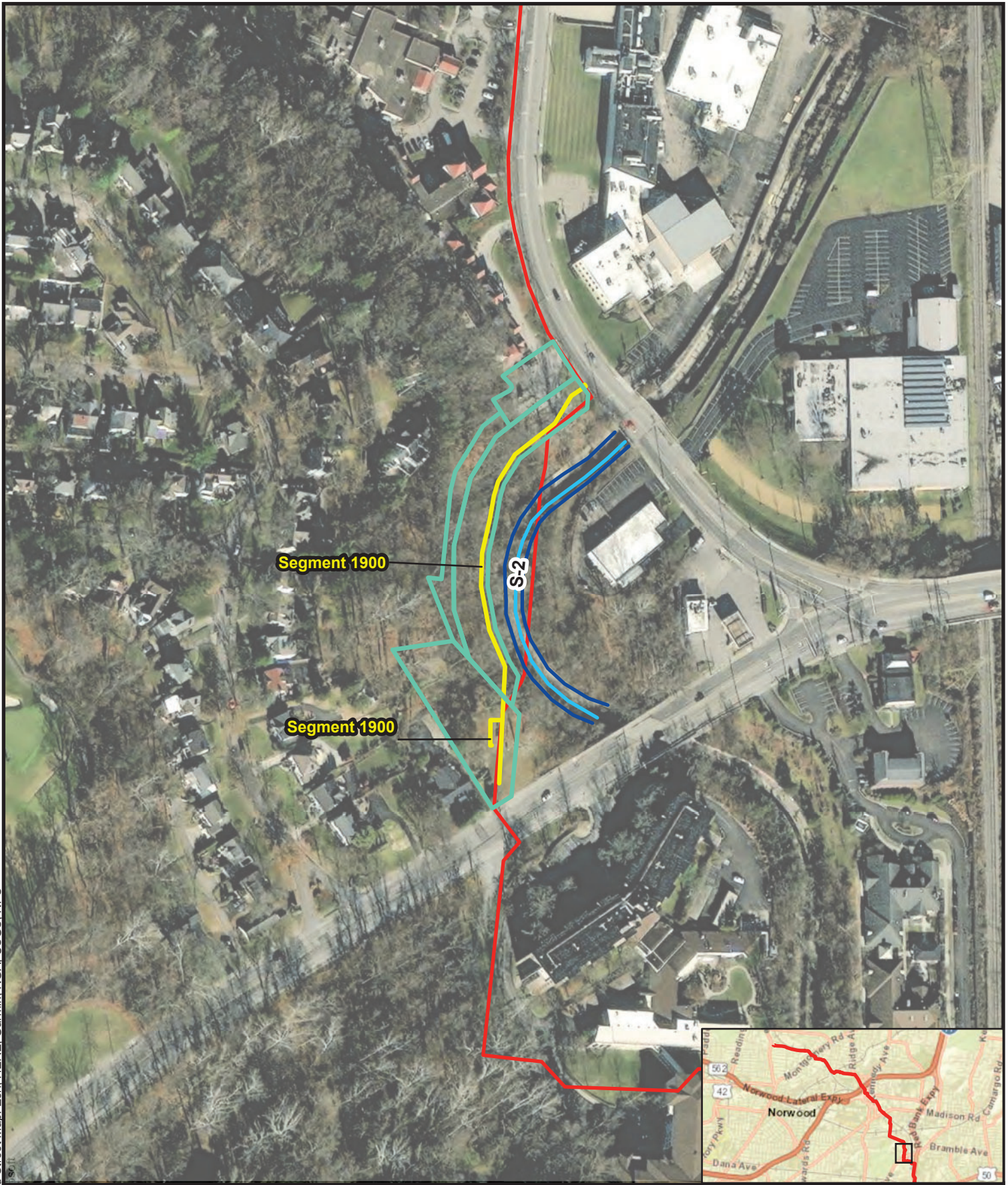
Duke Energy Ohio will file proof of compliance on the docket within 7 days of filing this application.

Attachment A – Project Figures

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- Existing V000B Centerline
- Segments
- Environmental Impact Area (EIA)
- Edge of concrete
- Stream

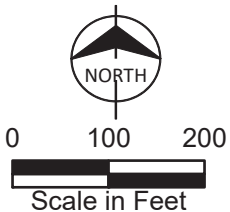
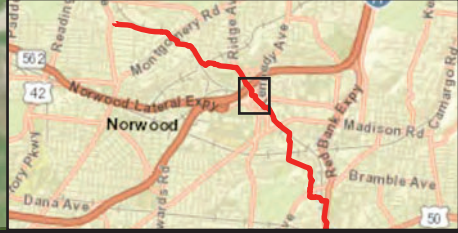
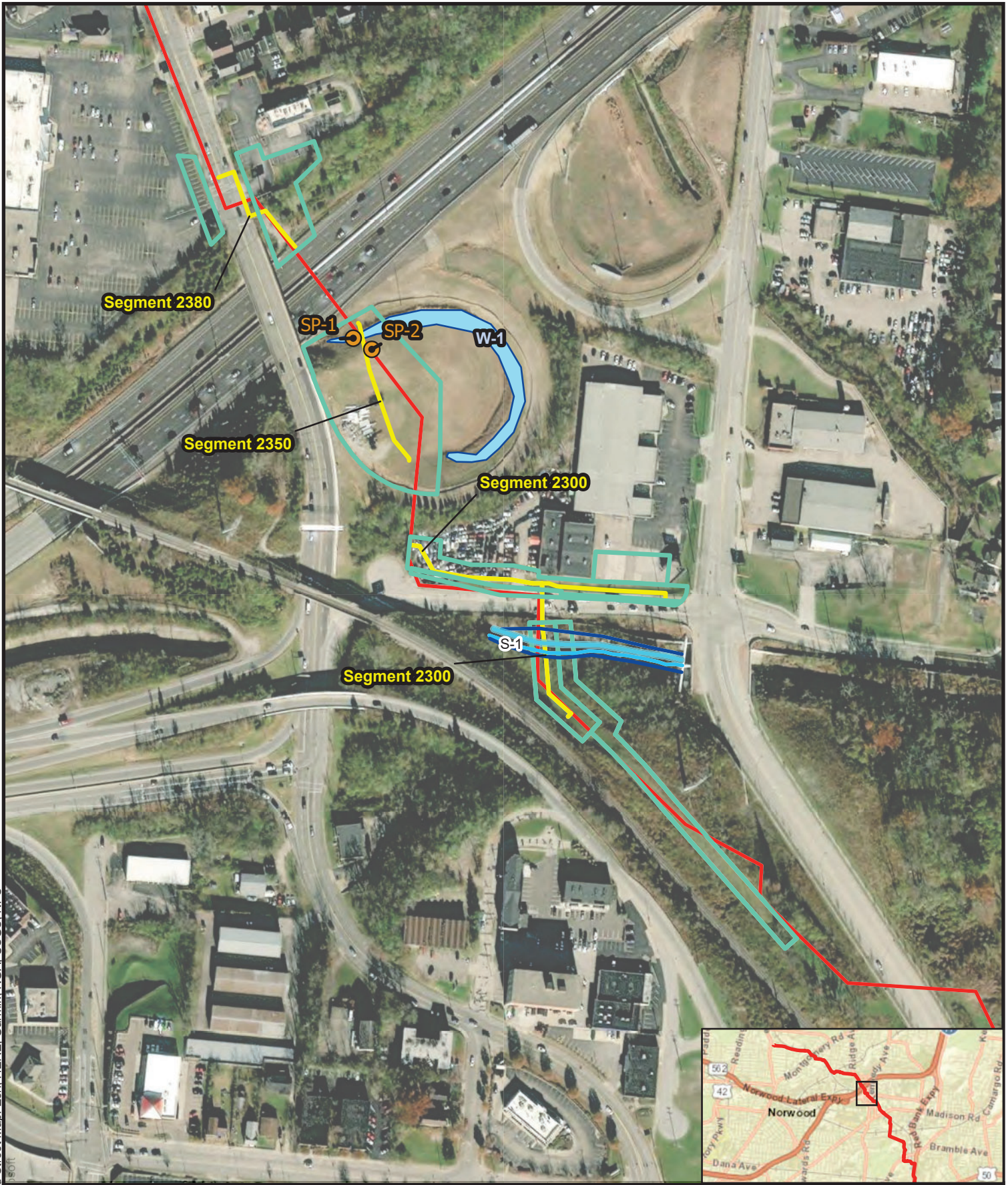


Figure 2
Segment 1900
Wetland Delineation Map
V000B Replacement Project
Duke Energy Ohio, Inc
Hamilton County, Ohio

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Existing V000B Centerline

Segments

Environmental Impact Area (EIA)

Sample Plot

Edge of concrete

Stream

Wetland

0

125

250

Scale in Feet

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Figure 3

Segments 2300, 2350 and 2380

Wetland Delineation Map

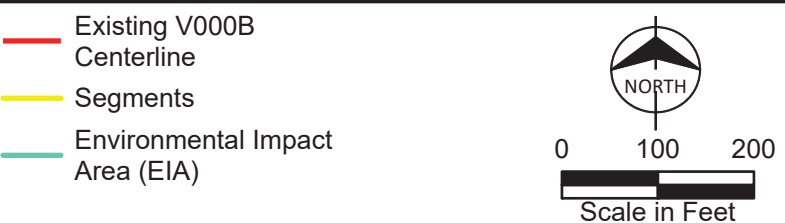
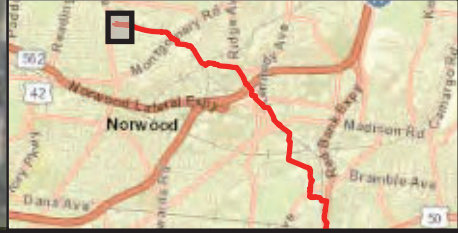
V000B Replacement Project

Duke Energy Ohio, Inc

Hamilton County, Ohio

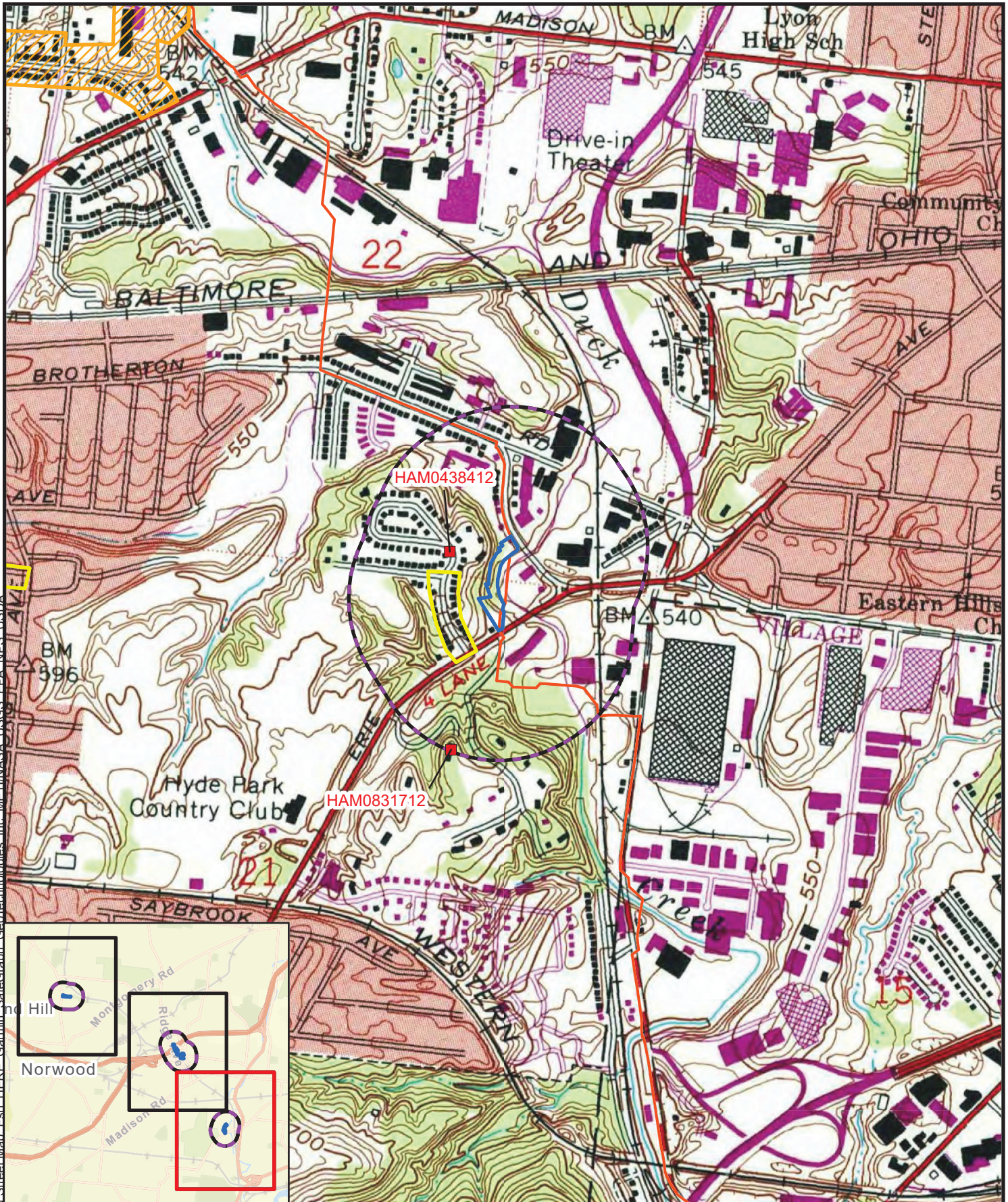
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Figure 4
Segments 2500 and 2700
Wetland Delineation Map
V000B Replacement Project
Duke Energy Ohio, Inc
Hamilton County, Ohio



- Study Area
- Project Area
- V000B_Entire_Line
- NRHP District
- Previously Identified Archaeological Site
- Historic Resource
- Previous Cultural Resource Survey

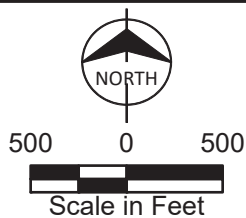
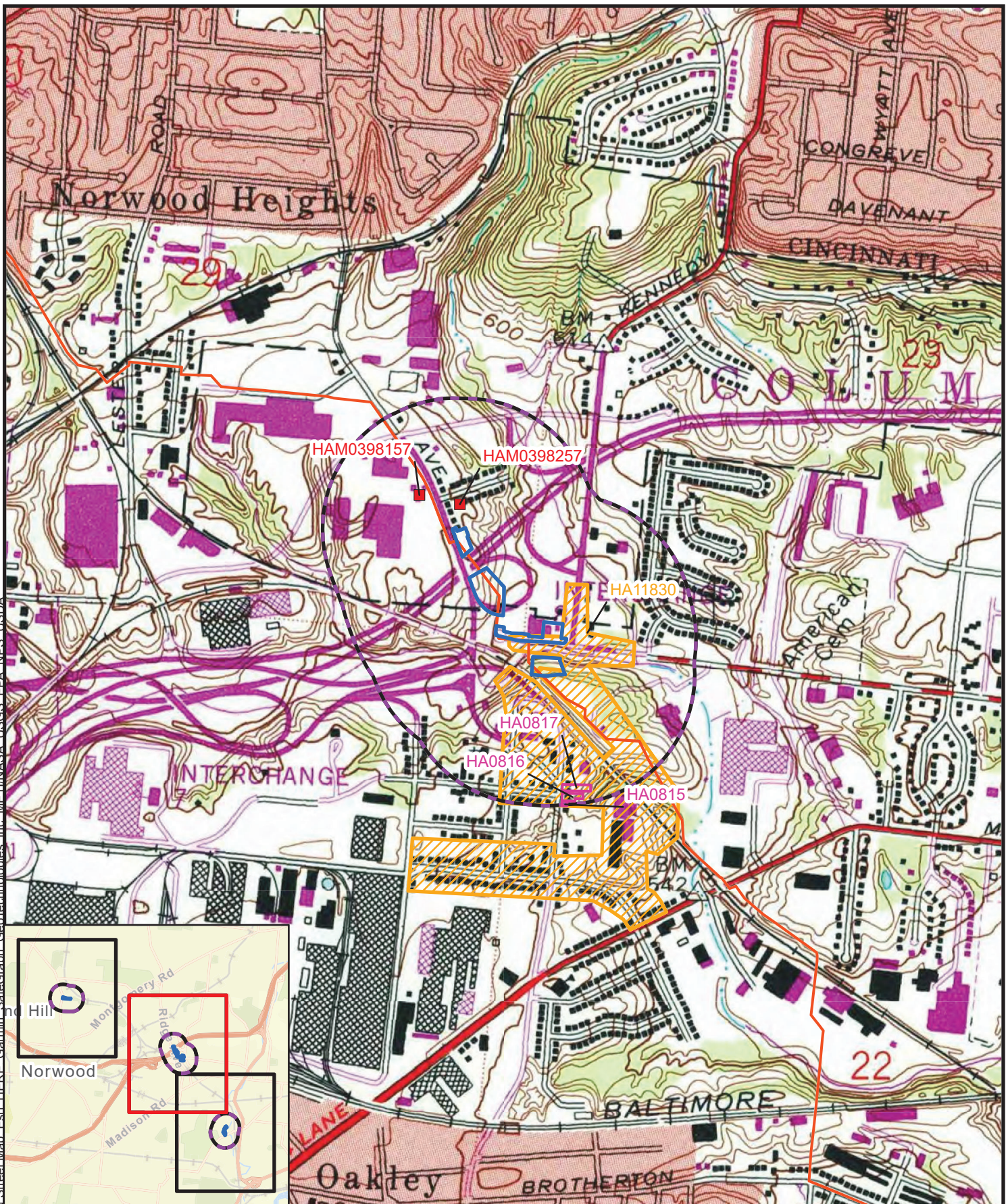
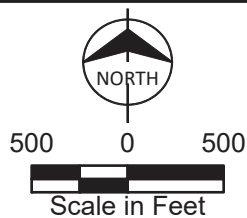


Figure 5
 Previously Recorded
 Cultural Resources
 V000B Replacement Project
 Hamilton County, Ohio
 Page 3 of 3



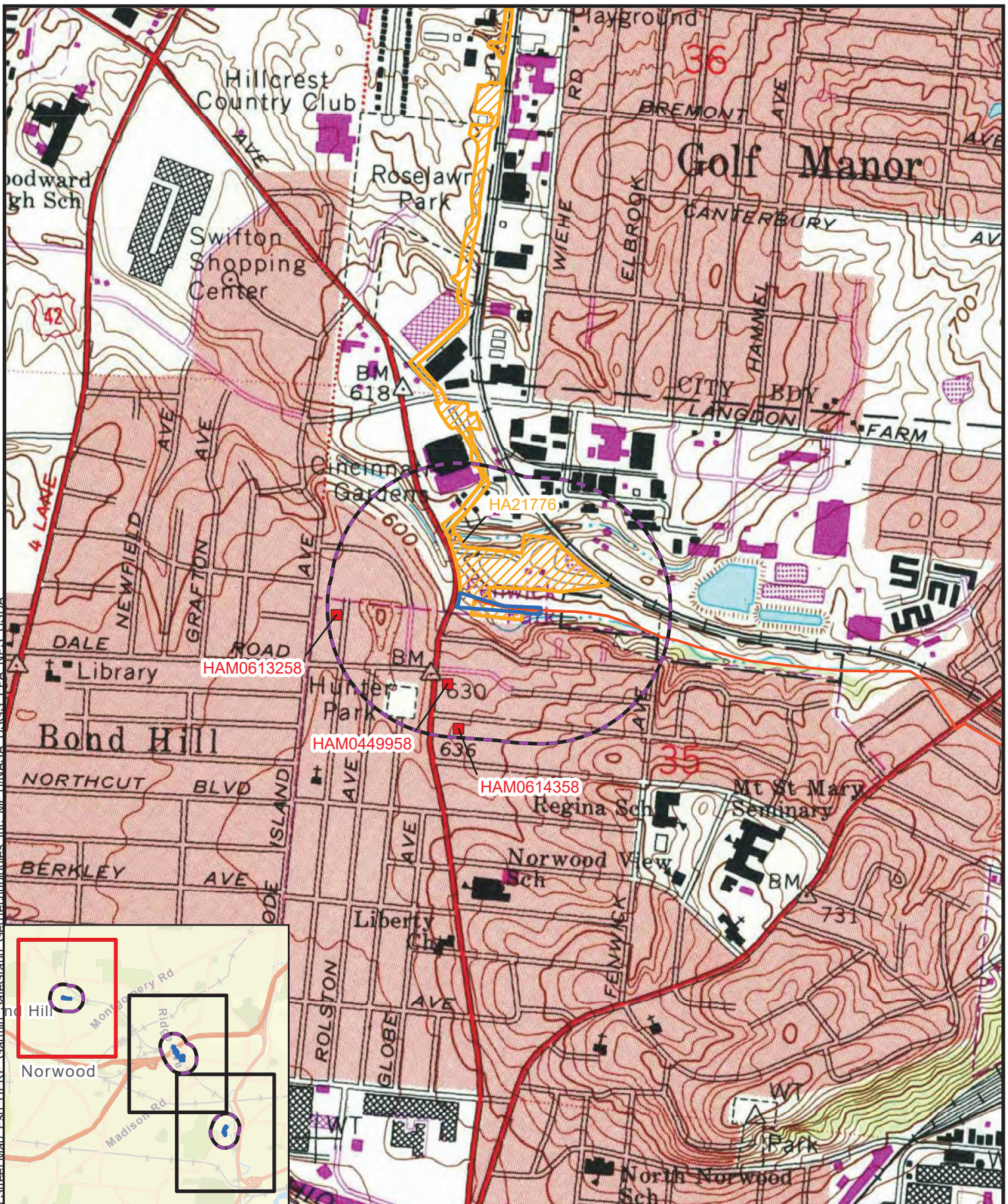
- Study Area
- Project Area
- V000B_Entire_Line
- NRHP District
- Previously Identified Archaeological Site
- Historic Resource
- Previous Cultural Resource Survey



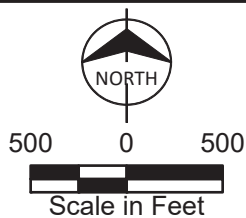
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Figure 6
Previously Recorded
Cultural Resources
V000B Replacement Project
Hamilton County, Ohio
Page 2 of 3

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- Study Area
- Project Area
- V000B_Entire_Line
- NRHP District
- Previously Identified Archaeological Site
- Historic Resource
- Previous Cultural Resource Survey



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Figure 7
Previously Recorded
Cultural Resources
V000B Replacement Project
Hamilton County, Ohio
Page 1 of 3

Attachment B – Agency Communications



In reply refer to
2022-HAM-54680

May 3, 2022

Kimberly House
Burns and McDonnell
9400 Ward Parkway
Kansas City, MO 64114

Dear Ms. House:

RE: Duke Energy V000B Replacement, Cincinnati, Hamilton County, Ohio

This is in response to the receipt of correspondence, on April 22, 2022, regarding the proposed 1,232 linear feet of pipeline replacement in Cincinnati, Hamilton 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. 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. 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

Kent, Sara S

From: Ohio, FW3 <ohio@fws.gov>
Sent: Friday, May 6, 2022 9:45 AM
To: Kent, Sara S
Cc: nathan.reardon@dnr.state.oh.us; Parsons, Kate
Subject: Duke Energy V000B Pipeline Replacement, Hamilton 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



Project Code #: 2022-0037482

Dear Ms. Kent,

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 <http://www.fws.gov/midwest/endangered/mammals/nleb/index.html>), 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.

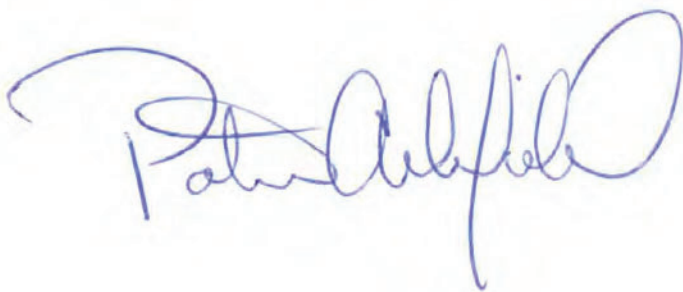
Stream and Wetland Avoidance: Over 90% of the wetlands in Ohio have been drained, filled, or modified by human activities, thus is it important to conserve the functions and values of the remaining wetlands in Ohio (https://epa.ohio.gov/portals/47/facts/ohio_wetlands.pdf). We recommend avoiding and minimizing 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 M. Ashfield
Field Office Supervisor

cc: Nathan Reardon, ODNR-DOW



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

May 20, 2022

Sara Kent
Burns & McDonnell
4004 Summit Boulevard, Suite 1200
Atlanta, GA 30319

Re: 22-0424; Duke Gas V000B Pipeline Replacement Project

Project: The proposed project consists of abandoning in place existing segments of pipeline and installing new pipeline at three project locations.

Location: The proposed project is located in Columbia Township, Hamilton 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: The Natural Heritage Database has the following data within one mile of the project area:

Running Buffalo Clover (*Trifolium stoloniferum*), E, FSC*

The review was performed on the specified project area as well as an additional one-mile radius. Records searched date from 1980. The species listed above has not been recorded within the boundaries of the specified environmental impact area.

Conservation status abbreviations are as follows: E = state endangered; T = state threatened; P = state potentially threatened; SC = state species of concern; SI = state special interest; U = state status under review; X = presumed extirpated in Ohio; FE = federally endangered, FT = federally threatened, and FSC* = federal species of concern (retains this status for 5 years after federal de-listing).

Please note that Ohio has not been completely surveyed and we rely on receiving information from many sources. Therefore, a lack of records for an 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 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 species of bats 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. If trees are present within the project area, and trees must be cut, the DOW recommends 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 ≥ 20 if possible. If trees are present within the project area, and trees must be cut during the summer months, the DOW recommends a mist net survey or acoustic survey be conducted from June 1 through August 15, prior to any cutting. Mist net and acoustic surveys should be conducted in accordance with the most recent version of the “OHIO DIVISION OF WILDLIFE GUIDANCE FOR BAT SURVEYS AND TREE CLEARING”. If state listed bats are documented, DOW recommends cutting only occur from October 1 through March 31. However, limited summer tree cutting may be acceptable after consultation with the DOW (contact Erin Hazelton at Erin.hazelton@dnr.ohio.gov).

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 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 Erin Hazelton 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 following listed mussel species.

Federally Endangered

fanshell (*Cyprogenia stegaria*)
pink mucket (*Lampsilis orbiculata*)
rayed bean (*Villosa fabalis*)
sheepnose (*Plethobasus cyphus*)
snuffbox (*Epioblasma triquetra*)

State Endangered

butterfly (*Ellipsaria lineolata*)
ebonyshell (*Fusconaia ebena*)
elephant-ear (*Elliptio crassidens crassidens*)
long-solid (*Fusconaia maculata maculata*)
monkeyface (*Quadrula metanevra*)
Ohio pigtoe (*Pleurobema cordatum*)
wartyback (*Quadrula nodulata*)

washboard (*Megaloniaias nervosa*)

State Threatened

black sandshell (*Ligumia recta*)

fawnsfoot (*Truncilla donaciformis*)

threehorn wartyback (*Obliquaria reflexa*)

Due to the location, and that there is no in-water work proposed in a perennial stream of sufficient size, this project is not likely to impact these species.

The project is within the range of the following listed mussel species.

State Endangered

bigeye shiner (*Notropis boops*)

lake sturgeon (*Acipenser fulvescens*)

northern madtom (*Noturus stigmosus*)

popeye shiner (*Notropis ariommus*)

shoal chub (*Macrhybopsis hyostoma*)

shortnose gar (*Lepisosteus platostomus*)

shovelnose sturgeon (*Scaphirhynchus platyrhynchus*)

State Threatened

blue sucker (*Cycleptus elongatus*)

channel darter (*Percina copelandi*)

mountain madtom (*Noturus eleutherus*)

paddlefish (*Polyodon spathula*)

river darter (*Percina shumardi*)

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.

The project is within the range of the Kirtland's snake (*Clonophis kirtlandii*), a state threatened species. This secretive species prefers wet meadows and other wetlands. 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 American bittern (*Botaurus lentiginosus*), a state endangered bird. Nesting bitterns prefer large undisturbed wetlands that have scattered small pools amongst dense vegetation. They occasionally occupy bogs, large wet meadows, and dense shrubby swamps. 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 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 lark sparrow (*Chondestes grammacus*), a state endangered bird. This sparrow nests in grassland habitats with scattered shrub layers, disturbed open areas, as well as patches of bare soil. These summer residents normally migrate out of Ohio shortly after their young fledge or leave the nest. 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 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 loggerhead shrike (*Lanius ludovicianus*), a state endangered bird. The loggerhead shrike nests in hedgerows, thickets and fencerows. They hunt over hayfields, pastures, and other grasslands. If thickets or other types of dense shrubby habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 1 through July 31. If this habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the trumpeter swan (*Cygnus buccinator*), a state threatened bird. Trumpeter swans prefer large marshes and lakes ranging in size from 40 to 150 acres. They like shallow wetlands one to three feet deep with a diverse mix of plenty of emergent and submergent 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 April 15 through June 15. If this habitat will not be impacted, this project is not likely to have an impact on 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. Your local floodplain administrator contact information can be found at the website below.

<https://ohiodnr.gov/static/documents/water/floodplains/Floodplain%20Administrator%20List.pdf>

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

Mike Pettegrew
Environmental Services Administrator

Kent, Sara S

From: EnvironmentalReviewRequest@dnr.ohio.gov
Sent: Friday, September 16, 2022 9:41 AM
To: Kent, Sara S
Cc: Lane, Steve; Jeff.Schuchter@duke-energy.com; Webb, Brittany N; Mike.Pettegrew@dnr.ohio.gov
Subject: RE: 22-0424; Burns & McDonnell - Duke Gas V000B Pipeline Replacement Project Comments

Good morning Sara,

The DOW concurs that suitable habitat for listed bird species is not present within the project area. Additionally, the DOW concurs that impacts to listed bird species are not likely. No further coordination for these species is warranted.

Thanks,

Samantha Robbins, CESSWI

ODNR Consultant Staff

Ohio Department of Natural Resources

Office of Real Estate and Land Management, Environmental Review Services Section

Office: (614) 865-1874

Mobile: (330) 324-2691

Samantha.Robbins@dnr.ohio.gov



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Please consider the environment before printing this email.

From: Kent, Sara S <sskent@burnsmcd.com>
Sent: Wednesday, September 14, 2022 11:47 AM
To: DNR EnvironmentalReviewRequest <EnvironmentalReviewRequest@dnr.ohio.gov>
Cc: Lane, Steve <steve.lane@duke-energy.com>; Jeff.Schuchter@duke-energy.com; Webb, Brittany N <bnwebb@burnsmcd.com>
Subject: RE: 22-0424; Burns & McDonnell - Duke Gas V000B Pipeline Replacement Project Comments

Good morning,

Please find attached the Avian Habitat Assessment for the Duke Gas V000B Replacement Project in the Cincinnati area in Hamilton County, Ohio. The project is under the jurisdiction of the Ohio Power Siting Board (OPSB), and a Construction Notice will be filed once land acquisition is complete.

As part of the OPSB Construction Notice process, Duke Gas is required to provide all correspondence with agencies, including ODNR, for the project. Therefore, we request an ODNR review of the attached assessment report and response and/or concurrence to our findings.

Please let us know if you have any questions. Thanks!

Sara Kent \ Burns & McDonnell
Section Manager, Environmental Services
o 470-508-9904 \ m 770-363-1453
sskent@burnsmcd.com \ burnsmcd.com
4004 Summit Boulevard \ Suite 1200 \ Atlanta, GA 30319

From: EnvironmentalReviewRequest@dnr.ohio.gov <EnvironmentalReviewRequest@dnr.ohio.gov>
Sent: Friday, May 20, 2022 4:59 PM
To: Kent, Sara S <sskent@burnsmcd.com>
Cc: Lane, Steve <steve.lane@duke-energy.com>; Jeff.Schuchter@duke-energy.com; Webb, Brittany N <bnwebb@burnsmcd.com>
Subject: 22-0424; Burns & McDonnell - Duke Gas V000B Pipeline Replacement Project Comments

Please see the attached ODNR Environmental Review comment letter for your Environmental Review request.

Any questions regarding the letter should be directed to Mike Pettegrew at mike.pettegrew@dnr.ohio.gov.

Thank you,

	<p>Mike Pettegrew <i>Environmental Services Administrator</i> Ohio Department of Natural Resources, Office of Real Estate & Land Management 2045 Morse Road, Building E-2 Columbus, Ohio 43229 Office: (614) 265-6387 mike.pettegrew@dnr.ohio.gov https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/real-estate/environmental-review/</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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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 20, 2022

Project Code: 2023-0006807

Dear Mr. Maine:

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). 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

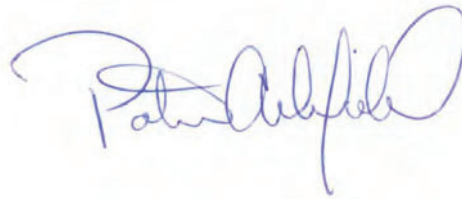
species. In addition, prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

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

Kent, Sara S

From: Eileen.Wyza@dnr.ohio.gov
Sent: Monday, March 13, 2023 11:59 AM
To: Maine, Josiah J
Cc: Kent, Sara S; Webb, Brittany N; Lane, Steve
Subject: RE: [EXTERNAL] Acoustic Bat Survey Report for the Duke V000B Pipeline Replacement Project

Hi Josiah,

Thank you – DOW agrees with the proposed emergence surveys. Please follow the protocol below and report results of the emergence counts to me after the surveys are completed (email is just fine):

- Surveyor(s) should be positioned to see the entire tree, silhouetted against the sky if possible.
- Complete the surveys on nights where the wind is less than 10 mph, temperatures are at least 50°F, and it's not raining.
- Begin the survey 30 minutes before sunset. Sunset tables can be found online.
- Watch the entire tree for bats to emerge. Do not shine a light on the tree or bats—just watch for movement and silhouettes in the sky.
- An hour after sunset, or when the sky is too dark to see bats, you can conclude the survey. If no bats are documented, cut the tree the day following the emergence count survey. If bats are documented, wait to cut the tree until October 1-March 31 or consult with DOW for further guidance.

Please let me know if anything changes. Thanks!



Eileen Wyza
Wildlife Biologist
Ohio Division of Wildlife
Phone: 614-265-6764
Email: Eileen.Wyza@dnr.ohio.gov

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From: Maine, Josiah J <jjmaine@burnsmcd.com>
Sent: Friday, March 10, 2023 3:39 PM
To: Wyza, Eileen <Eileen.Wyza@dnr.ohio.gov>
Cc: Kent, Sara S <sskent@burnsmcd.com>; Webb, Brittany N <bnwebb@burnsmcd.com>; Lane, Steve <steve.lane@duke-energy.com>
Subject: RE: [EXTERNAL] Acoustic Bat Survey Report for the Duke V000B Pipeline Replacement Project

Eileen,

Please see the attached survey plan for emergence counts on the V000b Replacement Project for your review. If you need any additional information or have any questions, please let me know.

Thanks,

Josiah Maine

Burns & McDonnell

Senior Environmental Scientist

o 816-448-7519 \ m 785-317-1595

jjmaine@burnsmcd.com \ burnsmcd.com

9400 Ward Parkway \ Kansas City, MO 64114

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

Sent: Wednesday, February 8, 2023 11:45 AM

To: Maine, Josiah J <jjmaine@burnsmcd.com>

Cc: Kent, Sara S <sskent@burnsmcd.com>; Webb, Brittany N <bnwebb@burnsmcd.com>; Lane, Steve <steve.lane@duke-energy.com>

Subject: RE: [EXTERNAL] Acoustic Bat Survey Report for the Duke V000B Pipeline Replacement Project

Hello Josiah,

Yes, in the event that any of the potential roost trees need to be removed outside of the winter season, please reach back out to me. We can coordinate emergence surveys for limited removal during the summer if appropriate.

Thank you,



Eileen Wyza

Wildlife Biologist

Ohio Division of Wildlife

Phone: 614-265-6764

Email: Eileen.Wyza@dnr.ohio.gov

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Please consider the environment before printing this email.

From: Maine, Josiah J <jjmaine@burnsmcd.com>

Sent: Tuesday, February 7, 2023 6:54 PM

To: Wyza, Eileen <Eileen.Wyza@dnr.ohio.gov>

Cc: Kent, Sara S <sskent@burnsmcd.com>; Webb, Brittany N <bnwebb@burnsmcd.com>; Lane, Steve <steve.lane@duke-energy.com>

Subject: RE: [EXTERNAL] Acoustic Bat Survey Report for the Duke V000B Pipeline Replacement Project

Eileen,

Please see the attached report based on a tree survey we conducted recently for the V000B Pipeline Replacement Project. Trees may need to be cleared during the tricolored bat active season, so we would appreciate your review and guidance on the project.

Thanks,

Josiah Maine

Burns & McDonnell

Senior Environmental Scientist

o 816-448-7519 \ m 785-317-1595

jjmaine@burnsmcd.com \ burnsmcd.com

9400 Ward Parkway \ Kansas City, MO 64114

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

Sent: Tuesday, January 10, 2023 6:43 AM

To: Maine, Josiah J <jjmaine@burnsmcd.com>

Cc: Kent, Sara S <sskent@burnsmcd.com>; Webb, Brittany N <bnwebb@burnsmcd.com>; Lane, Steve <steve.lane@duke-energy.com>

Subject: RE: [EXTERNAL] Acoustic Bat Survey Report for the Duke V000B Pipeline Replacement Project

Hello Josiah,

Happy New Year to you as well! We do apply buffers to detection points, so KM-02 would still be within that detection buffer. Happy to chat more about tree clearing options if it'd be helpful.

Thanks!



Eileen Wyza

Wildlife Biologist

Ohio Division of Wildlife

Phone: 614-265-6764

Email: Eileen.Wyza@dnr.ohio.gov

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From: Maine, Josiah J <jjmaine@burnsmcd.com>

Sent: Monday, January 9, 2023 2:33 PM

To: Wyza, Eileen <Eileen.Wyza@dnr.ohio.gov>

Cc: Kent, Sara S <sskent@burnsmcd.com>; Webb, Brittany N <bnwebb@burnsmcd.com>; Lane, Steve <steve.lane@duke-energy.com>

Subject: RE: [EXTERNAL] Acoustic Bat Survey Report for the Duke V000B Pipeline Replacement Project

Hi Eileen,

Happy new year! To follow up on this, we are planning on surveying the potential tree clearing area to determine the types of trees that may be cleared. Before we do that I wanted to get some clarification on the areas that we would need to survey. Recall that tricolored bat calls were detected at KM-01, but not at KM-02 (approximately 1.2 miles away). For acoustic detections, does ODNR consider tricolored bats "present" only for the areas where they were detected? Or do you apply a home range buffer on the acoustic detections and consider the species present for all suitable habitat within that buffer?

Thanks,

Josiah Maine

Burns & McDonnell

Senior Environmental Scientist

o 816-448-7519 \ m 785-317-1595

jjmaine@burnsmcd.com \ burnsmcd.com

9400 Ward Parkway \ Kansas City, MO 64114

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

Sent: Friday, December 2, 2022 6:54 AM

To: Maine, Josiah J <jjmaine@burnsmcd.com>

Cc: Kent, Sara S <sskent@burnsmcd.com>; Webb, Brittany N <bnwebb@burnsmcd.com>; Lane, Steve <steve.lane@duke-energy.com>

Subject: RE: [EXTERNAL] Acoustic Bat Survey Report for the Duke V000B Pipeline Replacement Project

Hi Josiah,

Yes, please let me know how many trees and what their species and DBHs are. Photos of the trees would also be helpful. I'll take a look at that info and we can go from there.



Eileen Wyza

Wildlife Biologist

Ohio Division of Wildlife

Phone: 614-265-6764

Email: Eileen.Wyza@dnr.ohio.gov

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From: Maine, Josiah J <jjmaine@burnsmcd.com>

Sent: Thursday, December 1, 2022 2:34 PM

To: Wyza, Eileen <Eileen.Wyza@dnr.ohio.gov>

Cc: Kent, Sara S <sskent@burnsmcd.com>; Webb, Brittany N <bnwebb@burnsmcd.com>; Lane, Steve <steve.lane@duke-energy.com>

Subject: RE: [EXTERNAL] Acoustic Bat Survey Report for the Duke V000B Pipeline Replacement Project

Hi Eileen,

We may need to conduct limited tree clearing for the V000B project between April 1 and September 30. Is there additional guidance you could provide on limited clearing within that window?

Thanks,

Josiah Maine

Burns & McDonnell

Staff Environmental Scientist

o 816-448-7519 \ m 785-317-1595

jjmaine@burnsmcd.com \ burnsmcd.com

9400 Ward Parkway \ Kansas City, MO 64114

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

Sent: Monday, October 24, 2022 9:31 AM

To: Maine, Josiah J <jjmaine@burnsmcd.com>

Cc: Reardon, Nathan <nathan.reardon@dnr.ohio.gov>

Subject: RE: [EXTERNAL] Acoustic Bat Survey Report for the Duke V000B Pipeline Replacement Project

Hi Josiah,

Thank you for clarifying. Yes, upon re-examining the document I can see where it was mentioned manual vetting suggests there are tricolored bats in the area. Here is the updated response:

The Ohio Division of Wildlife (DOW) has received the summer bat survey report for the Duke V000B Pipeline Replacement project, conducted according to current U.S. Fish and Wildlife Service (USFWS) and Ohio Department of Natural Resources, Division of Wildlife (DOW) guidance. Because tri-colored bats were detected, 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.

As far as I'm aware, running buffalo clover is still state endangered. I have CC'd Nate Reardon who handles the environmental reviews to clarify if needed.

Thank you!



Eileen Wyza

Wildlife Biologist

Ohio Division of Wildlife

Phone: 614-265-6764

Email: Eileen.Wyza@dnr.ohio.gov

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From: Maine, Josiah J <jjmaine@burnsmcd.com>
Sent: Monday, October 24, 2022 10:19 AM
To: Wyza, Eileen <Eileen.Wyza@dnr.ohio.gov>
Subject: RE: [EXTERNAL] Acoustic Bat Survey Report for the Duke V000B Pipeline Replacement Project

Hi Eileen, I just wanted to confirm that you saw in the report that tricolored bat calls were identified at sites KM-1A and KM-1B, and to see if this changes recommendations for tree clearing. Also, I believe ODNR provided some comments previously regarding running buffalo clover. I heard that running buffalo clover has been delisted at the federal level. Is it still listed at the state level?

Josiah Maine
Burns & McDonnell
Staff Environmental Scientist
o 816-448-7519 \ m 785-317-1595
jjmaine@burnsmcd.com \ burnsmcd.com
9400 Ward Parkway \ Kansas City, MO 64114

From: Eileen.Wyza@dnr.ohio.gov <Eileen.Wyza@dnr.ohio.gov>
Sent: Thursday, October 20, 2022 1:58 PM
To: Boyer, Angela <angela_boyer@fws.gov>; Maine, Josiah J <jjmaine@burnsmcd.com>
Cc: Kent, Sara S <sskent@burnsmcd.com>; Webb, Brittany N <bnwebb@burnsmcd.com>; Lane, Steve <steve.lane@duke-energy.com>; Ohio, FW3 <ohio@fws.gov>
Subject: RE: [EXTERNAL] Acoustic Bat Survey Report for the Duke V000B Pipeline Replacement Project

Hi Josiah,

The Ohio Division of Wildlife (DOW) has received the summer bat survey report for the Duke V000B Pipeline Replacement 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.

Thank you,



Eileen Wyza
Wildlife Biologist
Ohio Division of Wildlife
Phone: 614-265-6764
Email: Eileen.Wyza@dnr.ohio.gov

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From: Boyer, Angela <angela_boyer@fws.gov>
Sent: Thursday, October 20, 2022 12:26 PM
To: Maine, Josiah J <jjmaine@burnsmcd.com>
Cc: Wyza, Eileen <Eileen.Wyza@dnr.ohio.gov>; Kent, Sara S <sskent@burnsmcd.com>; Webb, Brittany N <bnwebb@burnsmcd.com>; Lane, Steve <steve.lane@duke-energy.com>; Ohio, FW3 <ohio@fws.gov>
Subject: Re: [EXTERNAL] Acoustic Bat Survey Report for the Duke V000B Pipeline Replacement Project

Hello,

The USFWS response letter is attached.

Sincerely,
Angie

From: Maine, Josiah J <jjmaine@burnsmcd.com>
Sent: Tuesday, October 18, 2022 3:12 PM
To: Boyer, Angela <angela_boyer@fws.gov>
Cc: eileen.wyza@dnr.ohio.gov <eileen.wyza@dnr.ohio.gov>; Kent, Sara S <sskent@burnsmcd.com>; Webb, Brittany N <bnwebb@burnsmcd.com>; Lane, Steve <steve.lane@duke-energy.com>
Subject: [EXTERNAL] Acoustic Bat Survey Report for the Duke V000B Pipeline Replacement Project

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Hi Angela,

Burns & McDonnell completed an acoustic bat survey for the Duke V000B Pipeline Replacement Project during the 2022 summer survey season. Please see the attached acoustic bat survey report for your review. If you have any questions or comments, please let me know.

Thanks,

Josiah Maine

Burns & McDonnell

Staff Environmental Scientist

o 816-448-7519 \ m 785-317-1595

jjmaine@burnsmcd.com \ burnsmcd.com

9400 Ward Parkway \ Kansas City, MO 64114

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Case No(s). 23-0265-GA-BNR

Summary: Application Duke Energy Ohio, Inc.'s Construction Notice Application for the V000B Pipeline Replacement Project electronically filed by Mrs. Tammy M. Meyer on behalf of Duke Energy Ohio Inc. and D'Ascenzo, Rocco and Akhbari, Elyse Hanson and Kingery, Jeanne and Vaysman, Larisa.