# AMERICAN TRANSMISSION SYSTEMS, INCORPORATED A FIRSTENERGY COMPANY

# LETTER OF NOTIFICATION

# CLARK-URBANA 138 kV LOOP TO BROADVIEW SUBSTATION CENTERLINE ADJUSTMENT PROJECT

OPSB CASE NO.: 17-2386-EL-BLN

**December 5, 2017** 

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

#### LETTER OF NOTIFICATION CLARK-URBANA 138 kV LOOP TO BROADVIEW SUBSTATION CENTERLINE ADJUSTMENT 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 the Submittal to the Ohio Power Siting Board ("Board") as a Letter of Notification application ("LON").

## 4906-6-05 (B): LETTER OF NOTIFICATION REQUIREMENTS

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

Name of Project:	Clark-Urbana 138 kV Loop to Broadview Substation
	Centerline Adjustment Project ("Project")

#### 4906-6-05 (B) (1) (a): Brief Description of Project

In this Project, American Transmission Systems, Incorporated's ("ATSI"), a FirstEnergy company, proposes an adjustment to the transmission line centerline of the Clark-Urbana 138 kV Loop to Broadview Substation Project, approved on April 14, 2017, by the Ohio Power Siting Board ("Board") in Case No. 16-2282-EL-BLN. This approximately 1.69-mile-long adjustment is at the request of the property owners and is not expected to have more significant impacts than the April 2017 approved route.

The general location of the proposed Project is shown in Exhibits 1 and 2. Exhibit 1 is a partial copy of the United States Geologic Survey, Cuyahoga County, Ohio, Quad Map ID number 39083-H7. Exhibit 2 provides a partial copy of aerial imagery, Digital Orthophoto Quarter Quads ("DOQQ"). The general layout of the proposed Project is shown in Exhibit 3. The Project is located in Moorefield Township, Clark County, Ohio.

The locations of the adjustments to the previously approved route, as proposed in this LON are:

1

East of Urbana Road on Parcel No. 2200300035000023, the Urbana Road crossing, and west of Urbana Road on Parcels No. 2200300035000040; 200300035000044; 2200300034000064, 22003000330001055, 22003000340001053, and 2200300034000049.

The proposed adjustment is located in the areas immediately east and west of the intersection of the OPSB Approved Route and Urbana Road. This adjustment is located on Permanent Parcel Numbers 2200300035000023, 220030002900029, 220030002900011 which are owned by ATC Leasing Company; Parcels 2200300035000040, 2200300035000044, 2200300034000064 which are owned by Navistar, Inc.; Parcels 22003000330001055, 22003000340001053 which are owned by West Central Ohio Port Authority, and 2200300034000049 which is owned by Messrs. David & Eric Shiffer. All of the property owners have agreed to this route adjustment on their property. Figure 1, Ecological Features, provides an enlarged view of the OPSB Approved Route and the proposed adjustment proposed in this Project, along with Property ownership and Permanent Parcel Numbers.

Exhibit 1 through 3, and Figure 1 show the proposed route adjustment, which deviates from the April 2017 Approved Route approximately 2,500 feet (0.47 mile) east of Urbana Road on Parcel No. 220300035000023 (see Figure 1-2), following the northern limits of the Property. This adjustment is being proposed at the request of the Property owner, ATC Leasing. The new alignment, upon entering parcel No. 220300035000023, will parallel the northern property line for approximately 200 feet (0.04 mile), supported on tangent poles, then turn slightly northward at a light angle guyed wood pole structure and continue to the west on tangent poles for another approximately 2200 feet (0.41 mile) then cross Urbana Road onto parcel No. 2200300035000040, owned by Navistar, Inc. The proposed route then turns to the south – southwest at a corner dead-end structure, and follows the west side of Urbana Rd for approximately 4,500 feet (0.85 mile) toward Tremont City Road, supported on tangent poles. Adjacent to the intersection of Urbana Road and Tremont City Road, the route turns to the west on two (2) guyed two-pole structures, and continues for approximately 1,700 feet (0.32 mile), supported on tangent poles,

where the tap connection to the existing Clark-Urbana 138 kV Transmission Line will be made. The transmission line tap structure will be constructed using two (2) corner dead-end structures in line with the existing Clark-Urbana 138 kV Transmission Line span guyed to one another, as well as guyed in a westward direction via two (2) stub poles (Exhibit 4) on parcel No. 2200300034000049. As a result of this adjustment, the centerline of the OPSB Approved Route shifts approximately 1,235 feet (0.23 mile) north and 3,500 feet (0.66 mile) south. This centerline shift is also being made to accommodate a request from the land owner, Navistar, Inc., to reduce the likelihood of conflict with potential future expansion of their facilities. The change does not increase ecological impacts or impacts to neighboring property owners from the Project as compared to the original route.

#### 4906-6-05 (B) (1): Letter of Notification Requirements

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

(1) New construction, extension, or relocation of single or multiple circuit electric power transmission line(s), or upgrading existing transmission or distribution line (s) for operation at a higher transmission voltage, as follows:

(b) Line(s) greater than 0.2 miles in length, but not greater than two miles in length.

All Project activities will take place within new and existing right-of-way.

#### 4906-6-05 (B) (2): Need for the Project

The need for the Clark-Urbana 138 kV Loop to Broadview Substation Project was addressed and considered in the previous application filing and subsequent OPSB Staff Report of Investigation of the original Letter of Notification application (16-2282-EL-BLN) and can be found on page 2 of the original Letter of Notification application. The need for this Project is the same and generally is necessary to reinforce the transmission system in Clark County.

The need for the adjustment proposed in this LON is to accommodate the requests of affected property owners.

#### 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 2017 Long Term Forecast Report. This map was submitted to the PUCO in Case No. 17-0913-EL-FOR under Rule 4901:5-5:04 (C) of the Ohio Administrative Code. This map is incorporated by reference only. This map shows ATSI's 345 kV and 138 kV transmission lines and transmission substations including the Clark-Urbana 138 kV Transmission line and the Broadview Substation. The Project area is located approximately 2  $^{1}/_{2}$  inches (11" X 17" printed version) from the left edge of the map and  $^{3}/_{4}$  inches (11" X 17" printed version) from the bottom of the map. The general location of the Project is shown in Exhibits 1 and 2. The Project layout is shown in Exhibit 3.

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

Consideration of the proposed adjustments were initiated at the request of the property owners. At each proposed relocation area, the Project area was carefully reviewed to identify potential ecological and social impacts associated with various potential alignments including the property owner's preferred alternative route. The proposed adjusted routes represent the best solution to implementing the property owners' wishes, thereby minimizing impacts to the property owners, and that limit to the maximum extent possible all other impacts. In the event one or more of the proposed adjustments are not approved by the Board, the Applicant intends to proceed with construction of the transmission line along the April 2017 OPSB Approved Route.

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

ATSI's and OE's manager of External Affairs will advise local officials of the features and the status of the proposed Project as necessary. ATSI will maintain a Project website and will continue to work with property owners concerning the proposed Project.

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

Construction on the Project is expected to begin March 1, 2018 and is expected to be completed and placed in-service by December 15, 2018.

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

Exhibit 1 and 2 depict the general location of the Project. Exhibit 1 provides a partial copy of the United States Geologic Survey, Clark County, Ohio, quadrangle map (Quad Order ID number 39083-H7). Exhibit 2 provides a partial copy of aerial imagery, DOQQ.

# 4906-6-05 (B) (8): Property Owner List

All Project activities will take place within new and existing right-of-way. New transmission lines will be owned by ATSI.

The property information for this Project is listed below in Table 1; this information was obtained through the Clark County Auditor's website.

Property Owner(s) & Address	Parcel Number(s)
ATC Leasing Company P.O. Box 581047, Pleasant Prairie, WI 53158	2200300035000023, 2200300029000029, 220030002900011
NAVISTAR, Inc. 6125 Urbana Road, Springfield, OH 45502 Attn.: Thomas Juric Attn.: Chuck Sturwald	2200300035000040, 2200300035000044, 2200300034000064
West Central Port Authority Attn.: Louis Agresta 3139 East Main Street – Suite 2B Springfield, OH 45505	22003000330001055, 22003000340001053
Shiffer David & Eric 1900 S. McMahill Road, Woodstock, OH 43084	2200300034000049

Table 1. List of Affected Property Owners

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

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

The change of the OPSB Approved Route will not change the operating characteristics that were addressed and considered in the OPSB Staff Report of Investigation in Case

No. 16-2282-EL-BLN and can be found on page 6 of the original Letter of Notification. This information is incorporated by reference into this LON:

The 138-kV transmission line construction will have the following characteristics:

Voltage:	138 kV
Conductors:	795 kcmil 26/7 ACSR
Static Wire:	7#8 Alumoweld
	Optical Ground Wire (OPGW)
Insulators:	138 kV Polymer
Structure Types:	Single Wood Pole Double Circuit Tangent Structure
	Two Wood Pole Double Circuit Light Angle Structure
	Two Wood Pole Double Circuit Angle Structure
	Two Wood Pole Double Circuit Deadened Structure
	Single Steel Pole Double Circuit Deadend Structure

An additional structure type, Four Wood Pole Loop Double Circuit Structure, is shown in Exhibit 4.

# 4906-6-05 (B) (9) (b): Calculated Electric and Magnetic Field

The change to the OPSB Approved Route will not significantly change the Electric and Magnetic Field ("EMF") calculations that were addressed and considered in the OPSB Staff Report of Investigation in Case No. 16-2282-EL-BLN and can be found on page 7 of the original Letter of Notification. This information is incorporated by reference into this LON:

The closest occupied residence or institution is approximately 400 feet from the transmission line centerline. As these distances are greater than the 100 feet, electric and magnetic field (EMF) calculations have not been made.

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

The proposed adjustment to the OPSB Approved Route will not significantly change the estimated capital costs for the Project that were addressed and considered in the OPSB

Staff Report of Investigation in Case No. 16-2282-EL-BLN and can be found on page 7 of the original Letter of Notification application.

The estimated capital cost for the proposed Project is approximately \$5,650,000, which is the same as the original estimated cost for the Project approved in Case No. 16-2282-EL-BLN.Savings associated with engineering design, material procurement and real estate acquisition will offset the added cost of the increased Project length resulting from this proposed centerline adjustment.

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

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

The change to the OPSB Approved Route crosses property for which land use was described and considered in the OPSB Staff Report of Investigation in Case No. 16-2282-EL-BLN and can be found on page 7 of the original Letter of Notification application. This information is incorporated by reference into this LON:

The Project is located in Moorefield Township, Clark County, Ohio. The main land uses around the Project area consist of agriculture, industrial, open land, residential,

transportation (roadways and railways), and woodlots.

The potential disturbance area during construction activities (e.g., vegetation clearing, pole installations, etc.) is limited to the 60-foot wide permanent ROW. The ROW will be restored through soil grading, seeding, and mulching; thus, the permanent impact to the ROW will be limited to the removal of existing trees and other incompatible vegetation. Property owners may continue to utilize most of the ROW area for general uses that will not affect the safe and reliable operation of the transmission line such as lawn maintenance, crop cultivation, and livestock pasture.

No changes to land use are anticipated as a result of the shift from the Approved Route proposed in this Project.

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

The proposed route adjustment crosses a larger percentage of agricultural land than would be crossed by the April 2017 approved route. Agricultural land is located along the proposed route adjustment on the southern portion of the Navistar property, following Urbana Road and Tremont City Road. The potential impacts of the Project on agricultural land use include damage to crops that may be present, disturbance of underground field drainage systems, compaction of soils, and potential for temporary reduction of crop productivity. Agricultural land used for crop cultivation within the proposed route adjustment is estimated at 6.2 acres. Following construction, the transmission line ROW can be returned to agricultural use, if that is the continued interest of the Property owner. Potential impacts to this area will be minimized by providing the tenant farmer with direct compensation for damage to existing crops during construction, where necessary; avoiding drainage tiles where possible and repairing damaged tiles as needed; and by restoring the work limits to pre-construction conditions. The route adjustment through this area is being proposed to accommodate the existing Property owner's desire to avoid conflicts with potential future commercial / industrial expansion plans.

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

In accordance with the OPSB Staff Report of Investigation issued by OPSB in Case No. 16-2282-EL-BLN, an investigation of, and report on, cultural resources has been prepared for the OPSB Approved Route. This investigation was supplemented for purposes of preparing this LON to include the locations along the adjustments. The results of the additional investigation are shown in Exhibit 5. No additional significant cultural resources were identified along the proposed route adjustment, and no increase in impacts is expected.

#### 4906-6-05 (B)(10)(d): Local, State and Federal Government Requirements

The Project requires the development of a Storm Water Pollution Prevention Plan because there is the potential to disturb more than 1 acre of land during construction. This plan will be developed in accordance with the OEPA National Pollution Discharge Elimination System (NPDES) General Permit OCH000004 – Stormwater Discharges Associated with Construction Activity (General Permit). A Notice of Intent to the Ohio EPA is required for coverage under the General Permit. Consultation with Clark County officials will be conducted during the development of the SWPPP to ensure compliance with any county regulations.

The proposed route adjustment will cross a wetland area immediately north of Tremont City Road. Structure placement and access through this area will be minimized to the extent practicable. The planned construction activities will be implemented in accordance with the U.S. Army Corps of Engineers (USACE) Nationwide Permit program (Nationwide Permit 12) and the companion Ohio Environmental Protection Agency (OEPA) 401 Water Quality Certification. A permit filing is not anticipated based on existing plans. However, all necessary authorizations will be secured in the event impacts to this area cannot be avoided. This wetland has been delineated as a palustrine emergent (PEM) and palustrine scrub-shrub wetland (PSS). Based on the ORAM score, this wetland is considered a Category 1 wetland. Access through this area will be minimized, and temporary disturbance controlled with the use of construction matting and other best management practices to avoid impact.

As stated previously, the route adjustment through this area is being proposed to accommodate the existing Property owner's desire to avoid conflicts with potential future commercial / industrial expansion plans.

There are no additional known local, state, or federal requirements that must be met prior to commencement of construction on the proposed transmission line Project.

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

An investigation of endangered or threatened species was addressed and considered in the OPSB Staff Report of Investigation in Case No. 16-2282-EL-BLN and can be found on page 10 of the original Letter of Notification application in that case. In addition, further correspondence with the Ohio Department of Natural Resources ("ODNR") and U.S. Fish and Wildlife Service ("FWS") was submitted as a supplemental filing as part of the Letter of Notification application in that case on March 17, 2017. On behalf of ATSI, CH2M submitted investigation requests to the ODNR and USFWS to research the presence of any endangered, threatened or rare species within one (1) mile of the Project area.

The ODNR provided a response dated January 27, 2017, attached as Exhibit 6, noting that the location of the Project is within the range of the federally and state endangered Indiana bat (*Myotis sodalis*). The Project is also in the range of federal candidate species and state threatened Kirtland's snake (*Clonophis kirtlandii*), and of the federal species of concern and endangered Eastern massasauga (Sistrurus catenatus). Additionally, the Project is in the range of state threatened Spotted turtle (Clemmis guttate), Least bittern (Ixobrychus exilis), Little green sedge (Carex viridula), Few-flowered spike-rush (Eleocharus quinquefolia), Bearded wheat grass (Elymus trachycaulus), Blue-leaved willow (Salix petiolaris), Prairie dropseed (Sporobolus heterolepis), Seaside arrow-grass (Triglochin maritimum), Flat-leaved bladderwort (Utricularia intermedia), Northern bog violet (Viola nephrophylla), and Tonguetied minnow (Exoglossum laurae); state endangered Upland sandpiper (Bartramia longicauda), Seepage dancer (Argia *bipunctulata*), and A burrowing mayfly (*Litobrancha recurvata*); and state potentially threatened Fen indian-plantian (Arnoglossum plantagineum), Yellow sedge (Carex flava), Tufted hair grass (Deschampsia cespitosa), Small fringed gentian (Gentianopsis procera), Baltic rush (Juncus balticus), Prairie rattle-snake root (Prenanthes racemose), Arbor vitae (Thuja occidentalis), False asphodel (Triantha glutinosa), Marsh arrowgrass (Triglochin palustris), Three-birds orchid (Triphora trianthophora), and White wand lily (Zigadenus elegans).

USFWS correspondence dated December 8, 2016, attached as Exhibit 7, indicated federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened Northern long-eared bat (*Myotis septentrionalis*). The USFWS also noted that the project was in the range of the federally listed as threatened Eastern massasauga (*Sistrurus catenatus*).

As the project is within the range of both, the Indiana bat and Northern long-eared bat, ATSI will complete any necessary tree clearing between October 1 and March 31 to avoid affecting potential bat habitat as suggested by the ODNR and the USFWS. If this schedule cannot be achieved and clearing of trees outside of this window is deemed necessary, additional consultation with the ODNR and USFWS will be completed prior to clearing.

The Project is in the range of the Eastern massasauga, a state endangered and a federal threatened snake species, and the Kirtland's snake, a state threatened and a federal species of concern, and the Spotted turtle *(Clemmis guttate)*, a state threatened species. The species uses a range of habitats including wet prairies, fens and other wetlands, as well as dryer upland habitat. Due to the potential for suitable habitat within the Project area, a habitat suitability survey will be conducted and an avoidance/minimization plan will be developed with assistance from a State-approved herpetologist and submitted for ODNR and USFWS concurrence prior to construction of the Project through areas where suitable habitat and the potential for presence exists.

The range of two bird species, the state endangered Upland sandpiper (*Bartramia longicauda*), and the state threatened Least bittern (*Ixobrychus exilis*), were identified by ODNR as being within the Project area. Both are ground-nesting birds, with the sandpiper nesting in grasslands (April 15 to July 31), and the bittern nesting in large undisturbed wetlands that have scattered small pools amongst dense vegetation (May 1 to July 31). Construction matting and temporary access roads will be installed in areas where suitable habitat exists which cannot be avoided otherwise prior to April 15 to avoid potential impacts to both species.

Additionally, the Project is within the range of the Iowa darter (*Etheostoma exile*), a state endangered fish, and the Tongued minnow (*Exoglossum laurae*), a state threatened fish. Since no in-stream work is planned, no adverse effect to these species is anticipated.

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

There are no other areas of ecological concern along the proposed route adjustment than those previously described herein. The Applicant has carefully determined locations for the transmission line poles along the proposed adjusted route and believes that the transmission line can be installed with no significant impacts The Applicant believes that the construction, operation, and maintenance of the transmission line along the proposed adjusted route will have no significant additional impacts to ecological features as access through sensitive areas will be minimized, and temporary disturbance controlled with the use of construction matting and other best management practices to avoid impact.

#### 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 Electric Safety Code ("NESC") as adopted by the PUCO and will meet all applicable safety standards established by the Occupational Safety and Health Administration ("OSHA").

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

# 4906-6-07: Documentation of Letter of Notification Transmittal and Availability for Public Review

This Letter of Notification is being provided concurrently to the following officials of Moorefield Township and Clark County, Ohio.

#### Moorefield Township

Mr. Jack McKee Trustee, Moorefield Township 1170 Montego Drive Springfield, OH 45503

Mr. Daren Cotter Trustee, Moorefield Township 4619 McCord Street Springfield, OH 45503

#### **Clark County**

Mr. John Detrick Clark County Commissioner Clark County Administration 50 East Columbia Street Springfield, OH 45501 Mr. Joseph Mosier Trustee, Moorefield Township 3223 Tamarack Avenue Springfield, OH 45502

Ms. Janet Dyer, Fiscal Officer Moorefield Township 1649 Merrydale Road Springfield, OH 45503

Mr. David Herier Clark County Commissioner Clark County Administration 50 East Columbia Street Springfield, OH 45501

Clark-Urbana 138 kV Loop to Broadview Substation Centerline Adjustment Project Mr. Richard Lohnes Clark County Commissioner Clark County Administration 50 East Columbia Street Springfield, OH 45501

Ms. Jennifer Hutchinson, Clark County Administrator Board of Clark County Commissioners 50 East Columbia Street Springfield, OH 45501 Ms. Jo Anderson, Chairperson Clark County Planning Commission 50 East Columbia Street Springfield, OH 45501

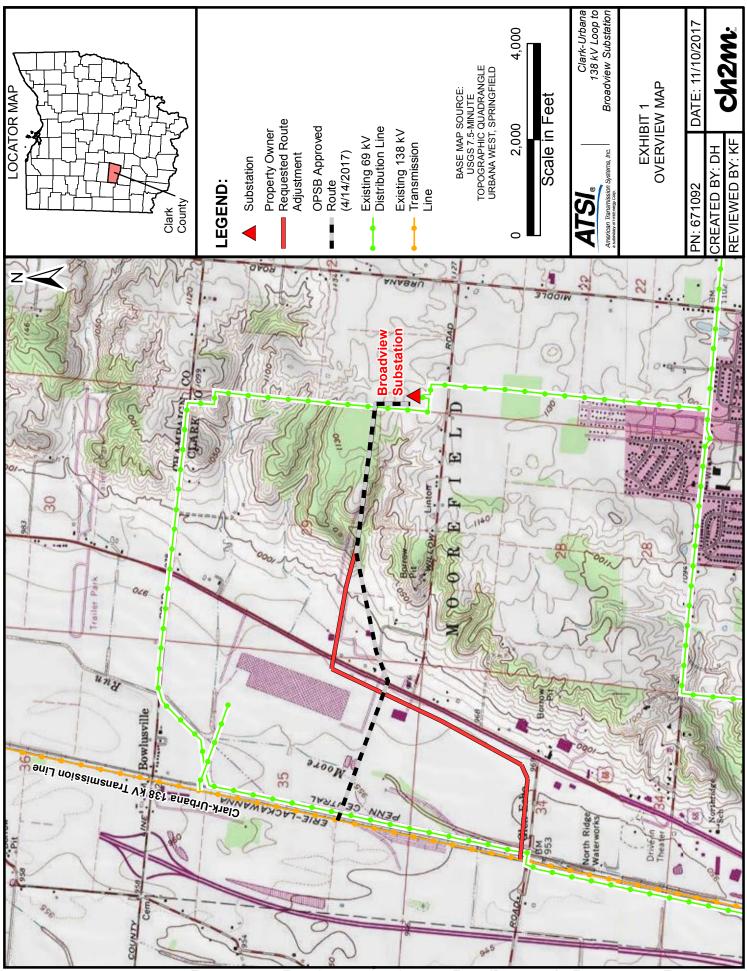
Mr. Johnathan A. Burr, P.E., P.S. Clark County Engineer 4075 Laybourne Road Springfield, OH 45505

## **Libraries**

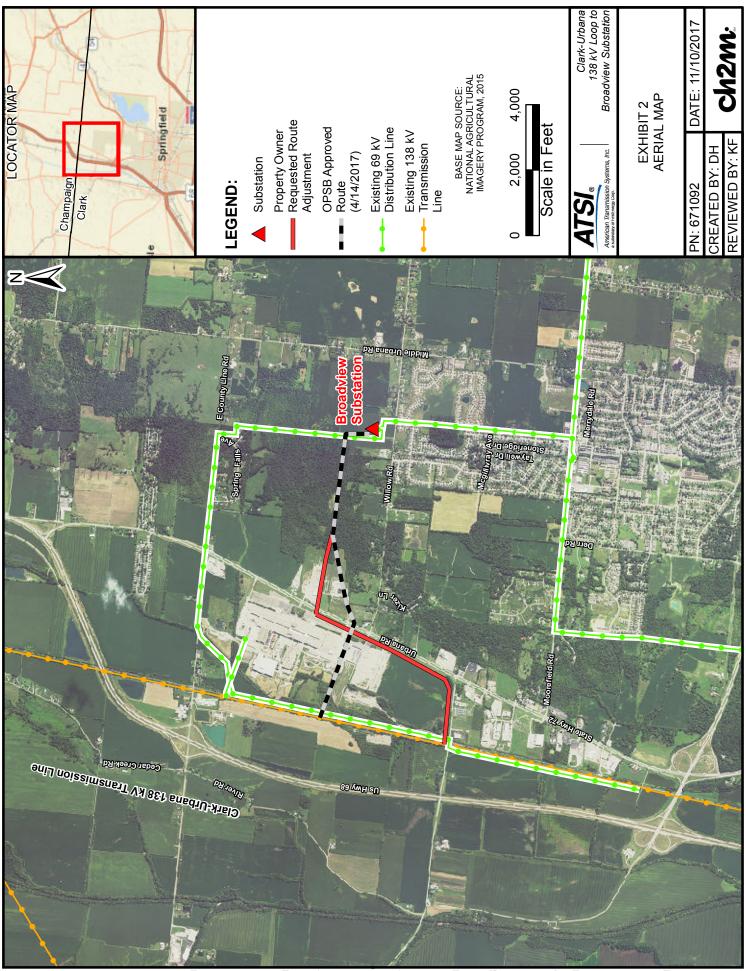
Ms. Sally Rizer, Director	Ms. Sally Rizer, Director
Clark County Public Library	Clark County Public Library
201 South Fountain Avenue	Park Branch
Springfield, OH 45506	1119 North Bechtle Avenue,
	Springfield, OH 45504

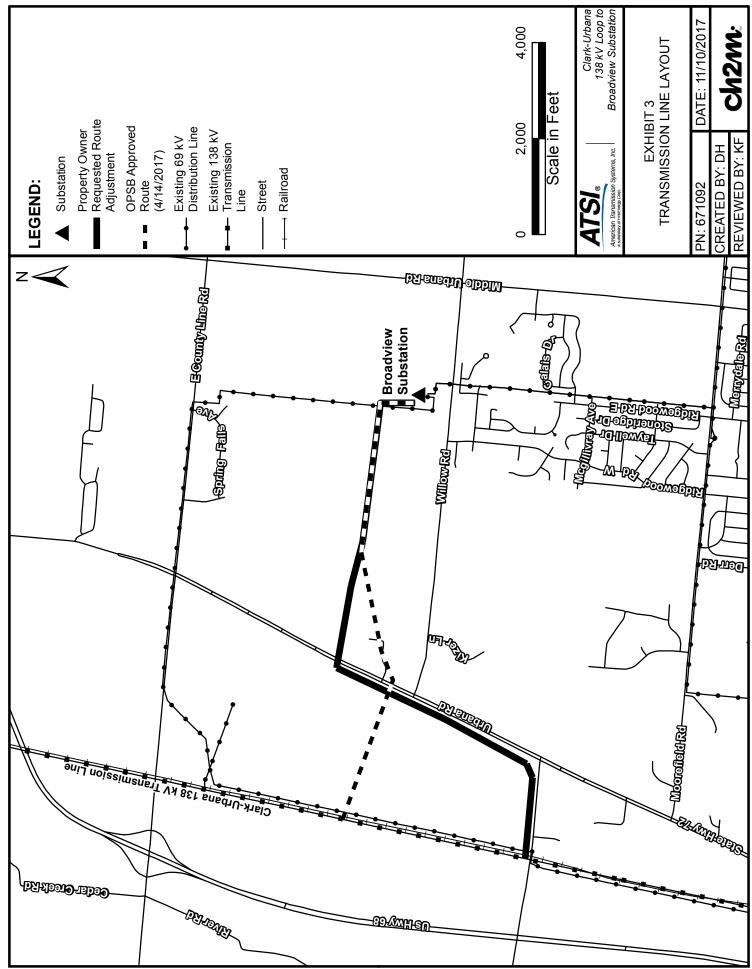
Copies of the transmittal letters to these officials have been included with the transmittal letter submitting this Letter of Notification to the Ohio Power Sitting Board, and are being provided to meet the requirement of OAC 4906-6-07 (B) to provide the Board with proof of compliance with the notice requirement to local officials in OAC 4906-6-07 (A)(1).

Information is posted on <u>www.firstenergycorp.com/about/transmission\_project/ohio.html</u> on how to request an electronic or paper copy of this Letter of Notification. The link to website is being proved to meet the requirement of OAC 4906-6-07 (B) and to provide the Board with proof of compliance with the notice requirements in OAC 4906-6-07 (A)(3).

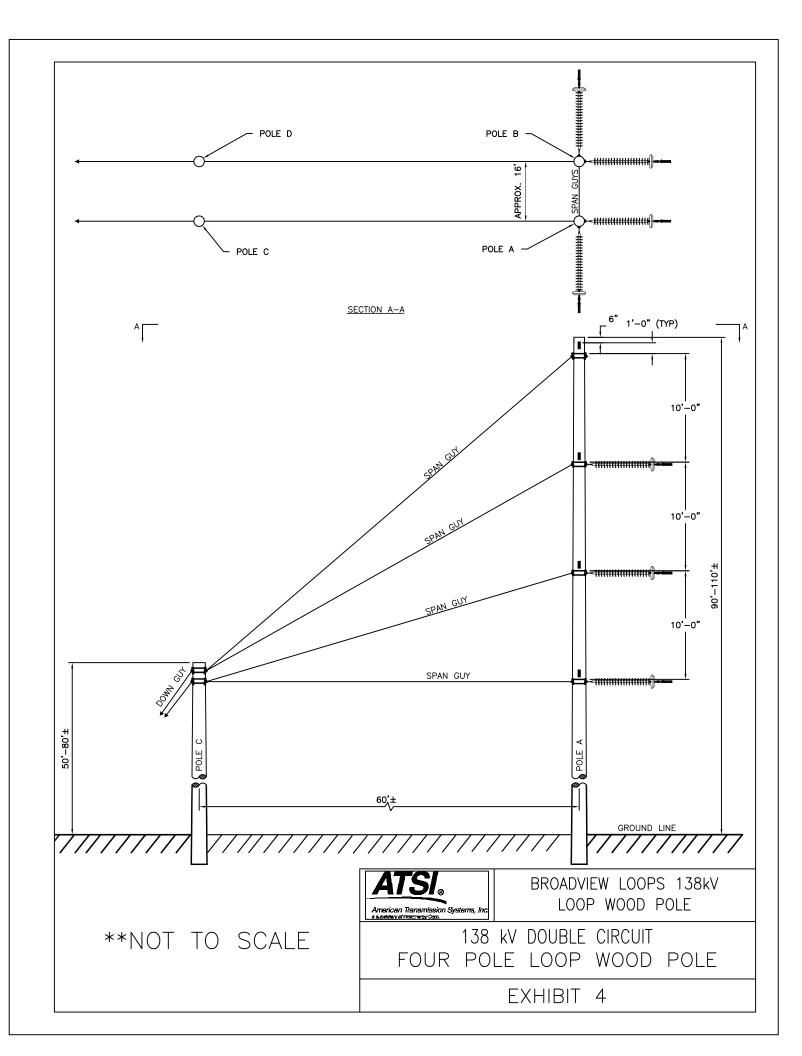


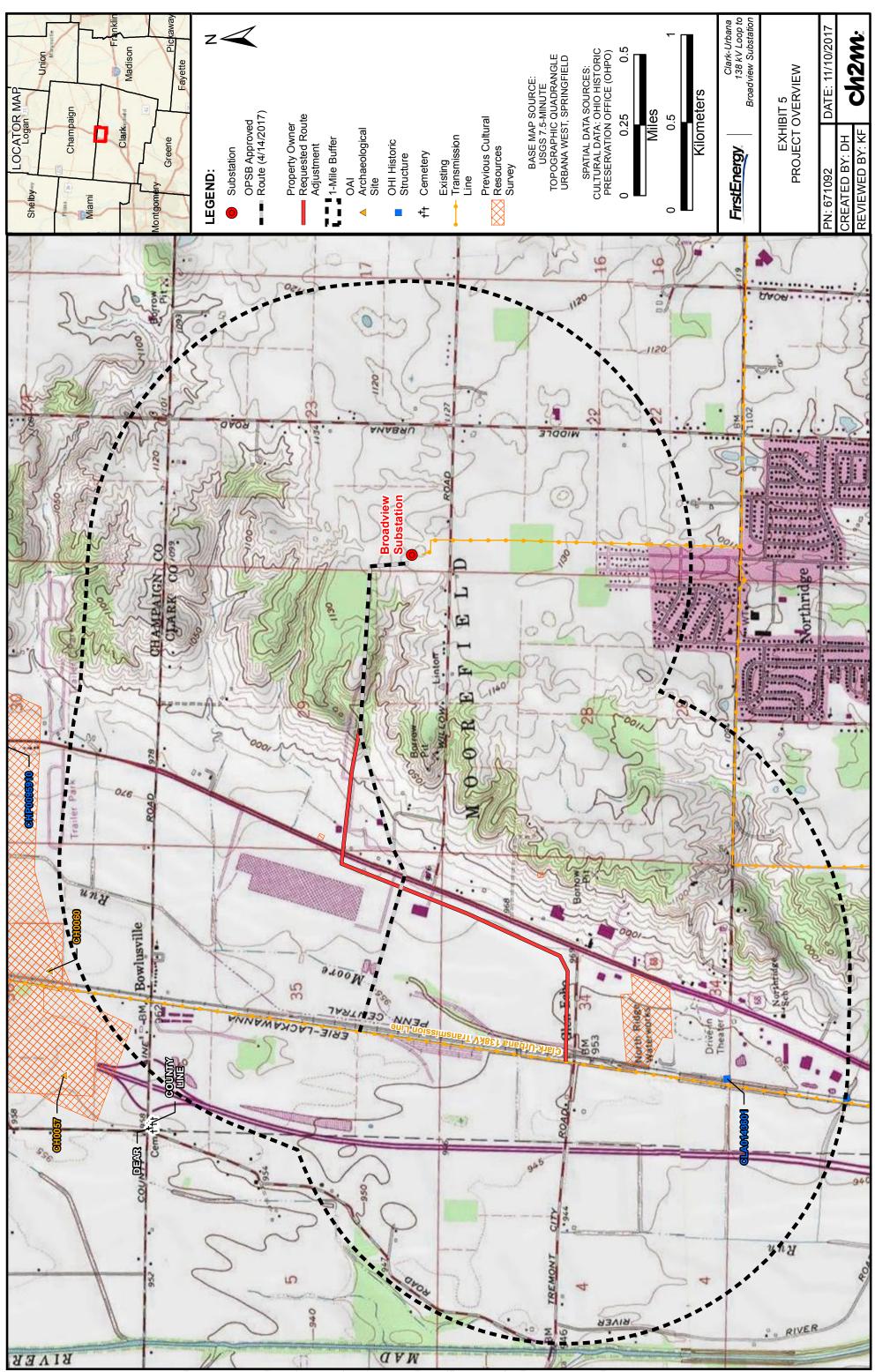
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# EXHIBIT 6



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

**Office of Real Estate** Paul R. Baldridge, Chief 2045 Morse Road – Bldg. E-2 Columbus, OH 43229 Phone: (614) 265-6649 Fax: (614) 267-4764

January 27, 2017

Alicia M Cross CH2M 400 E. Business Way, Suite 400 Cincinnati, OH 45241

**Re:** 16-901; State-Listed Threatened and Endangered Species Impact Assessment, ATSI -Broadview 138 kilovolt (kV) Transmission Line Projects

**Project:** The proposed project involves the construction of a new overhead electric transmission line from the existing East Springfield-Tangy 138 kV line to the proposed expansion of the Broadview substation as well as the construction of a new 138 kV line from the Broadview substation to the existing Clark-Urbana 138 kV line.

Location: The proposed project is located in Moorefield Township, Clark County, Ohio.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

**Natural Heritage Database**: The Natural Heritage Database has the following records at or within a one-mile radius of the project area:

Fen indian-plantain (Arnoglossum plantagineum), P Yellow sedge (Carex flava), P Little green sedge (Carex viridula), T Tufted hair grass (Deschampsia cespitosa), P Few-flowered spike-rush (Eleocharis quinquifolia), T Bearded wheat grass (Elymus trachycaulus), T Small fringed gentian (Gentianopsis procera), P Baltic rush (Juncus balticus), P Prairie rattlesnake-root (Prenanthes racemosa), P White beak-rush (Rhynchospora alba), P Blue-leaved willow (Salix petiolaris), T Prairie dropseed (Sporobolus heterolepis), T Arbor vitae (Thuja occidentalis), P

False asphodel (Triantha glutinosa), P Seaside arrow-grass (Triglochin maritimum), T Marsh arrow-grass (Triglochin palustris), P Three-birds orchid (Triphora trianthophora), P Flat-leaved bladderwort (*Utricularia intermedia*). T Northern bog violet (Viola nephrophylla), T White wand-lily (Zigadenus elegans), P Prairie fen plant community Seepage dancer (Argia bipunctulata), E A burrowing mayfly (*Litobrancha recurvata*), E Tonguetied minnow (Exoglossum laurae), T Spotted turtle (Clemmys guttata), T Eastern massasauga (Sistrurus catenatus), E, FC Kirtland's snake (Clonophis kirtlandii), T, FSC Upland sandpiper (Bartramia longicauda), E Sedge wren (Cistothorus platensis), SC Least bittern (Ixobrychus exilis), T Weber Road Fen Conservation Site **Buck Creek Fen Conservation Site** Cedar Bog State Nature Preserve – Ohio History Connection Prairie Road Fen State Nature Preserve - ODNR Division of Natural Areas & Preserves Buck Creek State Park – ODNR Division of Parks & Watercraft

The review was performed on the project area you specified in your request as well as an additional one-mile radius. Records searched date from 1980. This information is provided to inform you of features present within your project area and vicinity.

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. Although all types of plant communities have been surveyed, we only maintain records on the highest quality areas.

Statuses are defined as: E = state endangered; T = state threatened; P = state potentially threatened; SC = state species of concern; SI = state special interest; A = species recently added to state inventory, status not yet determined; X = presumed extirpated in Ohio; FE = federal endangered, FT = federal threatened, FSC = federal species of concern, FC = federal candidate species.

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 project is within the range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species. The following species of trees have relatively high value as potential Indiana bat roost trees: shagbark hickory (*Carya ovata*), shellbark hickory (*Carya laciniosa*), bitternut hickory (*Carya cordiformis*), black ash (*Fraxinus nigra*), green ash (*Fraxinus pennsylvanica*), white ash (*Fraxinus americana*), shingle oak (*Quercus imbricaria*), northern red oak (*Quercus rubra*), slippery elm (*Ulmus rubra*), American elm (*Ulmus americana*), eastern cottonwood (*Populus deltoides*), silver maple (*Acer saccharinum*), sassafras (*Sassafras albidum*),

post oak (*Quercus stellata*), and white oak (*Quercus alba*). Indiana bat roost trees consists of trees that include dead and dying trees with exfoliating bark, crevices, or cavities in upland areas or riparian corridors and living trees with exfoliating bark, cavities, or hollow areas formed from broken branches or tops. However, Indiana bats are also dependent on the forest structure surrounding roost trees. If suitable habitat occurs within the project area, the DOW recommends trees be conserved. If suitable habitat occurs within the project area and trees must be cut, the DOW recommends cutting occur between October 1 and March 31. If suitable trees must be cut during the summer months, the DOW recommends a net survey be conducted between June 1 and August 15, prior to any cutting. Net surveys should incorporate either nine net nights per square 0.5 kilometer of project area, or four net nights per kilometer for linear projects. If no tree removal is proposed, this project is not likely to impact this species.

This project must not have an impact on freshwater native mussels at the project site. This applies to both listed and non-listed species. Per the Ohio Mussel Survey Protocol (2016), all Group 2, 3, and 4 streams (Appendix A) require a mussel survey. Per the Ohio Mussel Survey Protocol, Group 1 streams (Appendix A) and unlisted streams with a watershed of 10 square miles or larger above the point of impact should be assessed using the Reconnaissance Survey for Unionid Mussels (Appendix B) to determine if mussels are present. Mussel surveys may be recommended for these streams as well. This is further explained within the Ohio Mussel Survey Protocol. Therefore, if in-water work is planned in any stream that meets any of the above criteria, the DOW recommends the applicant provide information to indicate no mussel impacts will occur. If this is not possible, the DOW recommends a professional malacologist conduct a mussel survey in the project area. If mussels that cannot be avoided are found in the project area, as a last resort, the DOW recommends a professional malacologist collect and relocate the mussels to suitable and similar habitat upstream of the project site. Mussel surveys and any subsequent mussel relocation should be done in accordance with the Ohio Mussel Survey Protocol. The Ohio Mussel Survey Protocol (2016) can be found at: http://wildlife.ohiodnr.gov/portals/wildlife/pdfs/licenses%20&%20permits/OH%20Mussel%20Su rvey%20Protocol.pdf

The project is within the range of the Iowa darter (*Etheostoma exile*), a state endangered fish, and the tonguetied minnow (*Exoglossum laurae*), a state threatened fish. The DOW recommends no in-water work from April 15 to June 30 to reduce impacts to indigenous aquatic species and their habitat. If no in-water work is proposed, this project is not likely to impact these or other aquatic species.

As noted, the Natural Heritage Database has records within the vicinity of the project route for the spotted turtle (*Clemmys guttata*), a state threatened species. This species prefers fens, bogs and marshes, but is also known to inhabit wet prairies, meadows, pond edges, wet woods, and the shallow sluggish waters of small streams and ditches. The DOW recommends that a habitat suitability survey be conducted by an approved herpetologist to determine if suitable habitat is present along the project route. If suitable habitat is found to be present, the DOW recommends that an avoidance/minimization plan be developed and implemented by the approved herpetologist. Please submit the approved herpetologist's report to Nathan Reardon, at Nathan.reardon@dnr.state.oh.us.

As noted, the Natural Heritage Database has records within the vicinity of the project route for the eastern massasauga (*Sistrurus catenatus*), a state endangered and a federally threatened snake species. The eastern massasauga uses a range of habitats including wet prairies, fens, and other wetlands, as well as drier upland habitat. The DOW recommends that a habitat suitability survey be conducted by an approved herpetologist to determine if suitable habitat is present along the

project route. If suitable habitat is found to be present, the DOW recommends that an avoidance/minimization plan be developed and implemented by the approved herpetologist. Please submit the approved herpetologist's report to Nathan Reardon, at Nathan.reardon@dnr.state.oh.us.

As noted, the Natural Heritage Database has records within the vicinity of the project route for the Kirtland's snake (*Clonophis kirtlandii*), a state threatened species. This secretive species prefers wet meadows and other wetlands. The DOW recommends that a habitat suitability survey be conducted by an approved herpetologist to determine if suitable habitat is present along the project route. If suitable habitat is found to be present, the DOW recommends that an avoidance/minimization plan be developed and implemented by the approved herpetologist. Please submit the approved herpetologist's report to Nathan Reardon, at Nathan.reardon@dnr.state.oh.us.

The project is within the range of the upland sandpiper (*Bartramia longicauda*), a state endangered bird. Nesting upland sandpipers utilize dry grasslands including native grasslands, seeded grasslands, grazed and ungrazed pasture, hayfields, and grasslands established through the Conservation Reserve Program (CRP). If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 15 to July 31. If this type of habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the least bittern (*Ixobrychus exilis*), a state threatened bird. Nesting bitterns prefer large undisturbed wetlands that have scattered small pools amongst dense vegetation. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 to July 31. If this type of 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 U.S. Fish & Wildlife Service.

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

The local floodplain administrator should be contacted concerning the possible need for any floodplain permits or approvals for this project. Your local floodplain administrator contact information can be found at the website below.

http://water.ohiodnr.gov/water-use-planning/floodplain-management#PUB

ODNR appreciates the opportunity to provide these comments. Please contact John Kessler at (614) 265-6621 if you have questions about these comments or need additional information.

John Kessler ODNR Office of Real Estate 2045 Morse Road, Building E-2 Columbus, Ohio 43229-6693 John.Kessler@dnr.state.oh.us

# EXHIBIT 7



UNITED STATES DEPARTMENT OF THE INTERIOR

U.S. Fish and Wildlife Service Ecological Services Office 4625 Morse Road, Suite 104 Columbus, Ohio 43230 (614) 416-8993 / Fax (614) 416-8994



December 8, 2016

TAILS# 03E15000-2017-TA-0342

Ms. Alicia Cross 400 E. Business Way Suite 400 Cincinnati, Ohio 45241

Re: American Transmission Systems, Incorporated, Broadview 138kV Transmission Line Projects, Clark County, Ohio

Dear Ms. Cross,

We have received your December 1, 2016 letter requesting information about the proposed construction of a new overhead electric transmission line from the existing East Springfield-Tangy 138 kV line to the existing Broadview substation and from the Broadview substation to the existing Clark-Urbana 138kV line. The project is located in Moorefield Township, Clark County, Ohio.

There are no federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area. However, Prairie Road Fen and Buck Creek State Park are within the vicinity of the proposed line from the Broadview substation to the Clark Urbana 138kV line. The following comments and recommendations will assist you in fulfilling the requirements for consultation under section 7 of the Endangered Species Act of 1973, as amended (ESA).

The U.S. Fish and Wildlife Service (Service) recommends that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat (e.g., forests, streams, wetlands). Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. If streams or wetlands will be impacted, the 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. All disturbed areas should be mulched and revegetated with native plant species. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

FEDERALLY LISTED SPECIES COMMENTS: All projects in the State of Ohio lie within the range of the federally endangered **Indiana bat** (*Myotis sodalis*) and the federally threatened **northern long-eared bat** (*Myotis septentrionalis*). In Ohio, presence of the Indiana bat and northern long-eared bat is assumed wherever suitable habitat occurs unless a presence/absence survey has been performed to document absence. Suitable summer habitat for Indiana bats and northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags  $\geq 3$  inches

1

diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat. In the winter, Indiana bats and northern long-eared bats hibernate in caves and abandoned mines.

Should the proposed site contain trees  $\geq 3$  inches dbh, we recommend that trees be saved wherever possible. If any caves or abandoned mines may be disturbed, further coordination with this office is requested to determine if fall or spring portal surveys are warranted. If no caves or abandoned mines are present and trees  $\geq 3$  inches dbh cannot be avoided, we recommend that removal of any trees  $\geq 3$  inches dbh only occur between October 1 and March 31. Seasonal clearing is being recommended to avoid adverse effects to Indiana bats and northern long-eared bats. While incidental take of northern long-eared bats from most tree clearing is exempted by a 4(d) rule (see <u>http://www.fws.gov/midwest/endangered/mammals/nleb/index.html</u>), incidental take of Indiana bats is still prohibited without a project-specific exemption. Thus, seasonal clearing is recommended where Indiana bats are assumed present.

If implementation of this seasonal tree cutting recommendation is not possible, summer surveys may be conducted to document the presence or probable absence of Indiana bats within the project area during the summer. If a summer survey documents probable absence of Indiana bats, the 4(d) rule for the northern long-eared bat could be applied. Surveys must be conducted by an approved surveyor and be designed and conducted in coordination with the Endangered Species Coordinator for this office. Surveyors must have a valid federal permit. Please note that summer surveys may only be conducted between June 1 and August 15.

If there is a federal nexus for the project (e.g., federal funding provided, federal permits required to construct), 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.

The project lies within the range of the **eastern massasauga** (*Sistrurus catenatus*), a small, docile rattlesnake that is federally listed as threatened. Several factors have contributed to the decline of the species including habitat loss and fragmentation, indiscriminate killing, collection, gene pool contamination and incompatible land use practices.

Eastern massasaugas use both upland and wetland habitat and these habitats differ by season. During the winter, massasaugas hibernate in low wet areas, primarily in crayfish burrows, but may use other structures. Presence of a water table near the surface is important for a suitable hibernaculum. In the summer, massasaugas use drier, open areas that contain a mix of grasses and forbs such as goldenrods and other prairie plants that may be intermixed with trees or shrubs. Adjoining lowland and upland habitat with variable elevations between are critical for the species to travel back and forth seasonally. The proposed Broadview substation to East Springfield-Tangy 138kV line is within the vicinity of Prairie Road Fen where there are multiple records of this species. You have indicated that wetlands and adjacent grassy, upland habitat is

2

located within the project area. Therefore, we request that a habitat evaluation be completed to determine if suitable habitat for the species exists within the vicinity of the proposed site. Please note that habitat assessments should only be conducted by approved eastern massasauga surveyors due to variable habitat types and cryptic nature of the species. Any habitat assessments or surveys should be coordinated with this office.

Due to the project type, size, and location, we do not anticipate adverse effects to any other federally endangered, threatened, proposed, or candidate species. Should the project design change, or during the term of this action, 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, consultation with the Service should be initiated to assess any potential impacts.

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 ESA, and are consistent with the intent of the National Environmental Policy Act of 1969 and the Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed section 7 consultation document. We recommend that the project be coordinated with the Ohio Department of Natural Resources due to the potential for the project to affect state listed species and/or state lands. Contact John Kessler, Environmental Services Administrator, at (614) 265-6621 or at john.kessler@dnr.state.oh.us.

If you have any questions regarding our response or if you need additional information, please contact Jenny Finfera at extension 13.

Sincerely.

Dan Everson Field Supervisor

Enclosure: Qualified Eastern Massasauga Surveyors for Ohio

cc: ODNR DOW Nathan Reardon, DOW ODNR DOW Kate Parsons, DOW



# **United States Department of the Interior**

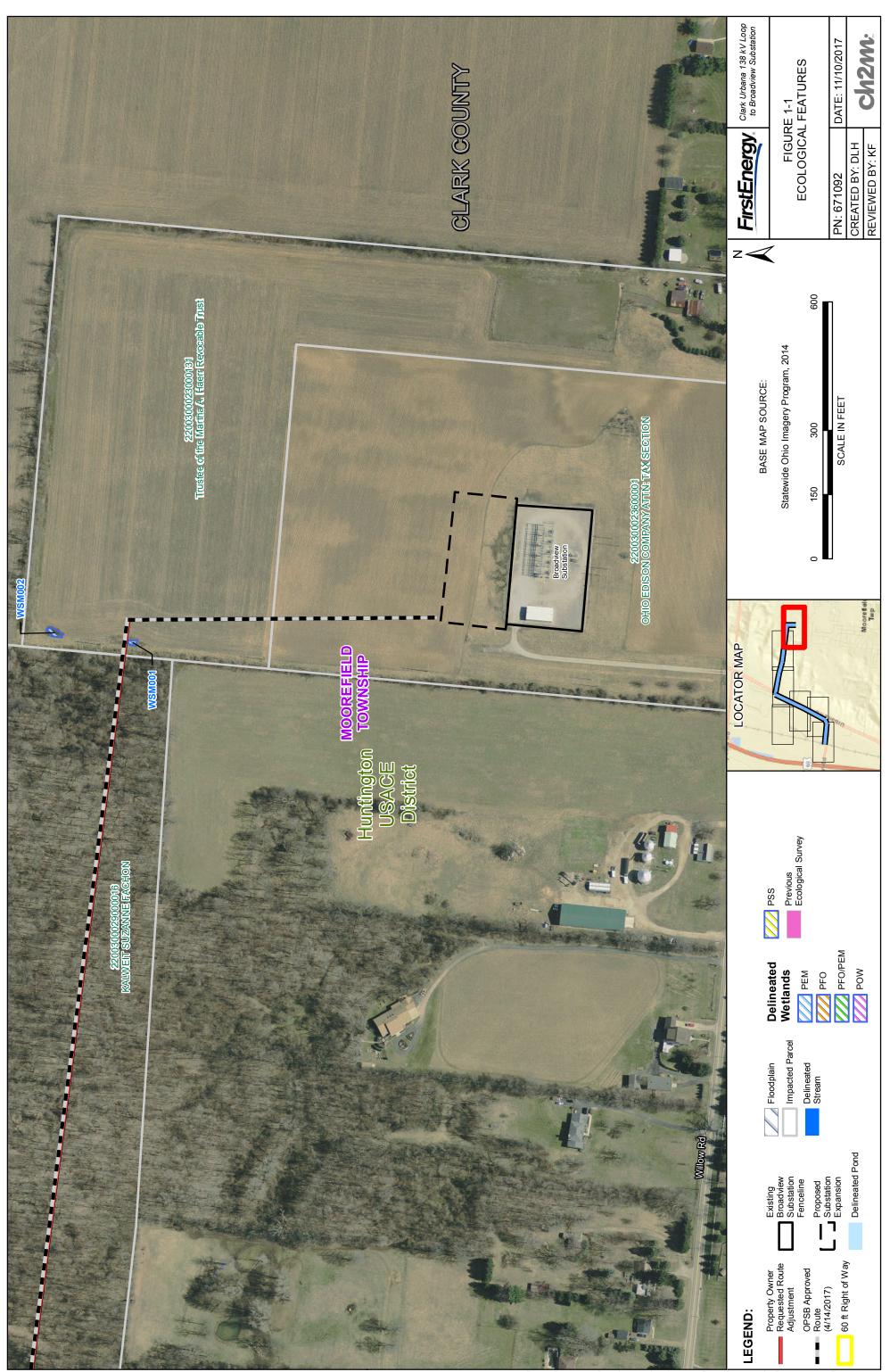
FISH AND WILDLIFE SERVICE Ecological Services 4625 Morse Road, Suite 104 Columbus, Ohio 43230 (614) 416-8993 / FAX (614) 416-8994

April 2016

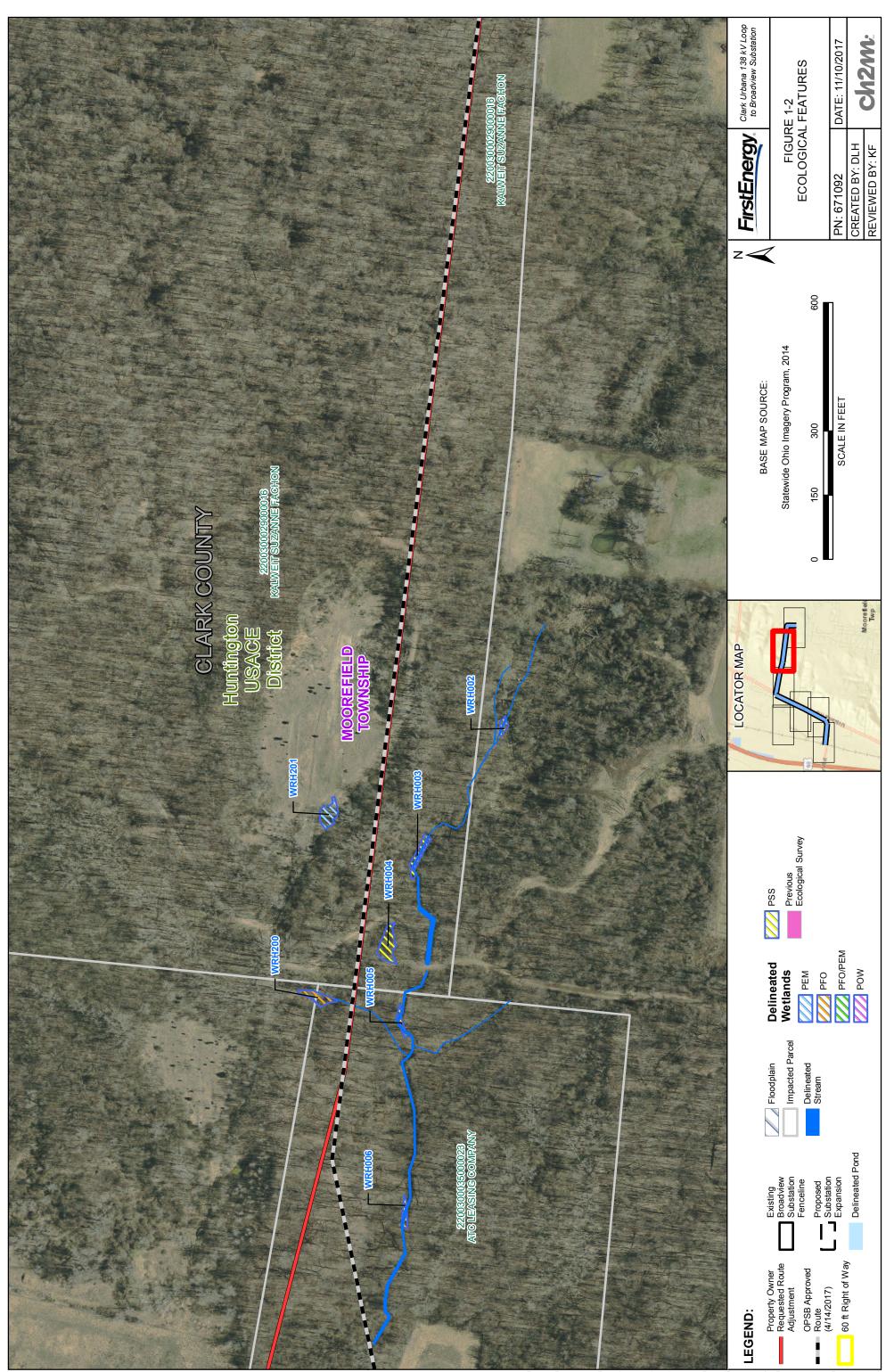
#### \*Qualified Eastern Massasauga Surveyors for Ohio

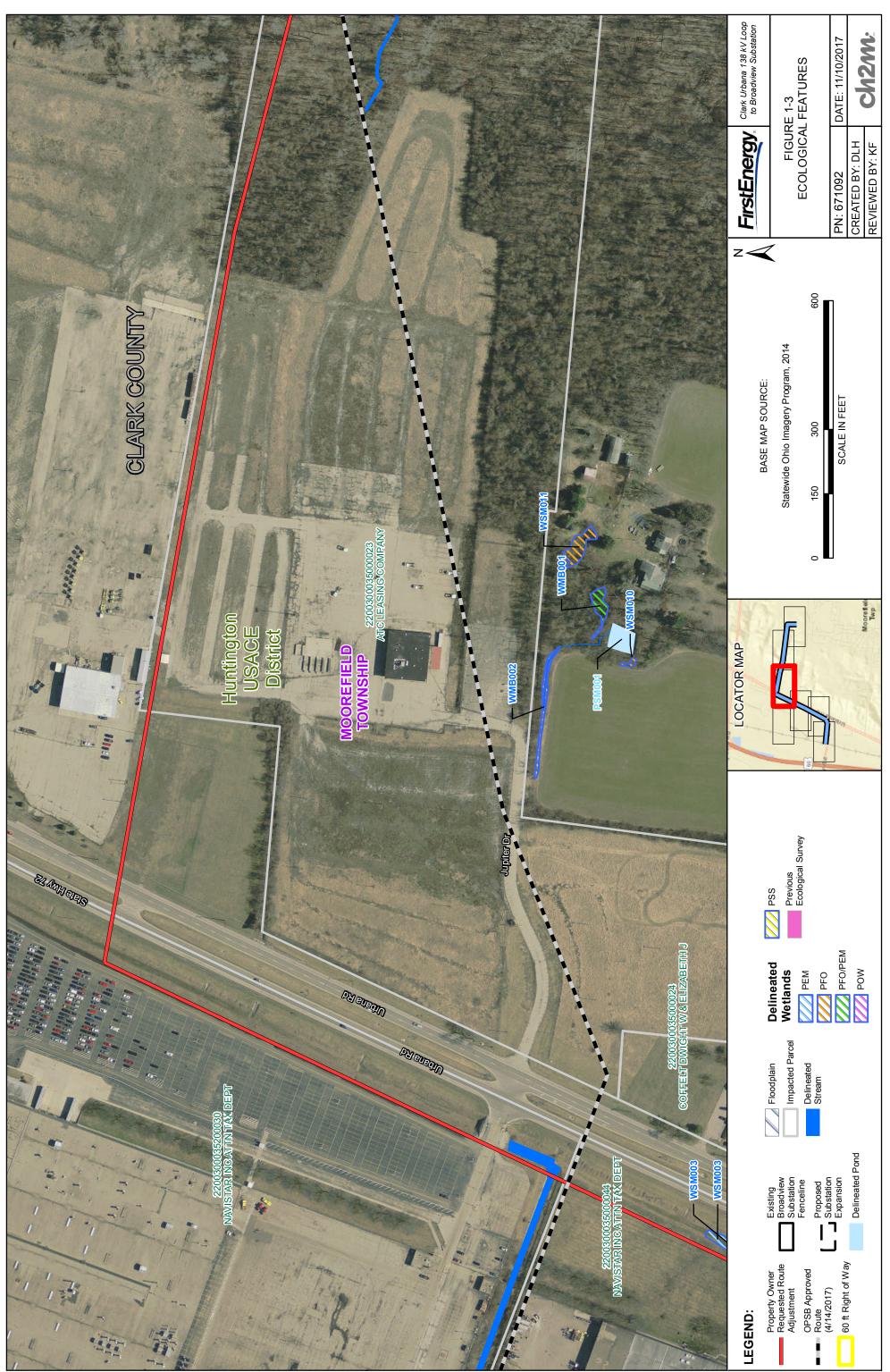
Kent Bekker 542 Centerfield Drive Maumee, OH 43537 (419) 376-4384 <u>kbekker@gmail.com</u>	Jeffery G. Davis 625 Crescent Road Hamilton, OH 45013 (513) 868-3154 <u>anura@fuse.net</u>
Colin Diehl Diehlux, LLC 194 Park Street Canandaigua, NY 14424 (607) 742-0977 <u>cdiehl@diehluxllc.com</u>	Gregory Lipps, LLC 1473 County Road 5 2 Delta, OH 43515 (419) 376-3441 greglipps@gmail.com
Tim Matson 5696 Matson Road Geneva, OH 44041 (216) 231-4600 ext.3247 (440) 466-5067 <u>tmatson@cmnh.org</u>	Ralph Pfingsten 347 Pineview Circle Berea, OH 44017 (440) 243-7568 <u>rap347@wideopenwest.com</u>
Kristin Stanford OSU Stone Laboratory P.O. Box 119 Put-in-Bay, OH 43456 (419) 285-1847 <u>theislandsnakelady@yahoo.com</u>	Doug Wynn 241 Chase Street Apt. A1 Russells Point, OH 43348 (614) 306-0313 <u>sistrurus@aol.com</u>

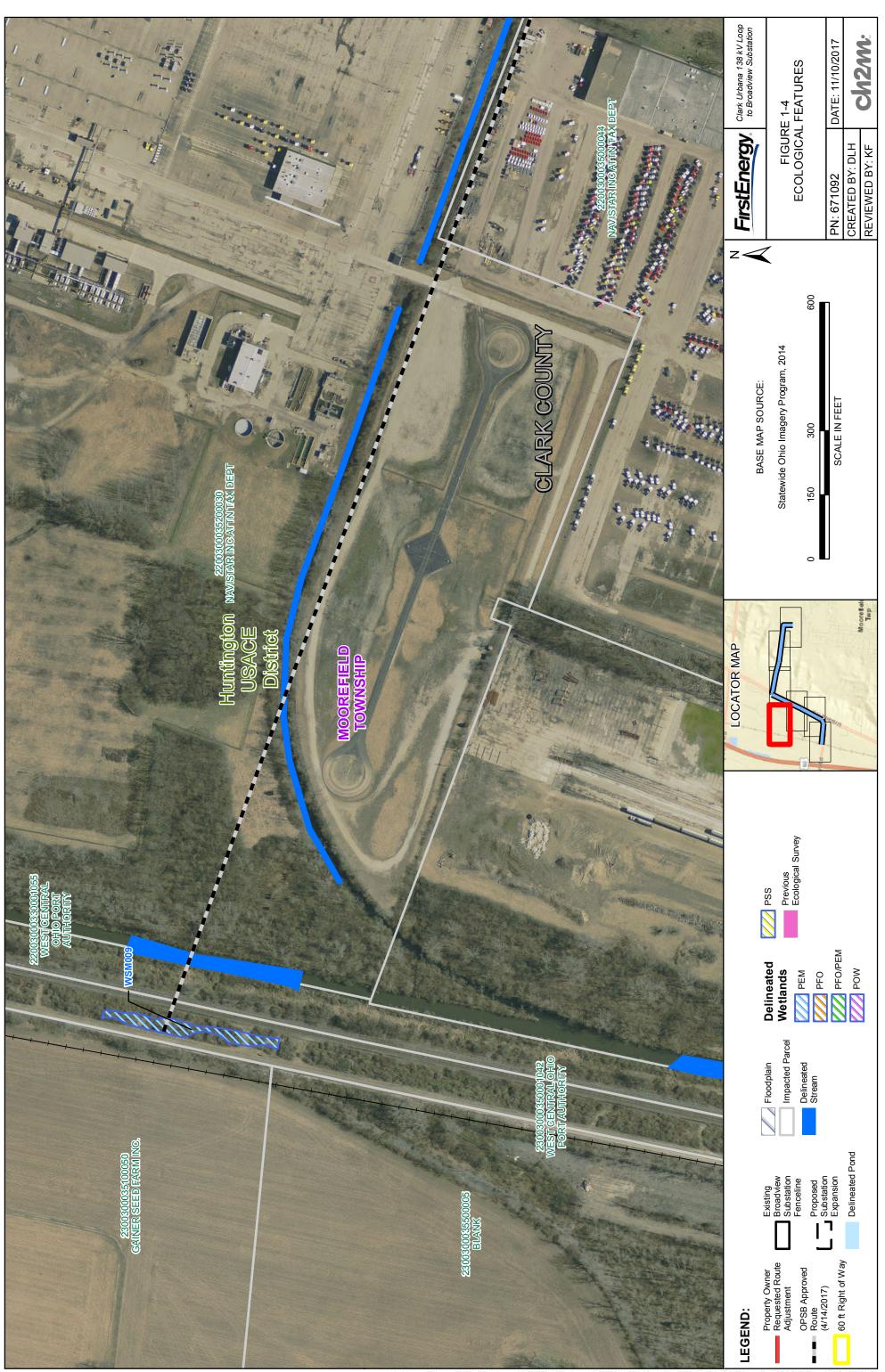
\*Surveyors must have a valid permit issued by the Ohio Division of Wildlife in order to conduct surveys for the eastern massasauga in Ohio.

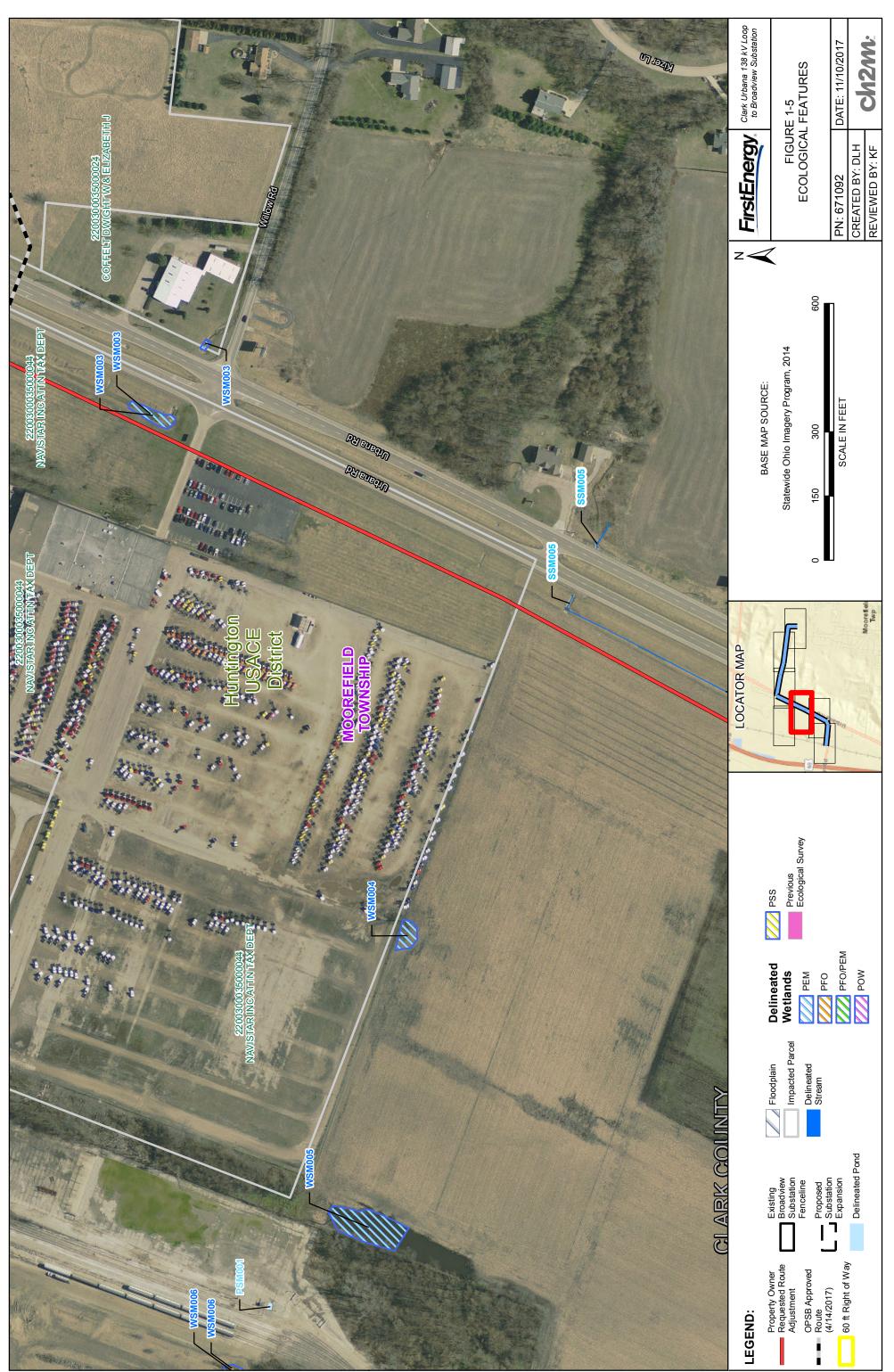


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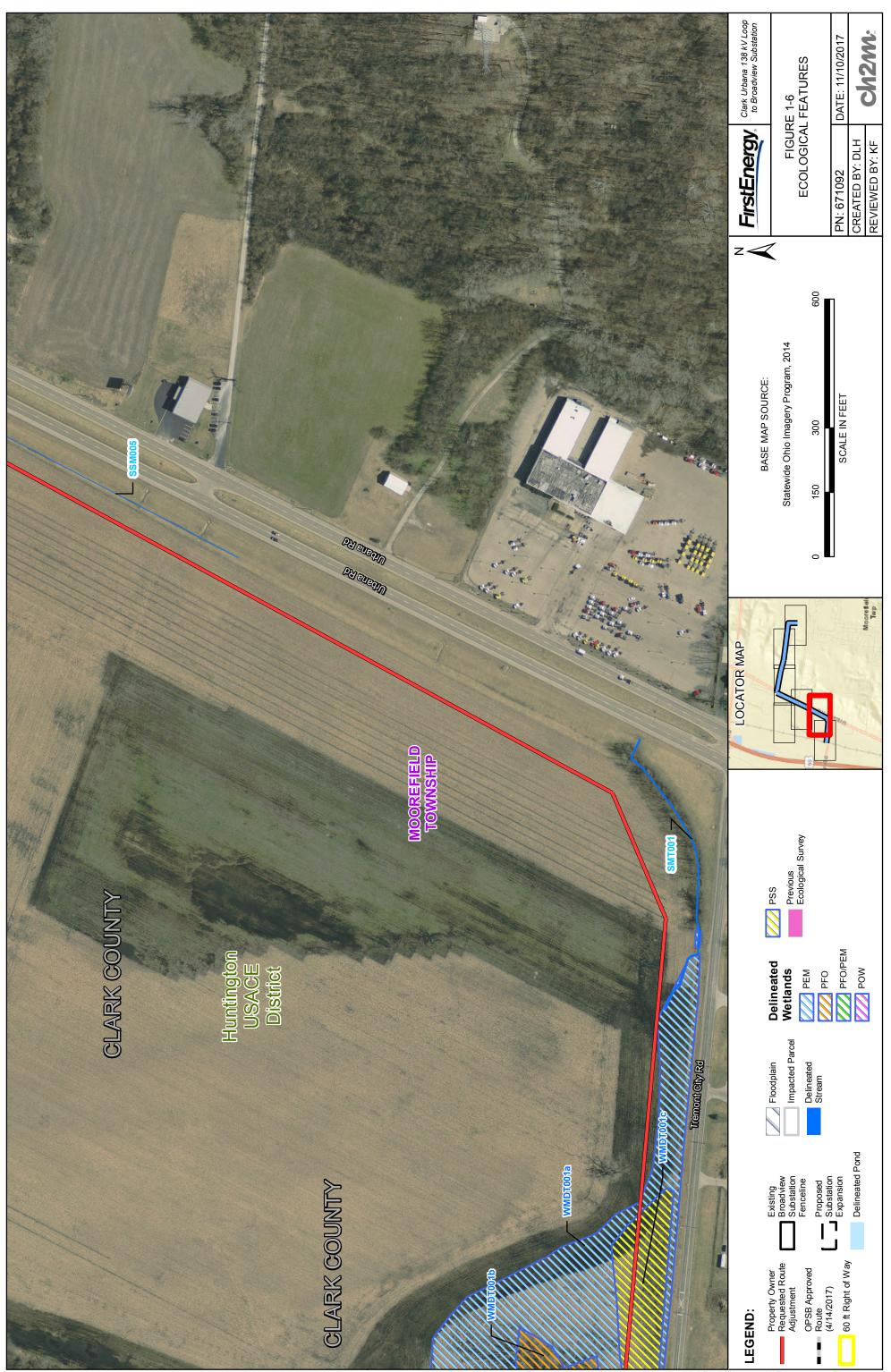




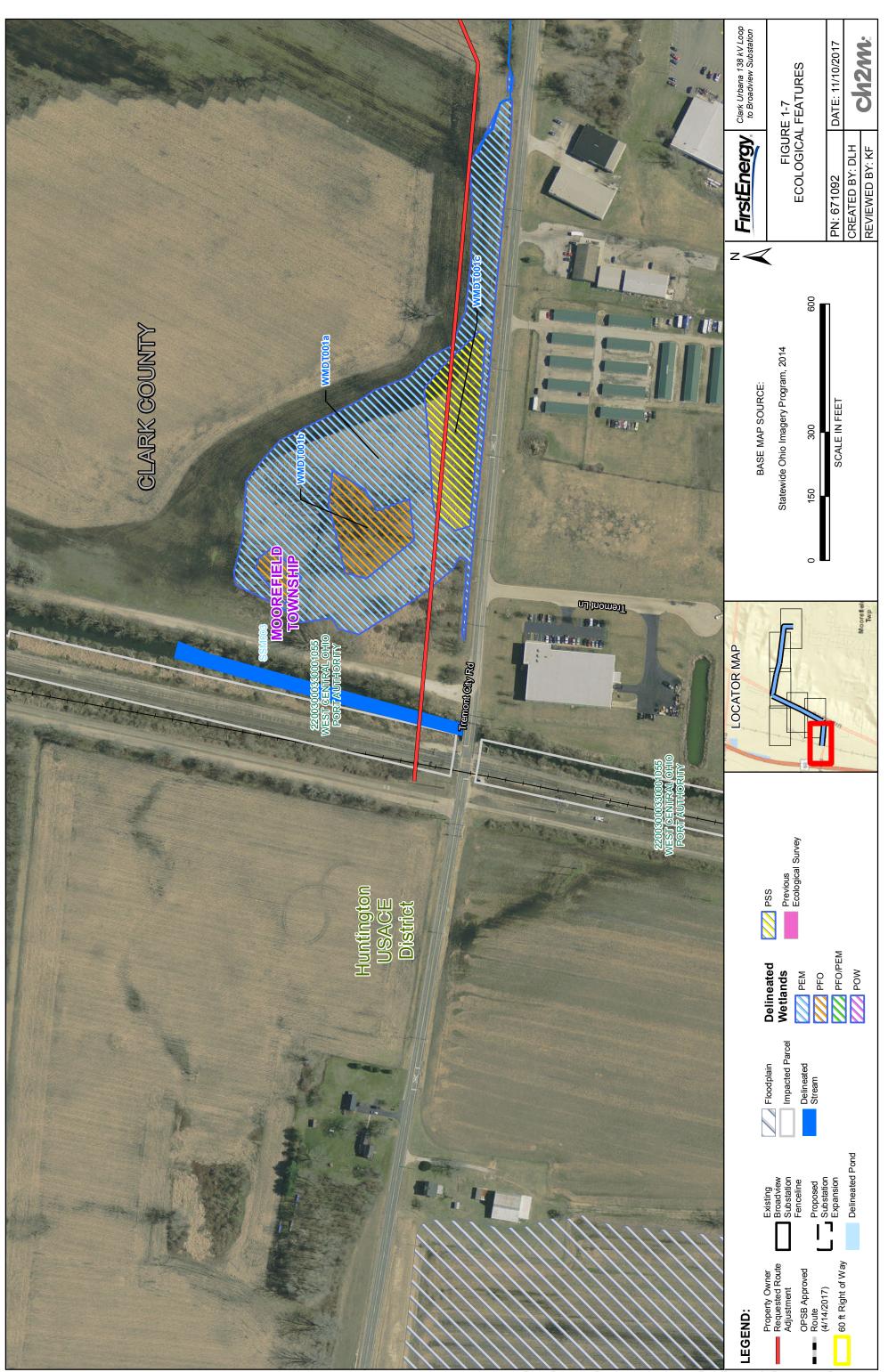




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