



Duke Energy Ohio
139 East Fourth Street
Cincinnati, Ohio 45202

Elyse H. Akhbari
Duke Energy Ohio, Inc.
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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 docketed 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	<i>Acer negundo</i>	15	0
RT-4	Red elm	<i>Ulmus rubra</i>	25	0
RT-5	Butternut	<i>Juglans cinerea</i>	13	0
RT-7	Unidentified snag		10	0
RT-11	Eastern cottonwood	<i>Populus deltoides</i>	20	0
RT-14	American sycamore	<i>Platanus occidentalis</i>	23	1
RT-15	Eastern red cedar	<i>Juniperus virginiana</i>	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,

A handwritten signature in black ink, appearing to read "Josiah Maine".

Josiah Maine
Environmental Scientist
Burns & McDonnell

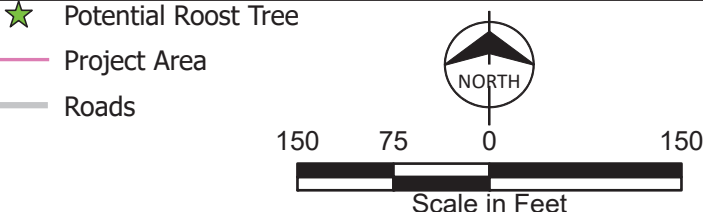
Attachments:

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

EMERGENCE/CLEARING STATUS:
 RT-1: BATS ID 5.23, tree to remain
 RT-2: no bats ID 5.23, removed 5.24
 RT-4: no bats ID 5.23, removed 5.24
 RT-5: no bats ID 5.24, removed 5.25
 RT-7: no bats ID 5.24, removed 5.25
 RT-11: no bats ID 5.24, removed 5.25
 RT-14: BATS ID 5.24, tree to remain

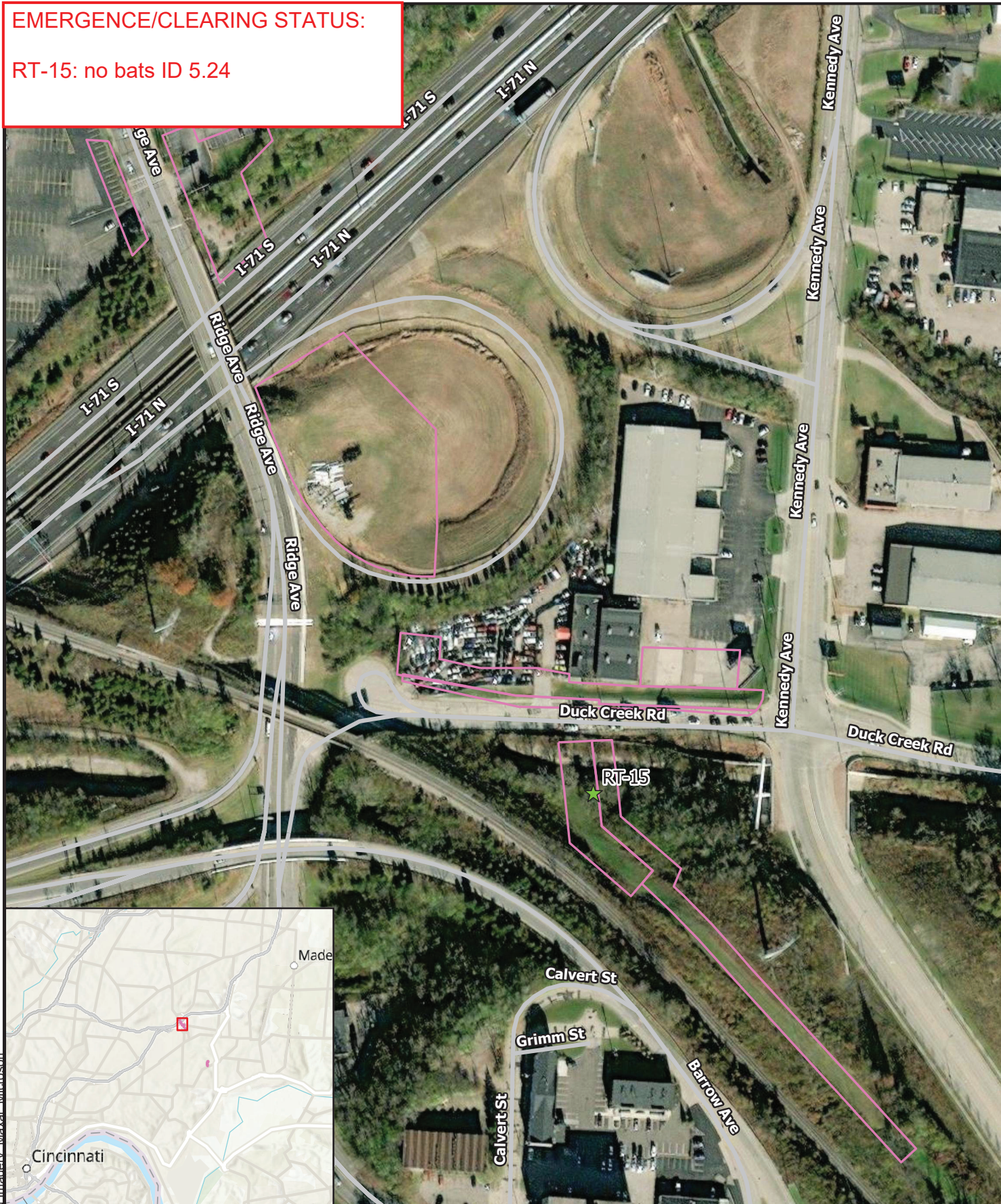


BURNS MCDONNELL

Figure A-1
 Tree Survey - Area 1
 V000b Pipeline Replacement Project
 Hamilton County, Ohio

EMERGENCE/CLEARING STATUS:

RT-15: no bats ID 5.24



- ★ Potential Roost Tree
- Project Area
- Roads



250 125 0 250
Scale in Feet

**BURNS
MCDONNELL**

Figure A-2
Tree Survey - Area 2
V000b Pipeline Replacement Project
Duke Energy Ohio
Hamilton County, Ohio

APPENDIX B - DATASHEETS

USFWS BAT EMERGENCE SURVEY DATASHEET

APPENDIX E: PHASE 4 EMERGENCE SURVEYS

USFWS BAT EMERGENCE SURVEY DATASHEET

Date: 5-23-23 Surveyor(s) Full Name: Brooke Harrison
 State: OH County: Hamilton Project Name: V0006 Pipeline Replacement
 Site Name/#: _____ Roost Name/# RT-2 Bat #: _____ Project

Lat/Long or UTM of Roost: 39.150524, -84.408726
 Description of Roost/Habitat Feature Surveyed: _____

box elder tree w/ peeling bark + cavities

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):

78°F, dry, clear skies, 4 mph NW
 Survey Start Time: 8:00 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 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.

Time	Number of Bats Leaving Roost*	Comments / Notes
<u>No bats</u>		

USFWS BAT EMERGENCE SURVEY DATASHEET

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USFWS BAT EMERGENCE SURVEY DATASHEET

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.

[illegible]

USFWS BAT EMERGENCE SURVEY DATASHEET

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: 8:24 Time of Sunset: 8:51 Survey End Time: 9:51

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.

[illegible]

USFWS BAT EMERGENCE SURVEY DATASHEET

Bat Species Known to be using this Roost/Feature (if not known, leave blank):

Other Suspected Bat Species (explain):
Weather Cave

Weather Conditions during Survey (temperature, precipitation, wind speed):
76°F, 8 mph, south west

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 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.

[illegible]

APPENDIX E: PHASE 4 EMERGENCE SURVEYS

USFWS BAT EMERGENCE SURVEY DATASHEET

Date: 5/24/23 Surveyor(s) Full Name: Josiah Maine
State: OH County: Hamilton Project Name: V0006 Pipeline
Site Name/#: _____ Roost Name/# RT-15 Bat #: _____
Lat/Long or UTM of Roost: 39.165439 -84.421498
Description of Roost/Habitat Feature Surveyed: Eastern red cedar

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):

clear, 8 mph SW wind no precipitation

Survey Start Time: 8:21 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 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.

[illegible]

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 <bnwebb@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

Stephen R. Lane, CPESC, AICP, PMP

Duke Energy
Lead Environmental Scientist/Planner - Siting and Licensing Support
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Cincinnati, Ohio 45202
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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 <jjmaine@burnsmcd.com>

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: [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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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

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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.