

**AMERICAN TRANSMISSION SYSTEMS,  
INCORPORATED  
A FIRSTENERGY COMPANY**

**CONSTRUCTION NOTICE**

**LEMOYNE-MIDWAY 138 KV TRANSMISSION LINE  
STRUCTURE ADDITION PROJECT**

**OPSB CASE NO.: 23-0965-EL-BNR**

**November 9, 2023**

**American Transmission Systems, Incorporated  
76 South Main Street  
Akron, Ohio 44308**

**CONSTRUCTION NOTICE**  
**LEMOYNE-MIDWAY 138 KV TRANSMISSION LINE**  
**STRUCTURE ADDITION PROJECT**

The following information is being provided in accordance with the procedures in the Ohio Administrative Code (OAC) Chapter 4906-6 for the application and review of Accelerated Certificate Applications. Based upon the requirements found in Appendix A to OAC Rule 4906-1-01, this Project qualifies for submittal to the Ohio Power Siting Board (“OPSB”) as a Construction Notice application.

**4906-6-05: ACCELERATED APPLICATION REQUIREMENTS**

**4906-6-05 (B)(1): Name and Reference Number**

Name of Project: Lemoyne-Midway 138 kV Transmission Line Structure Addition Project (“Project”).  
(Reference Number: 3024)

**4906-6-05 (B)(1): Brief Description of the Project**

In this Project, American Transmission Systems, Incorporated (“ATSI”), a FirstEnergy company, proposes to install a single steel monopole tap structure on concrete foundation along the existing Lemoyne-Midway 138 kV Transmission Line and replace an existing wood pole structure on the 138 kV tap to Brim Substation. The Project is located in Middleton Township, Wood County, Ohio. The general location of the Project is shown in Exhibit 1, a partial copy of the United States Geologic Survey, Wood County OH, Quad Map. Exhibit 2 provides a partial copy of ESRI aerial imagery of the Project area.

As shown on Exhibit 3, Structure #77A, a new single steel monopole tap structure, will be installed along the existing Lemoyne-Midway 138 kV Transmission Line centerline. The new structure will be located approximately 40 feet west of the existing Structure #77. To accommodate the new tap location and provide additional clearance between the 138 kV structure and the existing structure ML71 on the Lemoyne-Midway 345 kV Transmission

Line, existing Structure #602105 located on the tap to Brim Substation will also be replaced and installed approximately 5 feet to the west of its current location. The existing 138 kV transmission line conductors will be transferred to the new structures.

**4906-6-05 (B)(1): Construction Notice Requirement**

The Project meets the requirements for a Construction Notice application because the Project is within the types of projects defined by Item (2)(a) of the Application Requirement Matrix for Electric Power Transmission Lines, Appendix A of OAC Rule 4906-1-01. This item states:

*(2) Adding new circuits on existing structures designed for multiple circuit use, replacing conductors on existing structures with larger or bundled conductors, adding structures to an existing transmission line, or replacing structures with a different type of structure, for a distance of:*

*(a) Two miles or less*

The proposed Project is within the requirements of Item (2)(a) as it involves adding a structure to an existing transmission line structure, for a distance of less than two miles.

**4906-6-05 (B)(2): Need For the Project**

The need for this Project was identified during the transmission line engineering design review portion of the larger Wood County Reinforcement Project (OPSB Case No. 18-1335-EL-BTX). Through this design review, ATSI determined that the existing “flying tap” configuration that currently connects the Lemoyne-Midway 138 kV Transmission Line to the existing Brim Substation no longer meets safety and engineering standards to deliver safe and reliable electricity. ATSI defines a "flying tap" as a conductor attachment point that is located mid-span between two structures/supports and therefore not directly supported by a structural component. As such, it has been determined that a new tap structure (Structure #77A) should be installed west of the existing steel lattice tower (Structure #77) so that the existing 138 kV tap to Brim Substation is fully structurally supported. In addition to the benefit of Structure 77A, structure 602105 will be replaced

and installed 5 feet to the west of its current location to accommodate the new tap location and to provide additional physical clearance between the 138 kV structure and the existing Structure #ML71 on the Lemoyne-Midway 345 kV Transmission Line.

**4906-6-05 (B)(3): Location of the Project Relative to Existing or Proposed Lines**

The location of the Project relative to existing or proposed lines is shown in the ATSI Transmission Network Map, included as part of the confidential portion of the FirstEnergy Corp. 2023 Long-Term Forecast Report. This map was submitted to the Public Utility Commission of Ohio (“PUCO”) in Case No. 23-0504-EL-FOR under Rule 4901:5-5:04 (C)(2)(b) of the Ohio Administrative Code. The larger Wood County Reinforcement Project (OPSB Case No. 18-1335-EL-BTX) is referenced on page 55 of the Long-Term Forecast Report. The general location of the Project area is shown in Exhibits 1 and 2. The general layout is shown in Exhibit 3.

**4906-6-05 (B)(4): Alternatives Considered**

No other alternatives were considered because the Project as proposed is the most direct and efficient way to provide safe and reliable operation of the transmission lines.

**4906-6-05 (B)(5): Public Information Program**

ATSI’s manager of External Affairs will advise local officials of features and the status of the proposed Project, as necessary. ATSI has also established a Project website, through which a copy of this Construction Notice application can be accessed:

[https://www.firstenergycorp.com/about/transmission\\_projects/ohio.html](https://www.firstenergycorp.com/about/transmission_projects/ohio.html).

During all phases of this Project, the public may ask questions, submit comments, or contact ATSI through the transmission projects hotline at 1-888-311-4737 or via email at: [transmissionprojects@firstenergycorp.com](mailto:transmissionprojects@firstenergycorp.com).

**4906-6-05 (B)(6): Construction Schedule**

Construction on this Project is expected to begin as early as February 7, 2024, and be completed by March 6, 2023.

**4906-6-05 (B)(7): Area Map**

Exhibits 1 and 2 depict the general location of the Project. Exhibit 1 provides a partial copy of the United States Geologic Survey, Wood County, Ohio, Quad Map. Exhibit 2 is a copy of ESRI aerial imagery.

**4906-6-05 (B)(8): Property List**

The Project is located on existing right-of-way as listed in Table 1. No new easements will be required.

**Table 1: List of Affected Properties**

<b>Parcel Number</b>	<b>Easement Status</b>
J34-610-140000001000	Existing Easement

**4906-6-05 (B)(9): TECHNICAL FEATURES OF THE PROJECT**

**4906-6-05 (B)(9)(a): Operating Characteristics**

The transmission line construction will have the following characteristics:

- Voltage: 138 kV
- ROW Width: 100'
- Conductors: 336.4 kcmil 26/7 ACSS (Dowling-Midway)  
336.4 kcmil 26/7 ACSS (Lemoyne-Midway)
- Static Wire: OPGW
- Insulators: Porcelain or Glass
- Structure Type: Exhibit 4: 138 kV Single Steel Monopole with Concrete Foundation (Numerical Count: 1)  
Exhibit 5: 138 kV Wood Pole (Numerical Count: 1)

**4906-6-05 (B)(9)(b): Electric and Magnetic Fields**

There are no occupied residences or institutions within 100 feet of the Project and therefore no Electric and Magnetic Field (“EMF”) calculations are required by this subsection.

**4906-6-05 (B)(9)(c): Estimated Cost**

The estimated capital cost for the proposed project is approximately \$165,000.

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

### **4906-6-05 (B)(10)(a): Land Uses**

The Project is located in Middleton Township, Wood County, Ohio, in an existing transmission line corridor, so there will be no changes or impacts to the current land use. The main land use around the Project is agricultural.

### **4906-6-05 (B)(10)(b): Agricultural Land**

The right of way crosses Parcel number J34-610-140000001000 which is a 50-acre parcel listed in the agricultural district program with no expiration date.

### **4906-6-05 (B)(10)(c): Archaeological or Cultural Resources**

As part of the investigation for this Construction Notice, ATSI requested a database review from the Ohio Historic Preservation Office (“OHPO”) on September 22, 2023, to identify the existence of any significant archeological or cultural resource sites within 0.5 miles of the Project area (“Area of Potential Effect” or “APE”). A map of the results of the search is shown in Exhibit 6.

The OHPO database catalogs all Ohio listings on the National Register of Historic Places (“NRHP”), including districts, sites, building, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture. The results of the search indicate that no listed NRHP sites and no NRHP Districts are within the APE.

The OHPO database also includes listings on the Ohio Historic Inventory (“OHI”), the Ohio Archaeological Inventory (“OAI”), previous cultural resource surveys, and the Ohio Genealogical Society (“OGS”) cemetery inventory. The results of the search indicate that, within the APE, there is one (1) OHI structural resource (listed in Table 2) and two (2) Previously surveyed Areas (listed in Table 3).

**Table 2. OHI Structural Resources**

OHI Number	Present Name	Historic Use	County	Municipality
WOO0005303	James German Farm	Single Dwelling/Food Procurement/Processing/Agriculture	Wood	Perrysburg

**Table 3. List of Previously Surveyed Areas**

Year	Name	County	Quad Name
2014	Phase I Cultural Resources Survey (Report and Addendum Letters 1, 2 & 4) of the Allen Junction-Lemoyne Transmission Line Project, Fulton, Henry, Lucas and Wood Counties, Ohio	Wood	N/A
2017	Phase I Archaeological Survey: Lemoyne to Midway 138 kV Transmission Line Reconductoring Project, Wood County, Ohio	Wood	N/A

OHI structural resources and previously surveyed areas can be seen on the map in Exhibit 6. This Project will replace two transmission structures on property where an existing transmission line is located and will not impact any undisturbed land. Therefore, the proposed Project is not expected to have any adverse effects on cultural or archaeological resources.

**4906-6-05 (B)(10)(d): Construction Filings with Local, State, and Federal Governmental Agencies**

None applicable.

**4906-6-05 (B)(10)(e): Endangered, Threatened, Rare and Designated Species Investigation**

TRC, ATSI's environmental consultant for this Project, submitted a request to the Ohio Department of Natural Resources (ODNR) Office of Real Estate to conduct an Environmental Review. As part of that Environmental Review, the ODNR Office of Real Estate searched of the ODNR Division of Wildlife's Natural Heritage Database in order to research the presence of any endangered, threatened, or rare species within one (1) mile of the Project area. The ODNR's Office of Real Estate's response dated August 14, 2023,

provided a list of endangered, threatened and rare species that may be within the range of the Project is included as Exhibit 7. Table 4 provides a list of those species.

**Table 4. List of Endangered, Threatened, and Rare Species.**

<b>Common Name</b>	<b>Scientific Name</b>	<b>Federal Listed Status</b>	<b>State Listed Status</b>	<b>Affected Habitat</b>
Indiana Bat	<i>Myotis sodalis</i>	Endangered	Endangered	Trees & Forest
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Endangered	Endangered	Trees & Forest
Little Brown Bat	<i>Myotis lucifugus</i>	N/A	Endangered	Trees & Forest
Tricolored Bat	<i>Perimyotis subflavus</i>	N/A	Endangered	Trees & Forest
Pondhorn	<i>Uniomerus tetralasmus</i>	N/A	Threatened	Perennial Streams
Western banded killifish	<i>Fundulus diaphananus menoma</i>	N/A	Endangered	Perennial Streams
Greater redhorse	<i>Moxostoma valenciennesi</i>	N/A	Threatened	Perennial Streams
Spotted Turtle	<i>Clemmys guttata</i>	N/A	Threatened	Fens, Bogs & Marshes
Kirtland's snake	<i>Clonophis kirtlandii</i>	N/A	Threatened	Wet meadows & wetlands
Northern Harrier	<i>Circus hudsonis</i>	N/A	Endangered	Marshes & Grasslands

The response from ODNR, Division of Wildlife (DOW) indicated the Project is within the range of the federally and state endangered Indiana bat (*Myotis sodalis*), the federally threatened and state endangered northern long-eared bat (*Myotis septentrionalis*), the state endangered little brown bat (*Myotis lucifugus*), and the state endangered tricolored bat (*Perimyotis subflavus*). These bat species predominantly roost in trees behind loose, exfoliating bark, in crevices, and cavities, or in the leaves. These species are dependent on the forest structure surrounding the roost trees. The DOW recommended a desktop bat



hibernaculum assessment be completed for the Project, which TRC completed for FirstEnergy and submitted to ODNR for concurrence on August 24, 2023. ODNR responded on August 28, 2023, concurring that no caves, cliffs, or mine openings occur in the Project Area. Therefore, the Project is not likely to impact hibernating bats. No tree cutting or subsurface impacts to a hibernaculum are proposed, therefore this Project is not likely to impact these species.

According to TRC field review, there are no streams, wetlands or other wetland features such as bogs or fens in the Project area. Therefore, no impact is anticipated to the following species that are found in this type of habitat; pondhorn (*Uniomerus tetralasmus*), western banded killifish (*Fundulus diaphananus menona*), greater redhorse (*Moxostoma valenciennesi*), Kirtland's snake (*Clonophis kirtlandii*), spotted turtle (*Clemmys guttata*) or northern harrier (*Circus hudsonis*) which migrate south over the winter.

In addition to the ODNR review, TRC submitted a request to the US Fish and Wildlife Service (USFWS) for an Ecological Review to research the presence of any endangered, threatened, rare, or designated species within one (1) mile of the Project Area. A copy of USFWS's Ecological Review response, dated August 8, 2023, is included as Exhibit 8. The response indicated that due to the project type, size, and location, the USFWS does not anticipate adverse effects to federally endangered, threatened, or proposed species or proposed or designated critical habitat.

**4906-6-05 (B)(10)(f): Areas of Ecological Concern**

The ODNR and USFWS comments did not identify any areas of ecological concern. TRC conducted a wetland and waterway delineation for this Project on August 2, 2023, using a study area of 0.63 acres in Middleton Township, Wood County, Ohio. TRC investigated the structure locations and construction access areas for this Project. No wetlands or streams were identified in the study area, which consists mainly of existing maintained utility right-of-way within agricultural land. TRC also did not observe the presence of any of the ODNR-listed species during the field investigation due to the highly maintained

nature of the utility right-of-way and existing facility. Therefore, no impacts are anticipated to the listed reptiles, fish, or birds.

A review of the National Conservation Easement Database ([www.conservationeasement.us](http://www.conservationeasement.us)) revealed no conservation easements in the Project Area.

**4906-6-05(B)(10)(g): Other Information**

Construction and operation of the proposed Project will be in accordance with the requirements specified in the latest revision of the National Electrical Safety Code, as adopted by the PUCO, and will meet all applicable safety standards established by the Occupational Safety and Health Administration.

No other or unusual conditions are expected that will result in significant environmental, social, health or safety impacts.

**4906-6-07: Documentation of Construction Notice Transmittal and Availability for Public Review**

This Construction Notice application is being sent concurrently with docketing to the following officials for the Middleton Township and Wood County. A copy will also be provided to the library for public review/reference.

**Wood County**

Commissioner Dr. Theodore Bowlus  
Wood County Commissioners  
Fifth Floor, County Office Building  
One Courthouse Square  
Bowling Green, Ohio 43402  
[commissioners@woodcountyohio.gov](mailto:commissioners@woodcountyohio.gov)

Commissioner Craig LaHote  
Wood County Commissioners  
Fifth Floor, County Office Building  
One Courthouse Square  
Bowling Green, Ohio 43402  
[commissioners@woodcountyohio.gov](mailto:commissioners@woodcountyohio.gov)

Commissioner Doris Herringshaw  
Wood County Commissioners  
Fifth Floor, County Office Building  
One Courthouse Square  
Bowling Green, Ohio 43402  
[commissioners@woodcountyohio.gov](mailto:commissioners@woodcountyohio.gov)

Mr. John M. Musteric, P.E./P.S.  
Wood County Engineer  
One Courthouse Square  
Bowling Green, OH 43402  
[Engineer@Woodcountyohio.Gov](mailto:Engineer@Woodcountyohio.Gov)

Mr. Dave Steiner, Director  
Wood County Planning  
Commission  
One Courthouse Square, 5th Floor  
Bowling Green, OH 43402  
wsteiner@co.wood.oh.us

Mr. Jim Carter, District  
Administrator  
Wood County Soil & Water  
1616 E. Wooster St. Suite 32  
Bowling Green, OH 43402  
wcdswcd@woodswcd.com

### **Middleton Township**

Mr. Mike Moulton  
Middleton Township Trustee  
Middleton Township Building  
21745 N. Dixie Highway  
Bowling Green, Ohio 43402  
mmoulton@middletontownship.com

Mr. Donald Cromley  
Middleton Township Trustee  
Middleton Township Building  
21745 N. Dixie Highway  
Bowling Green, Ohio 43402  
dcromley@middletontownship.com

Mr. Fred Vetter  
Middleton Township Trustee  
Middleton Township Building  
21745 N. Dixie Highway  
Bowling Green, Ohio 43402  
trustees@middletontownship.com

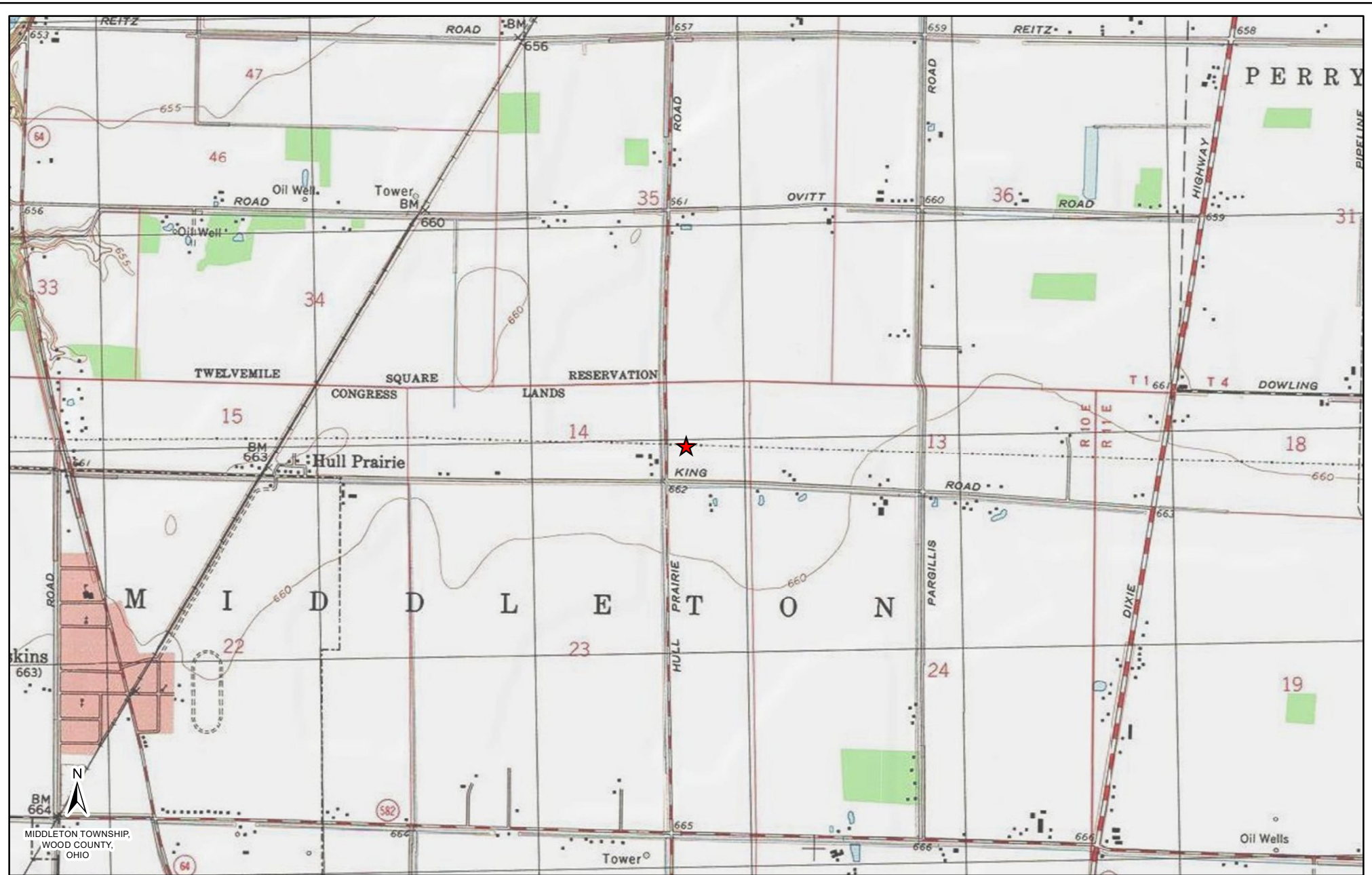
Ms. Laurie Limes  
Middleton Township Trustee  
Middleton Township Building  
21745 N. Dixie Highway  
Bowling Green, Ohio 43402  
fiscalofficer@middletontownship.com

### **Library**

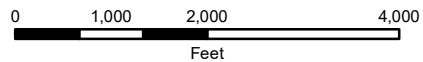
Mr. Michael Penrod, Director  
Wood County Public Library  
251 N. Main Street  
Bowling Green, Ohio 43402  
woodref@wcdpl.org

Per OAC Rule 4906-6-07(B), an exemplar copy of the notice letters sent to local government officials and to the library have been included with this application as proof of compliance with requirements of OAC Rules 4906-6-07(A)(1) and 4906-6-07(A)(2).

Information is posted at [www.firstenergycorp.com/about/transmission\\_project/ohio.html](http://www.firstenergycorp.com/about/transmission_project/ohio.html) on how to request an electronic or paper copy of this Construction Notice application. The link to this website is being provided in accordance with OAC Rule 4906-6-07(B), which requires ATSI to provide the Board with proof of compliance for OAC Rule 4906-6-07(A)(3).



LEGEND:  
★ Project Location



Reference:  
USGS Topographical Overlay;

Coordinate System:  
NAD 1983 StatePlane Ohio North FIPS 3401 Feet  
Projection: Lambert Conformal Conic; Units: Foot US



## EXHIBIT 1

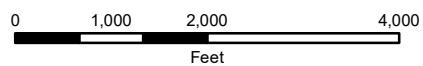
**ATSI**  
American Transmission Systems, Inc.  
a subsidiary of FirstEnergy Corp.

Lemoine-Midway 138 kV Transmission Line  
Structure Addition Project



MIDDLETON TOWNSHIP,  
WOOD COUNTY,  
OHIO

**LEGEND:**  
★ Project Location



**Reference:**  
ESRI Aerial Imagery; ODOT

**Coordinate System:**  
NAD 1983 StatePlane Ohio North FIPS 3401 Feet  
Projection: Lambert Conformal Conic; Units: Foot US



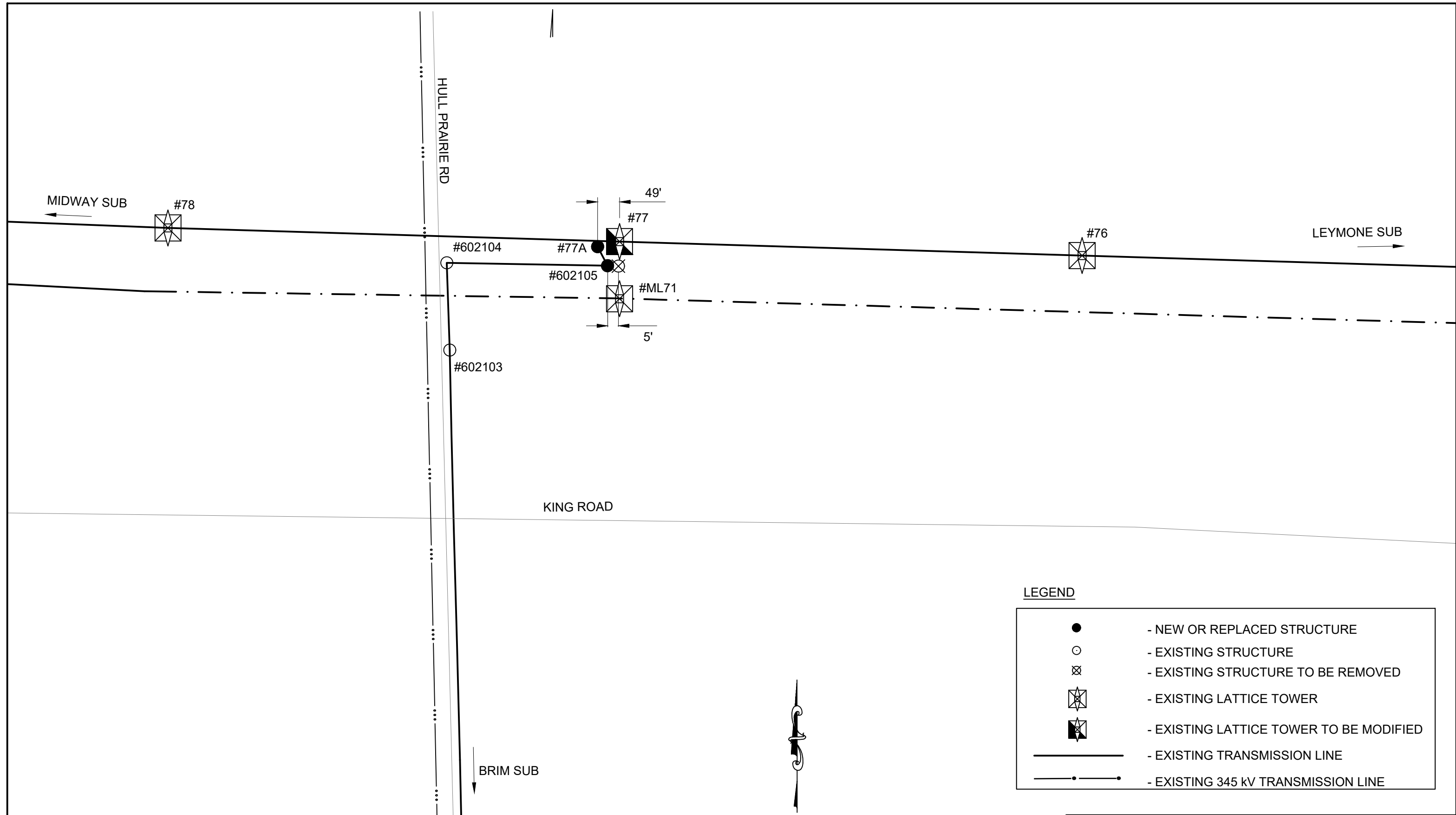
## EXHIBIT 2



Lemoyne-Midway 138 kV Transmission Line  
Structure Addition Project


PAPER SIZE: 17X11

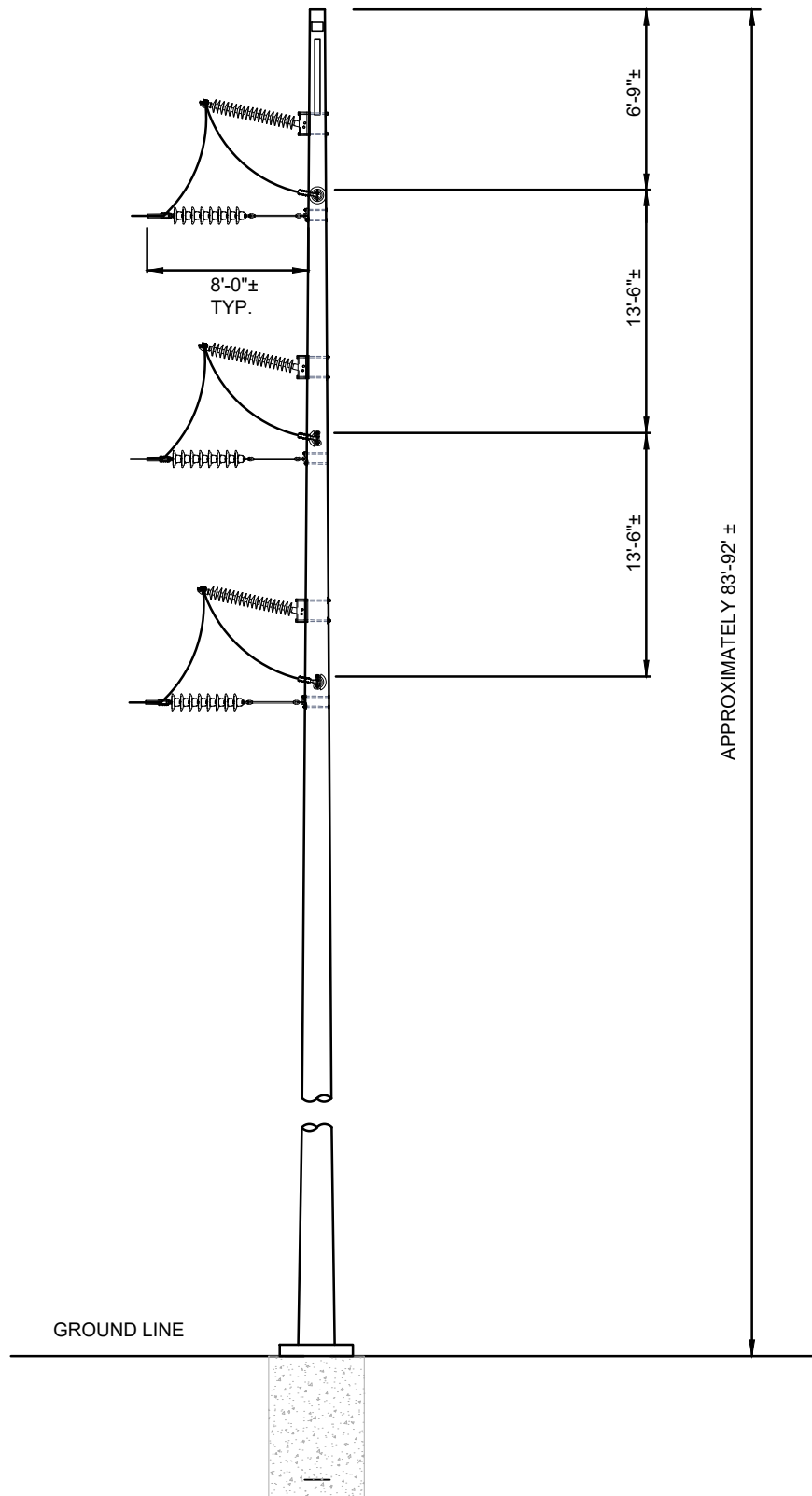
SCALE: NTS



**LEGEND**

●	- NEW OR REPLACED STRUCTURE
○	- EXISTING STRUCTURE
⊗	- EXISTING STRUCTURE TO BE REMOVED
⊠	- EXISTING LATTICE TOWER
⊠ (with diagonal lines)	- EXISTING LATTICE TOWER TO BE MODIFIED
—	- EXISTING TRANSMISSION LINE
—•—	- EXISTING 345 kV TRANSMISSION LINE

 <small>American Transmission Systems, Inc. A subsidiary of FirstEnergy Corp.</small>	<b>LEMOYNE-MIDWAY 138 kV TRANSMISSION LINE STRUCTURE ADDITION PROJECT</b>
	GENERAL LAYOUT
	<b>EXHIBIT 3</b>



PAPER SIZE: 8.5X11

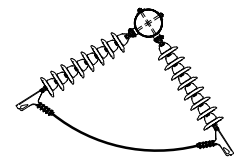
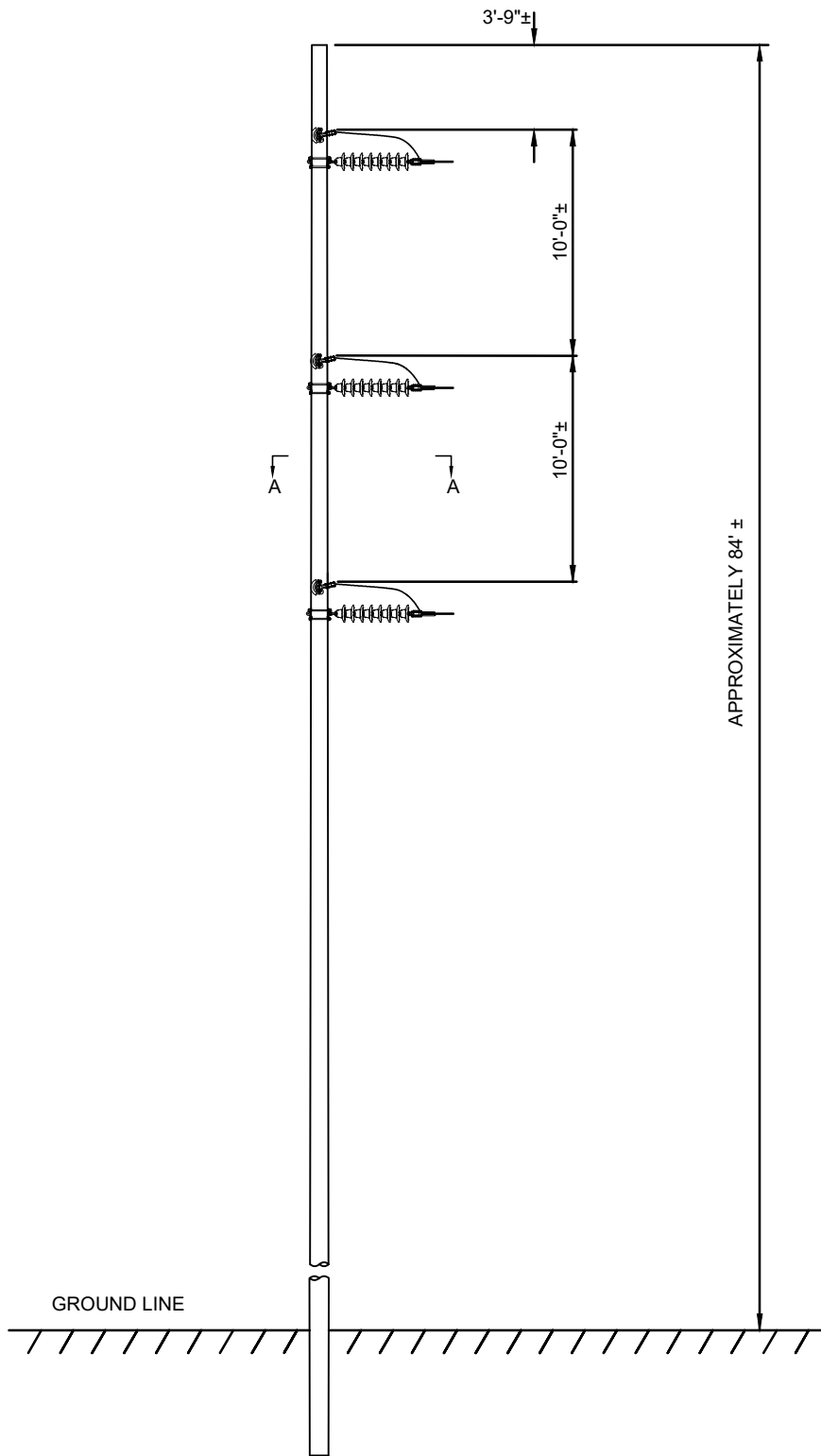
SCALE: NTS

**ATSI**  
American Transmission Systems, Inc.  
A subsidiary of Constellation

LEMOYNE-MIDWAY 138 kV TRANSMISSION LINE  
STRUCTURE ADDITION PROJECT

138kV SINGLE CIRCUIT STEEL TAP STRUCTURE

**EXHIBIT 4**



SECTION A-A

PAPER SIZE: 8.5X11

SCALE: NTS

**ATSI**  
 American Transmission Systems, Inc.  
 A subsidiary of Entergy Corp.

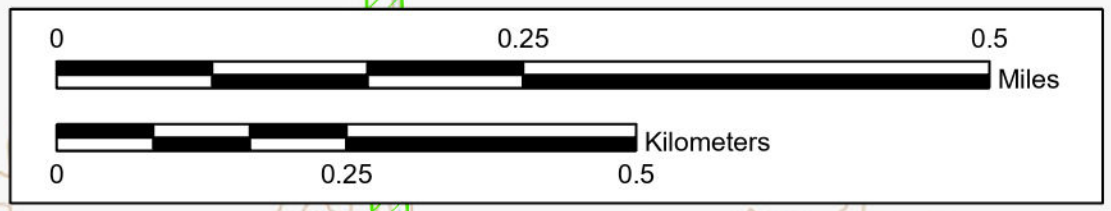
LEMOYNE-MIDWAY 138 kV TRANSMISSION LINE  
 STRUCTURE ADDITION PROJECT

138kV SINGLE CIRCUIT WOOD POLE STRUCTURE  
 DEADEND VERTICAL SINGLE POLE

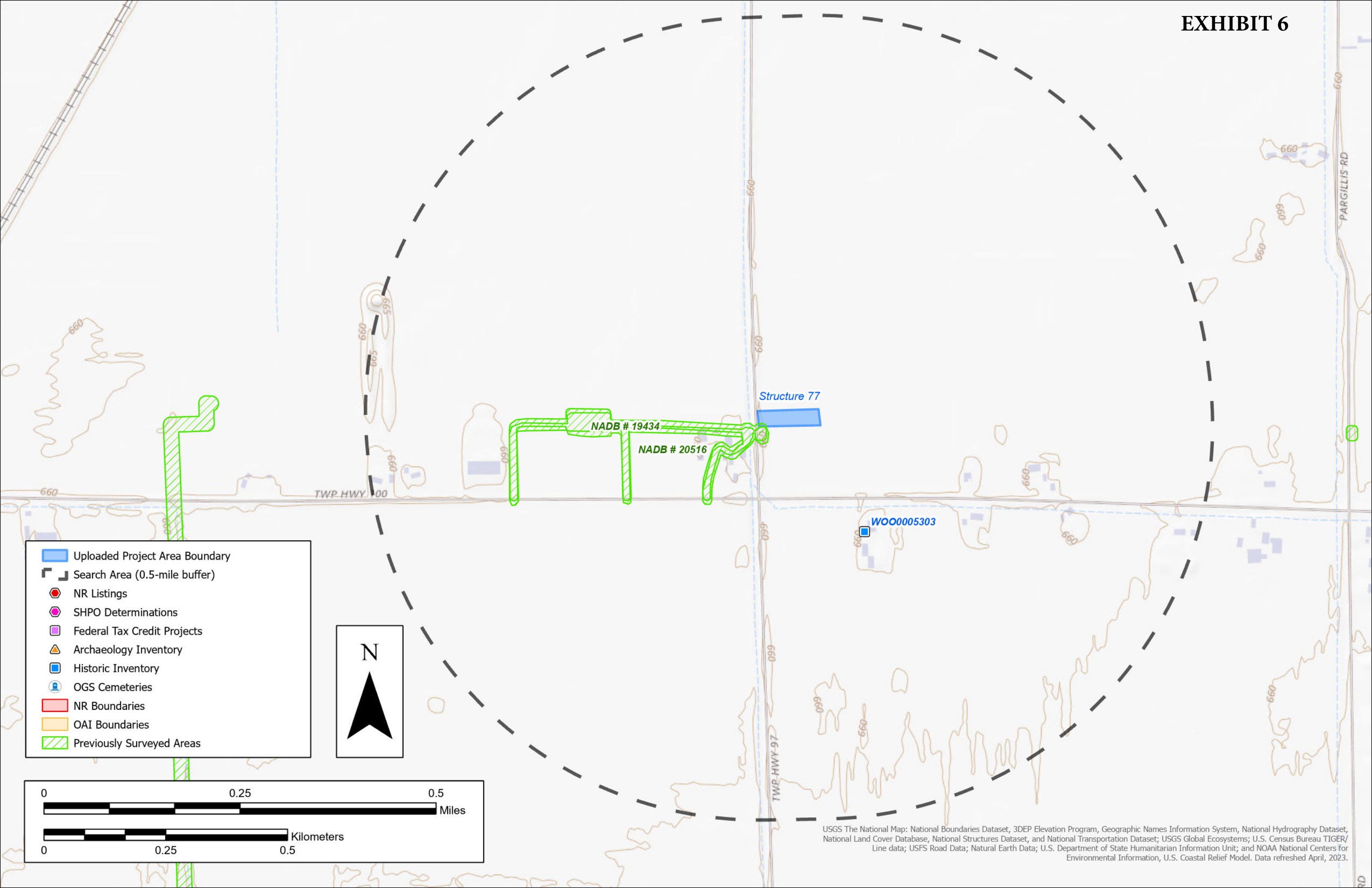
**EXHIBIT 5**



- Uploaded Project Area Boundary
- Search Area (0.5-mile buffer)
- NR Listings
- SHPO Determinations
- Federal Tax Credit Projects
- Archaeology Inventory
- Historic Inventory
- OGS Cemeteries
- NR Boundaries
- OAI Boundaries
- Previously Surveyed Areas



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed April, 2023.





# Ohio Department of Natural Resources

MIKE DeWINE, GOVERNOR

MARY MERTZ, DIRECTOR

**Office of Real Estate**  
*Tara Paciorek, Chief*  
 2045 Morse Road – Bldg. E-2  
 Columbus, OH 43229  
 Phone: (614) 265-6661  
 Fax: (614) 267-4764

August 14, 2023

Jenna Slabe  
 TRC Companies, Inc.  
 1382 W 9th St, Suite 400  
 Cleveland, Ohio 44113

**Re:** 23-0830; Lemoyne-Midway 138 kV Transmission Line Structure Addition

**Project:** The proposed project involves the addition of a new structure on the existing Lemoyne-Midway transmission line.

**Location:** The proposed project is located in Middleton Township, Wood 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:** A review of the Ohio Natural Heritage Database indicates there are no records of state or federally listed plants or animals within one mile of the specified project area. Records searched date from 1980.

Please note that Ohio has not been completely surveyed and we rely on receiving information from many sources. Therefore, a lack of records for any particular 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 endangered 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  $\geq 20$  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 Eileen Wyza at [Eileen.Wyza@dnr.ohio.gov](mailto:Eileen.Wyza@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 & NORTHERN LONG-EARED 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 Eileen Wyza 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 pondhorn (*Uniomerus tetralasmus*), a state threatened mussel. Due to the location, and that there is no in-water work proposed in a perennial stream, this project is not likely to impact this species.

The project is within the range of the western banded killifish (*Fundulus diaphanatus menona*), a state endangered fish, and the greater redhorse (*Moxostoma valenciennesi*), a state threatened fish. Due to the location, and that there is no in-water work proposed in a perennial stream, this project is not likely to impact these 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 spotted turtle (*Clemmys guttata*), a state threatened species. This species prefers fens, bogs and marshes, but also is known to inhabit wet prairies, meadows, pond edges, wet woods, and the shallow sluggish waters of small streams and ditches. 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 northern harrier (*Circus hudsonius*), a state endangered bird. This is a common migrant and winter species. Nesters are much rarer, although they occasionally breed in large marshes and grasslands. Harriers often nest in loose colonies. The female builds a nest out of sticks on the ground, often on top of a mound. Harriers hunt over grasslands. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 15 through July 31. If this habitat will not be impacted, this project is not likely to impact 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.

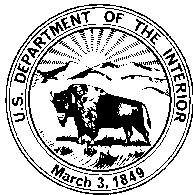
**Water Resources:** The Division of Water Resources has the following comment.

The [local floodplain administrator](#) should be contacted concerning the possible need for any floodplain permits or approvals for this project.

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

Mike Pettegrew  
Environmental Services Administrator

## 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



August 8, 2023

Project Code: 2023-0104218

Dear Ms. Jenna Slabe:

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: Due to the project type, size, location, and the proposed implementation of seasonal tree cutting (clearing of trees  $\geq 3$  inches diameter at breast height between October 1 and March 31) to avoid impacts to the endangered Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*), and the proposed endangered tri-colored bat (*Perimyotis subflavus*) 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.

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](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.

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, Environmental Services Administrator, at (614) 265-6387 or at [mike.pettegrew@dnr.ohio.gov](mailto:mike.pettegrew@dnr.ohio.gov).

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](mailto:ohio@fws.gov).

Sincerely,



Patrice Ashfield  
Field Office Supervisor