



Elyse H. Akhbari Duke Energy Ohio, Inc. Senior Counsel e: elyse.akhbari@duke.energy.com p: 614-981-6693

June 2, 2023 By electronic mail

Ms. Tanowa M. Troupe Ohio Power Siting Board Docketing Division 180 East Broad Street, 11th Floor Columbus, OH 43215-3716

Re: Case No. 23-265-GA-BNR; In the Matter of the Application of Duke Energy Ohio, Inc. (Duke Energy Ohio) for a Construction Notice for the Line V000b Pipeline Replacement Project (the Project) – Communication regarding compliance with Staff Condition No. 4

Dear Ms. Troupe:

The Staff of the Ohio Power Siting Board (Staff) issued its report recommending approval by the Ohio Power Siting Board (the Board) of the above identified project, provided that certain conditions were satisfied. One such condition, Staff Condition No. 4, stated as follows:

(4) 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 Staff allow a different course of action. If coordination with these agencies allow clearing between April 1 and September 30, the Applicant shall docket proof of completed coordination on the case docket prior to clearing trees.

In compliance with Staff Condition No. 4, Duke Energy Ohio dockets proof of completed coordination with the following two documents: (1) a May 26, 2023 Emergence Count Survey Report submitted to the Ohio Department of Natural Resources (ODNR) setting forth the results of the surveys performed in support of the Project, and (2) the communications containing the agency's approval of the submittal of those results. Please let Duke Energy Ohio know of any questions the Board may have.

Respectfully submitted,

/s/ Elyse Akhbari
Senior Counsel
Elyse.Akhbari@duke-energy.com



May 26, 2023

Eileen Wyza Wildlife Biologist Ohio Division of Wildlife 2045 Morse Road, Bldg. G Columbus, Ohio 43229

Re: Duke Energy V000B Pipeline Replacement Project Emergence Count Survey Report

Dear Ms. Wyza:

Burns & McDonnell Engineering Company Inc. (Burns & McDonnell) was retained by Duke Energy Ohio, Inc. (Duke Energy Ohio) to perform environmental permitting for the V000B Pipeline Replacement Project (Project) in Hamilton County, Ohio (Appendix A). The V000B pipeline is a 20-inch natural gas pipeline that extends approximately 8.17 miles in length from its origin in Norwood, Ohio to its terminus in Cincinnati at the Ohio River. During routine inspection, Duke Energy located aging sections of the pipeline that are now in need of replacement. Duke Energy proposes to install approximately 2,311 linear feet of new 20-inch natural gas pipeline and abandon in place the existing 20-inch pipeline at five existing segments: Segments 1900, 2300, 2350, 2500, and 2700.

Burns & McDonnell completed an acoustic survey for protected bats in August 2022. The survey results indicated presence of the state-endangered tricolored bat (*Perimyotis subflavus*) on a portion of the site. After discussing the survey results with the Ohio Department of Natural Resources (ODNR), it was determined that a tree survey should be conducted to evaluate the quality and number of potential roost trees that may be cleared by the Project. The tree survey was conducted on January 19, 2023, and indicated a total of 15 potential roost trees may be cleared by Project activities. An emergence survey plan for the 15 trees was submitted to ODNR on March 9, 2023 and was approved on March 13, 2023.

METHODS

Emergence counts were conducted according to USFWS and ODNR guidelines. After approval of the emergence survey plan for the 15 potential roost trees, it was determined that the Project area could be reduced to avoid impacts to 7 of the potential roost trees. Therefore, emergence counts were conducted on the remaining 8 potential roost trees within the Project area. The counts were conducted during the evenings of May 23, 2023 and May 24, 2023. Weather conditions were monitored during the surveys to confirm compliance with USFWS and ODNR survey guidelines.

RESULTS

Six of the potential roost trees surveyed had no bats emerging (Table 1) and were cleared the following day. Two bats were observed emerging from RT-1 on May 23 and one bat was observed emerging from RT-14 on May 24. Therefore, RT-1 and RT-14 were not cleared. The project workspace has been adjusted to leave these trees standing as work proceeds, if they need to be cleared at a later date it will be from October 1st to March 31st outside of the



Ms. Eileen Wyza Ohio Division of Wildlife May 26, 2023 Page 2

roosting window. Maps showing the tree locations are included in Appendix A and datasheets from the surveys are included in Appendix B.

Table 1: Potential Roost Trees Surveyed for Emerging Bats

ID	Common Name	Scientific Name	DBH (Inches)	Emerging Bats
RT-1	Unidentified snag		34	2
RT-2	Boxelder	Acer negundo	15	0
RT-4	Red elm	Ulmus rubra	25	0
RT-5	Butternut	Juglans cinerea	13	0
RT-7	Unidentified snag		10	0
RT-11	Eastern cottonwood	Populus deltoides	20	0
RT-14	American sycamore	Platanus occidentalis	23	1
RT-15	Eastern red cedar	Juniperus virginiana	7	0

If you have any questions about this survey report, please contact me by phone at 816-448-7519 or by email at jjmaine@burnsmcd.com.

Sincerely,

Josiah Maine

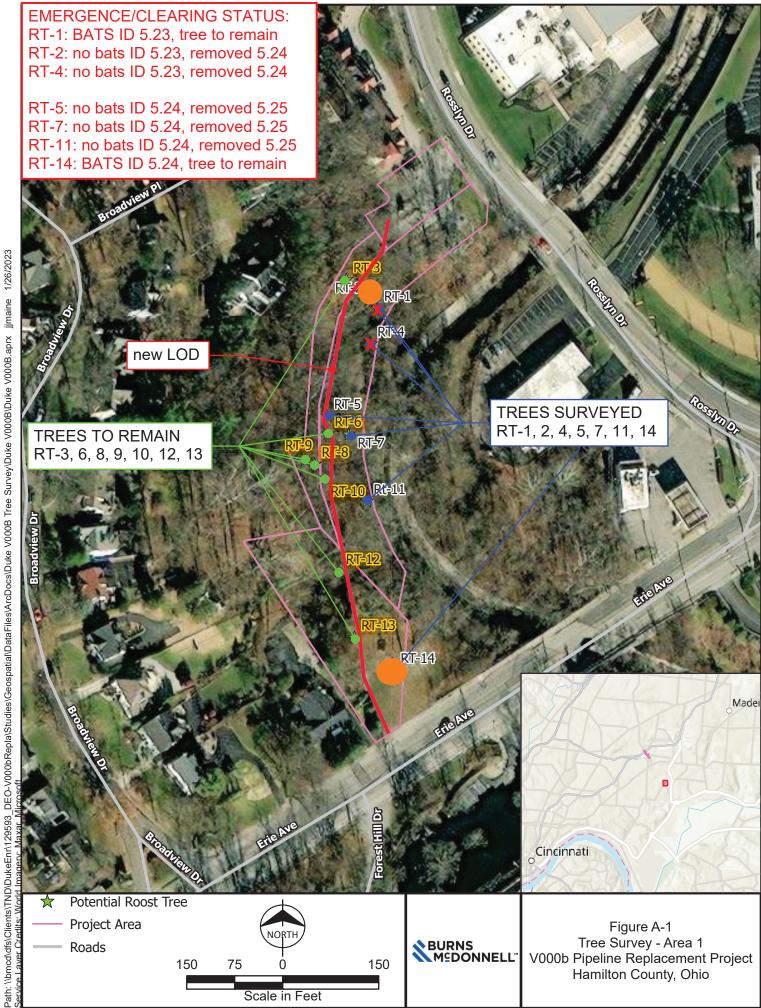
Environmental Scientist

Burns & McDonnell

Attachments:

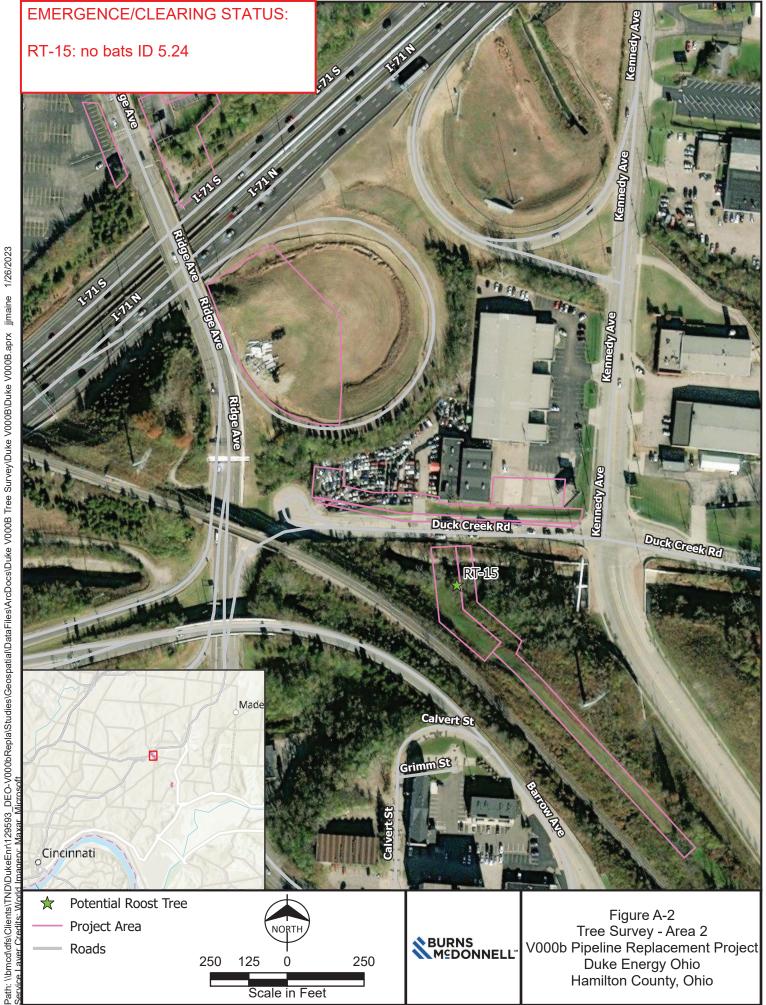
Appendix A - Figures Appendix B - Datasheets

cc: Steve Lane - Duke Energy Jeff Schuchter - Duke Energy Sara Kent - Burns & McDonnell Brittany Webb - Burns & McDonnell **APPENDIX A - FIGURES**



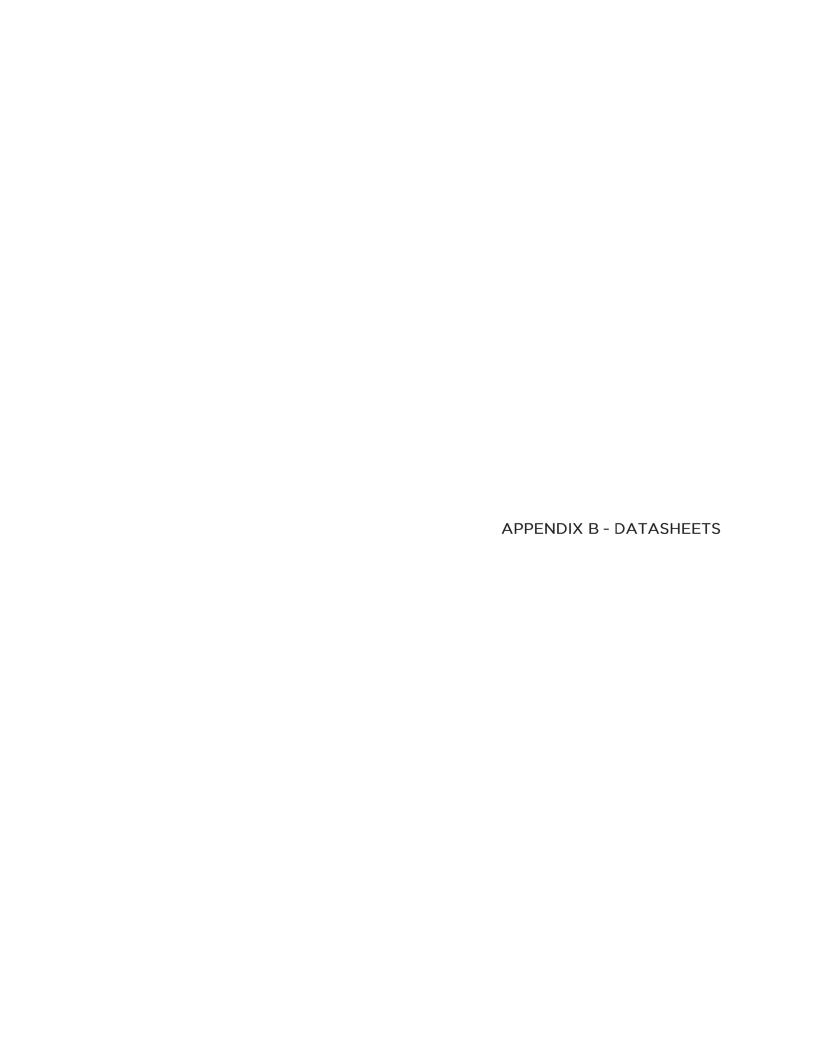
Source: ESRI and Burns & McDonnell

Issued: 1/26/2023



Source: ESRI and Burns & McDonnell

Issued: 1/26/2023



Date: 5/23/2023 Surveyor(s) Full Name: Antonio Hornstein
Date: 5/23/2023 Surveyor(s) Full Name: Antonio Hornstein State: OH County: Hamilton Project Name: 1006 Pipeline Replacement project Site Name/#: Roost Name/# RT-1 Bat #:
Lat/Long or UTM of Roost: 39, 150496°N 84, 408689°W Description of Roost/Habitat Feature Surveyed: Description of Roost/Habitat Feature Surveyed:
Bat Species Known to be using this Roost/Feature (if not known, leave blank):
Other Suspected Bat Species (explain):
Weather Conditions during Survey (temperature, precipitation, wind speed):
Survey Start Time: \(\frac{\frac{1}{20}m}{20}\) Time of Sunset: \(\frac{8.51}{20}m\) Survey End Time: \(\frac{9.51}{20}m\)
NOTE: Emergence surveys should begin ½ hour before sunset and continue until at least one hour after sunset or until it is otherwise too dark to see emerging bats. The surveyor(s) should position him or herself so that emerging bats will be silhouetted against the sky as they exit the roost. Tallies of emerging bats should be recorded every few minutes or as natural breaks in bat activity allow. Ensure that surveyor(s) are close enough to the roost to observe all exiting/returning bats, but not close enough to influence emergence (i.e., do not stand directly beneath the roost and do not make unnecessary noise and/or conversation, and minimize use of lights other than a small flashlight to record data, if necessary). Do not shine a light on the roost tree crevice/cave/mine entrance itself as this may prevent or delay bats from emerging. If available, use of an infra-red, night vision, or thermal-imaging video camera or spotting scope and an ultrasonic bat detector are strongly recommended but not required.

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Date: 5/23/2023 Surveyor(s) Full Name: Aaron Confo
State: OH County: Hamilton Project Name: VOOB pipelling replacement project Site Name/#: Roost Name/# RT 4 Bat #:
Description of Roost/Habitat Feature Surveyed: Mature mulberry, certains some dead branches with cavifies/crevices, Moderately dense understory
Bat Species Known to be using this Roost/Feature (if not known, leave blank):
Other Suspected Bat Species (explain):
Weather Conditions during Survey (temperature, precipitation, wind speed):
Survey Start Time: 8:20 pm Time of Sunset: 8:51 pm Survey End Time: 9:51 pm
NOTE: Emergence surveys should begin ½ hour before sunset and continue until at least one hour after sunset or until at is otherwise too dark to see emerging bats. The surveyor(s) should position him or herself so that emerging bats will be silhouetted against the sky as they exit the roost. Tallies of emerging bats should be recorded every few minutes or as natural breaks in bat activity allow. Ensure that surveyor(s) are close enough to the roost to observe all exiting/returning bats, but not close enough to influence emergence (i.e., do not stand directly beneath the roost and do not make unnecessary noise and/or conversation, and minimize use of lights other than a small flashlight to record data, if necessary). Do not shine a light on the roost tree crevice/cave/mine entrance itself as this may prevent or delay bats from emerging. If available, use of an infra-red, night vision, or thermal-imaging video camera or spotting scope and an

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		Full Name: <u>Aaron Conlay</u>
State: OH Cou	inty: Hamilton	Roost Name/# RT-7 Bat #:
Site Name/#:		Roost Name/# <u>K</u> / - / Bat #:
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multiple co	authics,	
Bat Species Kno	wn to be using this Ro	oost/Feature (if not known, leave blank):
Other Suspected	Bat Species (explain)	:
Weather Conditi	ions during Survey (to	emperature, precipitation, wind speed):
Survey Start Tin	ne: 8:20 Tin	ne of Sunset: 8:51 Survey End Time: 9:51
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USFWS BAT EMERGENCE SURVEY DATASHEET

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Site Name/#
Posset Name: VOOO 6 Reline Ve Day
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Description of Roost: 34008 190 W
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Lat/Long or UTM of Roost: 39.141215°N 84.408619°W Description of Roost/Habitat Feature Surveyed: Sy cause tree
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Bat Species Known to be using this Roost/Feature (if not known, leave blank): Other Suspected B
Suspecial Rot C.
Weather Conditions desired (explain):
Weather Conditions during Survey (temperature, precipitation, wind speed): Survey Start Time: 5:209M Time of Sunset: 8=51PM Survey End Time: 9:51 PM it is otherwise too dark to see any see and continue until at least and to see any see and see any see and continue until at least and to see any see any see any see and continue until at least and see any s
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Date: 5/24/	Surveyor(s)	Full Name: Josiah Maine Project Name: VOOG Pipe int Roost Name/# RT-15 Bat #:
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Site Name/#:	mey	Roost Name/# RT - 15 Bat #:
	20	1/6439 - 04421498
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Akhbari, Elyse Hanson

From: Eileen.Wyza@dnr.ohio.gov Sent: Friday, June 2, 2023 1:58 PM

To: Lane, Steve

Cc: Akhbari, Elyse Hanson; Schuchter, Jeff; Webb, Brittany N; Kent, Sara S; Maine, Josiah J

Subject: RE: [EXTERNAL] RE: Duke V000b Bat Emergence Survey Report

Hi Steve,

Yes, the survey effort, reporting, and avoidance measures meet ODNR's recommendations regarding protected bats. Thank you!



Eileen Wyza, Ph.D. Wildlife Biologist Ohio Division of Wildlife Phone: 614-265-6764

Email: Eileen.Wyza@dnr.ohio.gov

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From: Lane, Steve <Steve.Lane@duke-energy.com>

Sent: Friday, June 2, 2023 1:14 PM

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

Cc: Akhbari, Elyse Hanson <Elyse.Akhbari@duke-energy.com>; Schuchter, Jeff <Jeff.Schuchter@duke-energy.com>;

Webb, Brittany N

Snwebb@burnsmcd.com>; Kent, Sara S <sskent@burnsmcd.com>; Maine, Josiah J

<jjmaine@burnsmcd.com>

Subject: RE: [EXTERNAL] RE: Duke V000b Bat Emergence Survey Report

Eileen.

Thank you for your review of the emergence survey report and your assistance in helping insure this project complies with ODNR guidance.

Do the emergence survey efforts, reporting, and avoidance measures meet the ODNR's recommendations with respect to protected species of bats? We require this confirmation for the purposes of our Ohio Power Siting Board filing.

Thanks again,

Steve

Duke Energy Lead Environmental Scientist/Planner - Siting and Licensing Support 139 East Fourth Street, Room EM740 Cincinnati. Ohio 45202

Ph: (513) 287-2379 Fax: (513) 287-3259 Cell: (513) 477-1908

steve.lane@duke-energy.com

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

Sent: Friday, June 2, 2023 12:59 PM

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

Cc: Lane, Steve < Steve Steve Steve Steve.Lane@duke-energy.com; Schuchter,

Jeff <Jeff.Schuchter@duke-energy.com>; Webb, Brittany N <bnwebb@burnsmcd.com>; Kent, Sara S

<sskent@burnsmcd.com>

Subject: [EXTERNAL] RE: Duke V000b Bat Emergence Survey Report

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Thank you for the update, Josiah!



Eileen Wyza, Ph.D. 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: Friday, May 26, 2023 11:05 AM

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

Cc: Lane, Steve <steve.lane@duke-energy.com>; Akhbari, Elyse Hanson <Elyse.Akhbari@duke-energy.com>; Schuchter,

Jeff <Jeff.Schuchter@duke-energy.com>; Webb, Brittany N <bnwebb@burnsmcd.com>; Kent, Sara S

<sskent@burnsmcd.com>

Subject: Duke V000b Bat Emergence Survey Report

Hi Eileen.

Please see the attached bat emergence survey report for the Duke V000b Pipeline Replacement Project. Note that bats were observed emerging from two of the trees. The project workspace has been adjusted to leave these trees standing as work proceeds, if they need to be cleared at a later date it will be from October 1st to March 31st outside of the roosting window. If you have any questions or concerns, 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

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in

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

Summary: Correspondence Duke Energy Ohio, Inc.'s Correspondence - Communication Regarding Compliance with Staff Condition No. 4 electronically filed by Mrs. Tammy M. Meyer on behalf of Duke Energy Ohio Inc. and D'Ascenzo, Rocco and Akhbari, Elyse Hanson.