

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Letter of Notification Application)
of the Dayton Power & Light Company for the Madison) **Case No. 23-0066-EL-BLN**
to Fayette 345 kV Transmission Line Project)

Members of the Board:

Chair, Public Utilities Commission	Ohio House of Representatives
Director, Department of Development	Ohio Senate
Director, Department of Health	
Director, Department of Agriculture	
Director, Environmental Protection Agency	
Director, Department of Natural Resources	
Public Member	

To the Honorable Power Siting Board:

Please review the attached Staff Report of Investigation, which has been filed in accordance with Ohio Power Siting Board (Board) rules. The accelerated certificate application in this case is subject to an automatic approval process as required by Ohio Revised Code (R.C.) 4906.03 and Ohio Administrative Code (Ohio Adm. Code) 4906-6.

Staff recommends the application for automatic approval June 7, 2023, unless suspended by the Board, an administrative law judge, the chairperson, or executive director of the Board for good cause shown. If suspended, the Board must render a decision on the application within 90 days from the date of suspension.

Please present any objections you or your designee may have with this case to my office at least four business days prior to June 7, 2023, which is the recommended automatic approval date.

Sincerely,



Michael Williams
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 23-0066-EL-BLN
Project Name: Madison to Fayette 345 kV Transmission Line Project
Project Location: Clark, Fayette, and Madison Counties
Applicant: The Dayton Power & Light Company
Application Filing Date: March 8, 2023
Filing Type: Letter of Notification
Inspection Date: May 17, 2023
Report Date: May 31, 2023
Recommended Automatic Approval Date: June 7, 2023
Applicant's Waiver Requests: None
Staff Assigned: A. Holderbaum, T. Crawford, A. Delong, M. Bellamy, A. Conway, A. Rennick, J. Stottsberry

Summary of Staff Recommendations (see discussion below):

Application: ☐ Approval ☐ Disapproval ☒ Approval with Conditions
Waiver: ☐ Approval ☐ Disapproval ☒ Not Applicable

Project Description and Need

The Dayton Power & Light Company d/b/a AES Ohio (Applicant), proposes the construction of the Madison-Fayette 345 kilovolt (kV) double-circuit transmission line of approximately 13.6 miles in length, extending from the approved Madison 345 kV Station to the proposed Fayette Station.¹ Eighty-eight steel monopoles would be used to support the length of bundled 1024.5 kcmil 30/7 ACAR conductor. This project is associated with upgrades to the electrical system in Fayette County needed to meet the needs of new and existing customers in the area. A portion of the project would be located on land that is owned by, or is within the existing right-of-way, of the Applicant. In response to a data request, the Applicant states that the necessary easements and options for additional lands would be acquired before the start of construction.

The Applicant claims the project is needed to support the needs of a new industrial customer whose requirements would increase the existing load of 30 megavolt amperes (MVA) in the area by approximately 140 MVA. The existing radial line and supporting source would not be sufficient to serve the additional load. The new 345 kV transmission lines would also provide the primary feed into the new Fayette Station and the Jeffersonville area, which would be the primary load

1. The Madison 345 kV Substation Project was approved by the Public Utilities Commission of Ohio on March 2, 2023, as Case No. 22-1079-EL-BLN. The Application for the Fayette Station, Case No. 23-0067-EL-BLN, has not yet been filed.

center between Dayton, Cincinnati, and Columbus. There is presently no backup source that could provide the full-load needs of the industrial customer.

Upgrades to the transmission system are part of the PJM Interconnection (PJM) Regional Transmission Expansion Plan (RTEP) process.² The Applicant has stated that the need was submitted at the Subregional RTEP Committee–Western Transmission Expansion Advisory Committee (TEAC) on July 22, 2022.³ The solution was submitted to the PJM TEAC on December 6, 2022, and was assigned the supplemental upgrade ID s2853.⁴ Supplemental projects or upgrades refer to transmission expansion or enhancements not needed to comply with PJM reliability, operational performance, Federal Energy Regulatory Commission (FERC) Form No. 715, economic criteria, or State Agreement Approach projects.⁵

In response to a data request, the Applicant states that the project was not identified in the Company’s 2020 Long-Term Forecast Report (LTFR) to the Public Utilities Commission of Ohio (PUCO), but it is included in its 2023 LTFR filed in Case No. 23-0505-EL-FOR.⁶

The Applicant proposes to begin construction on August 1, 2023 with completion and an in-service of August 1, 2024. The estimated capital cost for the project, based on detailed engineering design, is \$56,900,000.⁷

Nature of Impacts

Land Use

This project would be located in Madison Township in Clark County, Stokes Township in Madison County, and Jefferson Township in Fayette County. The primary land use this project would cross is agricultural, with smaller amounts of residential and railroad land uses. The project is planned to temporarily impact approximately 225 acres of agricultural land. Approximately 76 acres within 19 parcels designated as an Agricultural District are located within the study corridor of the project. Permanent impacts to agricultural land would be limited to structure locations and the substation infrastructure locations. Agricultural activity may resume after construction is complete in the 150-foot right-of-way around the foundations of the transmission line structures.

2. PJM is the regional transmission organization charged with planning for upgrades to the regional transmission system in Ohio. Significant alterations to the transmission system located in the PJM control area are required to submit planned projects for review of system impacts.

3. <https://www.pjm.com/-/media/committees-groups/committees/srrtep-w/2022/20220722/dayton-supplemental-projects.ashx> (Accessed May 15, 2023).

4. <https://www.pjm.com/-/media/committees-groups/committees/teac/2022/20221206/item-04---dayton-supplemental-projects.ashx> (Accessed May 15, 2023).

5. PJM Manual 14B: PJM Region Transmission Planning Process, Revision 51, December 15, 2021.

6. AES Ohio “Long-Term Forecast Report”, Public Utilities Commission of Ohio Case No. 23-0505-EL-FOR, April 14, 2023, Form FE-T9, page 104.

7. The estimated cost was a Class 5 estimate. Applicant indicates that the projected costs are estimated to be transmission plant and included in the Applicant’s FERC Formula Rate (i.e. the annual transmission revenue applicable under PJM Open Access Transmission Tariff, Attachment H-15A). At the retail level, the AES Ohio Transmission Cost Recovery Rider operates to charge all users of the transmission system for the amounts charged by PJM.

Cultural Resources⁸

The Applicant's consultant conducted a literature review and Phase I cultural resource survey to determine potential impacts to historical properties and archaeological sites. From the literature review, which included a review of the National Register of Historic Places (NRHP) and analysis of sites that may be eligible for inclusion in the NRHP, Ohio Historic Preservation Office (OHPO) files, Ohio Archeological Inventory and Ohio Historic Inventory files, and other sources of data, the consultant identified within one mile of the project 43 archaeological sites, one cemetery, one architectural and historical resource, five historic-era cemeteries and eight previous phase I surveys. The consultant also identified within the project's area of potential effect four archaeological sites. The Phase I survey identified three new archaeological sites and reevaluated the four archaeological sites identified in the literature review. The three new archaeological sites were recommended as not being eligible for listing in the NRHP. Of the four previously identified sites, only one was reidentified and this site was recommended as not eligible for listing in the NRHP.

The consultant also gathered background information and completed historical/architectural cultural resources studies for this project, which included a historic architecture survey of the area of potential effect. Five historic properties were identified. All five of these were recommended as not eligible for listing in the NHRP.

These results were submitted to the OHPO. The OHPO concurred that the project will have no effect on properties listed in or eligible to be listed in the NRHP. Staff agrees with these findings.

Noise

Most noise impacts associated with this project would occur during the proposed construction period. Construction noise would include excavation, structure installation, and backfilling. The Applicant would mitigate noise impacts by using standard construction techniques and limiting construction activities to daylight hours, to the extent feasible. Occasional, short term, noise impacts would also occur, associated with maintenance and repair activities, throughout the life of the facility.

Safety

The Applicant stated that it would comply with all applicable safety standards set by the Occupational Safety and Health Administration (OSHA), safety standards of the PUCO, the North American Electric Reliability Corporation (NERC) Reliability Standards, and industry best practices for construction. The Applicant also intends to utilize and maintain an approximately 150 feet wide right-of-way for the proposed project.⁹ The Applicant's design would meet the requirements of the National Electric Safety Code (NESC).

8. According to RC 149.53, "[a]ll departments, agencies, units, instrumentalities, and political subdivisions of the state shall cooperate with the Ohio history connection and the Ohio historic site preservation advisory board in the preservation of archaeological and historic sites and in recovery of scientific information from such sites, and for such purposes shall, whenever practical, by contract or otherwise provide for archaeological and historic survey and salvage work during the planning phases, before work on a public improvement begins or at other appropriate times." In Ohio, the Ohio Historic Preservation Office (OHPO) is part of the Ohio History Connection. (See, Ohio History Connection, About Section 106 Review, <<https://www.ohiohistory.org/preserve/state-historic-preservation-office/hpreviews/about-section-106-review>>).

9. The Applicant is also planning to concurrently construct a 69 kV electric line adjacent to the proposed project. This 69 kV electric line would be co-located with this project's segment from the Applicant's proposed

Communications

Because the Applicant has incorporated minimization of interference into the design of the transmission line, the Applicant does not expect AM or FM radio or television interference to occur from the operation of the proposed transmission line along the route.

Any likely source of radio or television interference would be localized, and due to defective hardware, that could be easily detected and replaced. The Applicant indicates that it will maintain the transmission line in good condition, which should avoid impacts to radio and television reception. Also, once detected, the Applicant would repair or replace the defective hardware to eliminate the interference.

*Surface Waters*¹⁰

The Applicant's consultant conducted a wetland and stream delineation of the project area on November 14 and 15, 2022 and January 4, 2023. The consultant identified three wetlands totaling 0.34 acres, including two Category 1 Gray Zone and one Modified Category 2.¹¹ The consultant also identified one perennial and three intermittent streams. Additionally, one pond totaling 8.1 acres was identified.

The Applicant is currently proposing up to 0.15 acres of temporary impact across all three wetlands due to temporary crossing installation. The Applicant is also proposing up to 0.02 acres of permanent impact to the perennial stream due to the bolstering of the existing ford crossing for project access. Surface water impacts would be covered by the U.S. Army Corp of Engineers Nationwide Permit 57 – Electric Utility Line and Telecommunications Activities.

The Applicant would file a Notice of Intent with the Ohio EPA for authorization of construction storm water discharge under National Pollutant Discharge Elimination System (NPDES) General permit for Discharges of Storm Water Associated with Construction Activity OHC000006. The Applicant would implement and maintain best management practices as outlined in the project-specific stormwater pollution prevention plan (SWPPP) to minimize erosion and sediment to project surface waters during storm events. The Applicant would also develop an Erosion and Sediment Control Plan to be submitted to the Clark County Engineer, the Madison County Engineer, the Fayette County Engineer, and the Village of Jeffersonville for review and approval.

Panther to the Fayette substations. This segment would have an additional 100 feet wide right-of-way for the 69 kV electric line. The total right-of-way width for the Panther to Fayette substation segment would be 250 feet wide.

10. The Ohio EPA website states: "The Division of Surface Water ensures compliance with the federal Clean Water Act and works to increase the number of water bodies that can be safely used for swimming and fishing. The division issues permits to regulate wastewater treatment plants, factories and storm water runoff; develops comprehensive watershed plans aimed at improving polluted streams; and samples streams, lakes and wetlands — including fish, aquatic insects and plants — to determine the health of Ohio's water bodies." (Ohio EPA, About Us: Surface Water, <https://www.epa.ohio.gov/About#127147228-surface-water>); The U.S. Army Corps of Engineers website states: "The U.S. Army Corps of Engineers (USACE) Regulatory Program involves the regulating of discharges of dredged or fill material into waters of the United States and structures or work in navigable waters of the United States, under section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act of 1899." (USACE, Obtain a Permit, [https://www.usace.army.mil/Missions/Civil-Works/Regulatory\[1\]Program-and-Permits/Obtain-a-Permit/](https://www.usace.army.mil/Missions/Civil-Works/Regulatory[1]Program-and-Permits/Obtain-a-Permit/)); The Ohio Department of Natural Resources (ODNR) website states: "The Division of Water Resources manages statewide oversight of dams & levees, floodplains, and the collection and management of data related to the state's water resources." (ODNR, Division of Water Resources, [https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-odnr/water-resources/water\[1\]resources](https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-odnr/water-resources/water[1]resources)).

11. Wetlands falling within the purview of the Clean Water Act are regulated within Ohio by R.C. 6111, et seq. and Ohio Adm.Code 3745-1-50, et seq. Ohio Adm.Code 3745-1-54 establishes wetland categories.

Additionally, the Applicant would obtain an Earth Disturbance (Stormwater) Permit from the Fayette County Soil and Water Conservation District (SWCD).

This project crosses one Federal Emergency Management Agency floodway and two 100-year floodplains. A total of five structures would be constructed between the two regulated 100-year floodplains. The Applicant would obtain a Flood Damage Prevention Resolution Development Permit from the Fayette County SWCD and a Floodplain Development Permit from the Village of Jeffersonville for impacts to these areas.¹²

Threatened and Endangered Species¹³

The Applicant received an environmental review of the project from the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) on December 20, 2022 and February 9, 2023, respectively. The following table outlines the listed species within range of the project.

MAMMALS				
Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
Indiana bat	<i>Myotis sodalis</i>	Endangered	Endangered	Potentially suitable roosting habitat observed in project area. No potential hibernacula within or near project area.
Northern Long-Eared bat	<i>Myotis septentrionalis</i>	Endangered	Endangered	Potentially suitable roosting habitat observed in project area. No potential hibernacula within or near project area.
Little Brown bat	<i>Myotis lucifugus</i>	N/A	Endangered	Potentially suitable roosting habitat observed in project area. No potential hibernacula within or near project area.

12. A floodplain area is any land area susceptible to being inundated by water from any source. See, 44 CFR 59.1. FEMA designates flood zones into moderate to low risk areas or high risk areas (i.e. 100-year floodplain areas). See, e.g. https://efotg.sc.egov.usda.gov/references/public/NM/FEMA_FLD_HAZ_guide.pdf. Pursuant to the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), states or local communities, as a condition of federal financial assistance via participation in the flood insurance program, must adopt adequate floodplain regulations ordinances. (See also, 44 CFR 59.2.)

13. Based on agency coordination with the USFWS and ODNR, identified species of concern are, in general, defined as those species that are protected under the federal Endangered Species Act of 1973, as amended (16 U.S.C. §§ 1531-1544) and/or according to the Conservation of Natural Resources within R.C. 1518.01-1518.99; 1531.25; and 1531.99. See also e.g., R.C. 1531.08 states, in part: “In conformity with Section 36 of Article II, Ohio Constitution, providing for the passage of laws for the conservation of the natural resources of the state, including streams, lakes, submerged lands, and swamplands, and in conformity with this chapter and Chapter 1533. of the Revised Code, the chief of the division of wildlife has authority and control in all matters pertaining to the protection, preservation, propagation, possession, and management of wild animals and may adopt rules under section 1531.10 of the Revised Code for the management of wild animals.” One of the missions of the ODNR is to “conserve and improve the fish and wildlife resources and their habitats and promote their use and appreciation by the public so that these resources continue to enhance the quality of life for all Ohioans.” In carrying out this mission, the ODNR considers the “status of native wildlife species [to be] very important” and therefore lists wildlife species needing protection. (ODNR, State Listed Species, [tps://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/state-listed\[1\]species](https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/state-listed[1]species)). In addition to endangered species, those species classified as “threatened” are considered during OPSB project planning and approval because these species are those “whose survival in Ohio is not in immediate jeopardy, but to which a threat exists. Continued or increased stress will result in its becoming endangered.” Id.

Tri-colored bat	<i>Perimyotis subflavus</i>	N/A	Endangered	Potentially suitable roosting habitat observed in project area. No potential hibernacula within or near project area.
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INVERTEBRATES

Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
Clubshell	<i>Pleurobema clava</i>	Endangered	Endangered	Suitable habitat present in project area.
Northern riffleshell	<i>Epioblasma torulosa rangiana</i>	Endangered	Endangered	Suitable habitat present in project area.
Rayed bean	<i>Villosa fabalis</i>	Endangered	Endangered	Suitable habitat present in project area.
Snuffbox	<i>Epioblasma triquetra</i>	Endangered	Endangered	Suitable habitat present in project area.
Rabbitsfoot	<i>Quadrula cylindrica cylindrica</i>	Threatened	Endangered	Suitable habitat present in project area.
Elephant-ear	<i>Elliptio crassidens crassidens</i>	N/A	Threatened	Suitable habitat present in project area.
Salamander mussel	<i>Simpsonaias ambigua</i>	N/A	Threatened	Suitable habitat present in project area.

FISH

Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
Spotted darter	<i>Etheostoma maculatum</i>	N/A	Endangered	Suitable habitat present in project area.

BIRDS				
Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
Northern harrier	<i>Circus hudsonis</i>	N/A	Endangered	No suitable habitat observed in project area.
Upland sandpiper	<i>Bartramia longicauda</i>	N/A	Endangered	Suitable habitat present in project area.
PLANTS				
Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
Eastern prairie fringed orchid	<i>Platanthera leucophaea</i>	Threatened	Threatened	No suitable habitat present in project area.
Kirtland's snake	<i>Clonophis kirtlandii</i>	N/A	Threatened	No suitable habitat present in project area.

This project is within range of the Indiana bat, northern long-eared bat, little brown bat, and the tricolored bat. The Applicant is currently proposing up to 6.36 acres of tree clearing for this project. The ODNR and the USFWS recommend only cutting trees greater than three inches diameter between October 1 and March 31 to prevent potential impacts to roosting bat species. The Applicant has committed to adhering to this seasonal tree clearing restriction, as well as to coordinating further with the ODNR and the USFWS should tree clearing during roost season become necessary. No potential hibernacula were identified within or near the project area.

By recommendation of the ODNR, this project must not have an impact on native mussels. The project corridor crosses Sugar Creek, a perennial stream designated by the ODNR as a Group 1 mussel stream. The Applicant is currently proposing in-water work in this stream to install reinforcement of the existing low-water crossing. Per the Ohio Mussel Survey Protocol, Group 1 streams are required to be assessed using the Reconnaissance Survey for Unionid Mussels to determine if mussels are present. In a data request response dated May 9, 2023, the Applicant stated that a subcontractor to perform this survey was currently being onboarded and that the survey was likely to take place in May. The Applicant also stated that the survey reports would be submitted to the ODNR for review and that the coordination to follow would be submitted to Staff. Staff recommends that the Applicant adhere to any restrictions or recommendations made by the ODNR in order to prevent an impact to native mussels.

Sugar Creek may also serve as potential habitat for the state endangered spotted darter. The ODNR recommends no in-water work in perennial streams be conducted from March 15 through June 30 to reduce impacts to indigenous species and their habitat. The Applicant has committed to adhering to this seasonal construction restriction.

This project is also within range of the upland sandpiper. This species utilizes dry grasslands as nesting habitat, including native grasslands, seeded grasslands, grazed and ungrazed pasture, hayfields, and grasslands established through the Conservation Reserve Program. This type of habitat was observed in the project area. The ODNR recommends that this type of habitat be avoided during the species' nesting period of April 15 through July 31. The Applicant has stated that it will adhere to this construction restriction to the extent practicable and had committed to

coordinating further with the ODNR should construction in this habitat during the nesting period become necessary.

Geology

The proposed project area overlies multiple uppermost carbonate bedrock units. The ODNR has designated this area of Ohio as a karst geology area.¹⁴ The nearest documented karst feature is 10 miles from the project area. Due to the significant glacial drift, the development of karst features is unlikely.¹⁵ The depths to bedrock also indicate that the proposed project is unlikely to encounter bedrock during construction. No oil and gas wells, underground mines or other potential geohazards were identified by the ODNR in its assessment of the application.

The application indicates that the project would consist of 88 steel monopoles placed on drilled pier foundations with anchor bolt cages. Forty-three of these structures are angled at greater than 5 degrees. The Applicant indicated it has conducted a geotechnical investigation. However, those results are not yet available. These results, with analysis from subject matter experts, will dictate the final foundation design. This would include special consideration for monopoles proposed in the floodplain.¹⁶

Staff recommends that the Applicant provide the final geotechnical evaluation results to Staff for review and approval at least 30 days prior to the start of construction. This shall include a full analysis and any proposed recommendations to account for geologic or soil conditions. Pending the results of the final geotechnical report, the project area doesn't appear to present geologic or soil conditions that are incompatible with the proposed project.

Traffic, Roads, and Bridges

Staff asked if the proposed project would have any impact on local roads, highways, or rail traffic. The Applicant indicated: *"This project will not affect the rail traffic except during the construction of the railroad crossing. We have filed permits with the rail company and will follow the rail company's safety processes for installing the crossing. There will be a large volume of material and contractor equipment for this project, which may affect travel times. However, most of the projects are in private easement and will be worked from the easement. We are working with the Ohio Department of Transportation and understand that there may be an ODOT repaving project going on in the area that will require coordination with the agency."*¹⁷

Staff recommends a condition that the Applicant coordinate with all appropriate authorities to ensure minimal transportation related impacts.

Conclusion

Staff's review of the application included consideration of the requirements listed in R.C. 4906.10. Based on Staff's review, the application meets the necessary criteria for granting a certificate. Staff recommends approval of this application on June 7, 2023, subject to the following conditions. Staff notes that its recommendation for approval of this application should not be construed as a recommendation for approval of cost recovery in any ratemaking proceeding.

14. ODNR Ohio Geology Interactive Map <https://gis.ohiodnr.gov/website/dgs/geologyviewer/#>

15. ODNR Geologic Survey desktop review – Application at Attachment G – ODNR Environmental Review Request and ODNR Environmental Review Response

16. Applicant's May 9, 2023 response to Staff's data request.

17. Applicant's May 9, 2023 response to Staff's data request.

Conditions

- (1) The certificate authority provided in this case shall not exempt the facility from any other applicable and lawful local, state, or federal rules or regulations nor be used to affect the exercise of discretion of any other local, state, or federal permitting or licensing authority with regard to areas subject to their supervision or control.
- (2) Prior to the commencement of construction activities in areas that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, on the case docket prior to commencement of construction. Any permit violation received by the Applicant from the permitting agency shall be provided on the case docket within seven days of receipt.
- (3) The Applicant shall conduct a preconstruction conference prior to the commencement of any construction activities. Staff, the Applicant, and representatives of the primary contractor and all subcontractors for the project shall attend the preconstruction conference. The conference shall include a presentation of planned phase of construction and the conditions of the certificate, the measures to be taken by the Applicant and contractors to ensure compliance with all conditions of the certificate, and discussion of the procedures for on-site investigations by Staff during construction. Prior to the conference, the Applicant shall provide a proposed conference agenda for Staff review and shall file a copy of the agenda on the case docket. The Applicant may conduct separate preconstruction conferences for each stage of construction.
- (4) The Applicant shall contact Staff, the ODNR, and the USFWS within 24 hours if state or federal listed species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be immediately halted until an appropriate course of action has been agreed upon by the Applicant, Staff, and the appropriate agencies.
- (5) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for removal of any trees greater than or equal to three inches in diameter, unless coordination efforts with the ODNR, and the USFWS allow a different course of action. If coordination with these agencies allows clearing between April 1 and September 30, the Applicant shall docket proof of completed coordination on the case docket prior to clearing trees.
- (6) The Applicant shall not conduct mechanized clearing in wetlands or within 25 feet of any stream channel.
- (7) The Applicant shall conduct no in-water work in perennial streams from April 15 through June 30 to reduce impacts to indigenous aquatic species and their habitat unless coordination efforts with the ODNR allows a different course of action.
- (8) Construction in upland sandpiper preferred nesting habitat types shall be avoided during the species' nesting period of April 15 through July 31. If present, mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates, unless coordination with the ODNR allows a different course of action.

- (9) Prior to any in-water work, the Applicant shall provide information to Staff and the ODNR indicating that no mussel impacts would occur at stream crossings. If this is not possible, then the appropriate survey(s) shall be performed in coordination with the ODNR and Staff. If mussels found in the project area cannot be avoided, as a last resort, a professional malacologist shall collect and relocate the mussels to suitable and similar habitat. All surveys, assessments, and relocation plans shall be completed in accordance with the Ohio Mussel Survey Protocol and provided to Staff and the ODNR for review to ensure compliance with this recommendation.
- (10) The Applicant shall coordinate with the appropriate authority regarding any temporary or permanent road closures, lane closures, road access restrictions, rail crossings, and traffic control necessary for construction and operation of the proposed facility. Coordination will include, but not be limited to, the county engineers, ODOT, local law enforcement, and health and safety officials.
- (11) At least 30 days prior to the preconstruction conference pertaining to areas that require drilling for foundations, the Applicant shall provide Staff, for review and acceptance, the final geotechnical engineering report. This report shall include the results and analyses of the additional geotechnical investigation studies the Applicant outlines in its responses to Staff's data requests. This report shall include a final summary statement addressing the geologic and soil suitability addressing any inadequacies found and proposed remedies if applicable.
- (12) Prior to commencement of construction within floodplain areas, the Applicant shall obtain any floodplain permits required for construction of this project. The Applicant shall provide a copy of such permits and supporting documentation, or a copy of correspondence with the floodplain administrator showing that no permit is required, on the case docket prior to commencement of construction.
- (13) At least seven days prior to the preconstruction conference, the Applicant shall file in this docket a copy of FAA Determination of No Hazard letters or any other FAA authorization necessary relative to cranes used during construction.

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in

Case No(s). 23-0066-EL-BLN

Summary: Staff Report of Investigation electronically filed by Robert A. Holderbaum
on behalf of PUCO Staff.