

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

CONSTRUCTION NOTICE

**AETNA (WEST AKRON) 138 kV AND BABB – WEST
AKRON 138 kV TRANSMISSION LINES STRUCTURE
REPLACEMENT PROJECT**

OPSB CASE NO.: 17-2473-EL-BNR

January 16, 2018

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

CONSTRUCTION NOTICE
AETNA (WEST AKRON) 138 kV AND BABB - WEST AKRON 138 kV
TRANSMISSION LINES STRUCTURE REPLACEMENT 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 (“Board”) as a Construction Notice application.

4906-6-05: ACCELERATED APPLICATION REQUIREMENTS

4906-6-05: Name and Reference Number

Name of Project: Aetna (West Akron) 138 kV and Babb - West Akron 138 kV Transmission Lines Structure Replacement Project (“Project”).

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

In this Project, American Transmission Systems, Incorporated (“ATSI”), a FirstEnergy company, proposes to replace one transmission structure (Tower No. 672) of the Aetna (West Akron) 138 kV and Babb - West Akron 138 kV Transmission Lines, within new and existing right-of-way, due to erosion caused by a nearby stream. One new steel light angle monopole transmission structure on a drilled foundation will be installed approximately 30 feet southeast of the existing transmission structure, outside of the existing transmission centerline.

The general location of the Project is shown in Exhibit 1, a partial copy of the United States Geological Survey, Summit County OH, Quad Map, USGS Quads: Peninsula. Exhibit 2 is a partial copy of aerial imagery, Digital Orthophoto Quarter Quads (“DOQQ”). The Project is located approximately 360 feet south of the bridge crossing the Cuyahoga River in the Sand Run Metro Park. The general layout is shown in Exhibit 3.

The Project will be located in the City of Akron, Summit County Ohio.

Exhibit 4 shows a photograph of the streambank adjacent to the structure foundation and an inset birds-eye view of the Project location. Streambank erosion continues to advance toward the existing structure, putting it at risk of being undercut. The Project and planned construction access have been coordinated with Summit Metro Parks. Exhibit 5 shows planned construction access through the Sand Run Metro Park, using an existing access road that runs from the former golf course to Tower No.672. Improvements to the existing access road will create a permanent recreational trail to the area that is consistent with the Summit Metro Parks' ongoing efforts to develop the Valley View Metro Park.

The Valley View Metro Park is located between Cascade Valley and Sand Run Metro Parks. Once completed, Valley View Metro Park will provide continuous ecological connectivity along the Gorge, Cascade Valley, and Sand Run Metro Parks corridor. Together, these parks form a 1,700-acre natural area that is the second-largest in the Summit system. The access road improvements from this Project will provide future public access along a portion of this corridor.

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

The Project meets the requirements for a Construction Notice 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 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 the replacement of one (1) structure of an existing transmission line with distance less than two miles.

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

The Project is needed to ensure the tower's foundation is not compromised by continuing stream erosion. By replacing the lattice tower with a steel pole on a concrete foundation, the structure can withstand any expected future erosion caused by the adjacent stream.

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 Public Utility Commission of Ohio ("PUCO") in Case No. 17-913-EL-FOR under Rule 4901:5-5:04 (C)(2)(b) of the Ohio Administrative Code. The map is incorporated by reference only. This map shows ATSI's 345 kV and 138 kV transmission lines and transmission substations including the Aetna (West Akron) 138 kV and Babb - West Akron 138 kV Transmission Lines. The Project area is located approximately 9 1/2 inches (11" x 17" printed version) from the left edge of the map and 3 1/2 inches (11" x 17" printed version) from the top of the map. The general location and layout of the Project area is shown in Exhibit 1 and 2.

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

No other alternatives were considered as the Project involves replacing a single existing transmission structure due to localized erosion with a single new structure.

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 Project as necessary. ATSI will maintain a copy of this Construction Notice on FirstEnergy's website. Letters will be sent to affected property owners at least 7 days

before construction begins on the Project informing them of the Project’s start and a proposed timeframe of construction and restoration activities.

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

Construction on this Project is expected to begin as early as February 28, 2018 and be completed by July 16, 2018.

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

Exhibit 1 depicts the general location of the Project. This Exhibit provides a partial copy of the United States Geological Survey, Summit County OH, quadrangle map (USGS Quads: Peninsula). Exhibit 2 provides a partial copy of aerial imagery, DOQQ of the Project area.

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

The Project is located on existing right-of-way and new right-of-way. Table 1 contains a list of property owners effected by the Project.

Table 1: Property Owner List

Parcel Number	Property Owner	Property Address	Easement Status
6763290	Summit County Metro Parks District	Cuyahoga Street, Akron, OH 44303	Amended Existing (To be Obtained)

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
- Conductors (Existing): 477 kcmil 26/7 ACSR “Hawk”
- Static Wire (Existing): 7#8 Alumoweld
- Insulators: Polymer Suspension
- Right-of-way (“ROW”) Width: 100 feet

Structure Type:

Exhibit 6: Steel Light Angle Monopole.

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

The closest occupied residence or institution is approximately 1140 feet from the proposed transmission line centerline therefore no Electric and Magnetic Field (“EMF”) calculations are required by this code provision.

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

The estimated capital cost for the proposed Project is approximately \$1,500,000.

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

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

The Project is located in the City of Akron, Summit County Ohio. The main land use around the Project is for parks and recreation.

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

As part of the investigation, a search of Ohio Historic Preservation Office (“OHPO”) online database was conducted to identify the existence of any significant archeological or cultural resource sites within 0.5 miles of the Project Area. The results of the search are shown in Exhibit 9. The specific location of any archeological resources is excluded from the map and are instead listed in Table 2.

The OHPO database includes 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 eligible sites were identified within 0.5 miles of the Project.

The OHPO database also includes listing of the Ohio Archaeological Inventory (“OAI”), the Ohio Historic Inventory (“OHI”), previous cultural resource surveys, and the Ohio

Genealogical Society (“OGS”) cemetery inventory. Four (4) OAI listed archeological resources have been previously inventoried within 0.5 miles of the Project area and is shown in Table 2. Seven (7) listed structural resources are located within 0.5 miles of the Project area and are shown in Table 3. Three (3) previous cultural resource surveys were conducted within 0.5 miles of the Project area and are provided in Table 4. No OSG cemeteries are located within 0.5 miles of the Project area.

Table 2. List of OAI Listed Archeological Resources

OAI Number	Affiliation	Description	County	Quad Name
SU0225	Prehistoric and Historic	Unknown	Summit	Peninsula
SU0226	Prehistoric	Unknown Woodland	Summit	Peninsula
SU0227	Prehistoric and Historic	Late Woodland, Late Prehistoric	Summit	Peninsula
SU0260	Prehistoric	Unknown	Summit	Peninsula

Table 3. List of OHI Listed Structural Resources

OHI Number	Present Name	Historic Use	County	Municipality
SUM0237312	Skating Rink	Outdoor Entertainment/Recreation	Summit	Akron
SUM0212212	Residence	Single Dwelling	Summit	Akron
SUM0212312	Residence	Single Dwelling	Summit	Akron
SUM0212412	Residence	Single Dwelling	Summit	Akron
SUM0212512	Residence	Single Dwelling	Summit	Akron
SUM0212612	Residence	Single Dwelling	Summit	Akron
SUM0212712	Blower House	Single Dwelling	Summit	Akron

Table 4. List of Previous Cultural & Historic Resource Survey

Year	Name	County	Municipality
1995	Phase I Literature Review and Phase II Locational Reconnaissance for the Riverview Unit Hike and Bike Trail, Northampton and Portage Townships, and the City of Akron, Summit County, OHIO (PID# 13280)	Summit	Northampton & Portage
1990	A Cultural Resource Survey for the Proposed Portage Path Bridge Replacement Project and Pavement Widening in Northampton and Portage Townships, Summit County, Ohio	Summit	Northampton & Portage

None listed	Akron. Phase I Literature Review and Reconnaissance Survey for the Proposed Valley View Bicycle and Pedestrian Trail in the City of Akron, Portage Township, Summit Co, Ohio	Summit	Akron
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As part of the investigation, a request was submitted to the Ohio Historic Preservation Office (“OHPO”) on November 29, 2017 to research the presence of any listed archaeological or historic structures within the Project area.

The OHPO response on December 13, 2017, attached as Exhibit 10, indicates that since the Project involves constructing an access road in the same location where the road exists or previously existed, the Project should not adversely impact any of the historic properties.

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

Table 5 shows the list of government agency requirements and the filing status at the time of filing.

Table 5. List of Government Agency Requirements to be Secured Prior to Construction

Agency	Permit Requirement	Status
City of Akron	Demolition Permit	Obtained
City of Akron	Grading Permit	Will be Obtained
City of Akron	Floodplain Development Permit	Obtained
Summit Metro Parks	Temporary Work Access Agreement	Will be Obtained
Summit County Soil and Water Conservation District	General NPDES Construction Storm Water Permit	Will be Filed
Ohio EPA	General NPDES Construction Storm Water Permit	Will be Filed
USACE	Section 10/Section 404, Nationwide Permit 12	Will be Filed

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

As part of the investigation, a request was submitted to the Ohio Department of Natural Resources-Division of Wildlife (“ONDR”) on August 29, 2017 to research the presence of any endangered, threatened, or rare species within the project area.

The ONDR's response on November 20, 2017, attached as Exhibit 7, indicated that the Project is within the range of the federal species of concern Bald eagle (*Haliaeetus leucocephalus*), and the state potentially threatened Hairy pinweed (*Lechea mucronata*). No impacts to these species are expected due to the Project's location, the type of habitat at the Project site and within the vicinity of the Project area, and the type of work proposed.

The Project is in the range of the Smooth greensnake (*Opheodrys vernalis*), a state endangered species, 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 location, the type of habitat at the Project site and within the vicinity of the Project area, and the type of work proposed, this Project is not likely to impact these species.

Additionally, the Project is within the range of the Iowa darter (*Etheostoma exile*), a state endangered fish, the Pugnose minnow (*Opsopoeodus emiliae*), a state endangered fish, the Western banded killfish (*Fundulus diaphanous menona*), a state endangered fish, and the Lake chubsucker (*Erimyzon sucetta*), a state threatened fish. Since no in-stream work is planned, no adverse effect to these species is anticipated.

The range of a bird species, the state endangered American bittern (*Botaurus lentiginosus*), was identified by ODNR as being within the Project area. This is a ground-nesting bird, nesting preferably 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 prior to May 1 to avoid potential impacts this species.

United States Fish and Wildlife Services ("USFWS") correspondence dated October 31, 2017, attached as Exhibit 8, indicated that there is no federal wilderness area, wildlife refuges or designated critical habitat within the vicinity of the project area.

Both the responses from the ODNR and USFWS indicated that the Project is within the range of the federally endangered Indiana bat (*Myotis sodalis*) and the federally

threatened Northern long-eared bat (*Myotis septentrionalis*). If tree clearing is deemed necessary to support construction it will be scheduled between October 1st and March 31st to avoid impacting potential habitat for either bat species. If this schedule cannot be achieved and the clearing of trees outside of this window is deemed necessary, consultation with ODNR and USFWS will be completed prior to clearing.

In general, because (1) the Project work limits are within the existing maintained transmission line corridor and an additional 30 feet of right-of-way width; (2), the construction site will be accessible via existing and rebuilt access roads, which will be used by Summit Metro Parks as a recreational trail after the Project is complete; (3), the majority of the access road will be located on a recently closed golf course and along an abandoned public road; and (4), overall ecological and threatened and endangered species impacts are expected to be minimal. ATSI is also coordinating with Summit Metro Parks on the Project.

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

The Project work limits associated with the tower replacement are within the existing maintained transmission line corridor and within the additionally acquired 30 feet wide right-of-way.

The proposed Project will result in permanent impacts to 0.1-acre of palustrine forested wetland as a result of the permanent service road/recreational trail and 0.2-acre of palustrine emergent wetland as a result of the construction of a work pad associated with the tower replacement. Approximately 30 feet of perennial stream will be impacted as a result of expanding an existing culvert.

Wetland impacts have been minimized to the maximum extent practicable as the alignment follows a relic road bed which crosses the palustrine forested wetland at its narrowest point. Impacts to the palustrine emergent wetland were deemed unavoidable due to the location of the Structure #672 and the adjacent wetland area. Off-site mitigation will be secured for individual wetland impacts that exceed 0.1-acre. A pre-construction notification pursuant to Section 404 of the Clean Water Act will be

submitted to the U.S. Army Corps of Engineers, Buffalo District for the wetland impacts. This notification will also serve as the application pursuant to Section 10 of the Rivers and Harbors Act for the aerial crossing of the Cuyahoga River.

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 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 is being provided concurrently with its docketing with the Board to the following officials in the City of Akron, Summit County, Ohio.

Summit County

Mr. John Schmidt, President
Summit County Council
175 South Main Street
Akron, OH 44308

Ms. Paul Prentice, Vice President
Summit County Council
175 South Main Street
Akron, OH 44308

Ms. Ilene Shapiro
Summit County Executive
175 South Main Street, 7th Floor
Akron, OH 44308

Mr. Alan Brubaker, P.E., P.S.
Summit County Engineer
538 East South Street
Akron, OH 44311-1843

Mr. Allen Mavrides, Chairperson
Summit Planning Commission
175 South Main Street, 7th Floor
Akron, OH 44308

Mr. Brian Punty, District Admin.
Summit Conservation District
1180 South Main Street #241
Akron, OH 44301

Mr. Ron Koehler
Summit County Council, District 1
175 South Main Street, Suite 700
Akron, OH 44308

City of Akron

Mr. Rich Swirsky
Akron City Council, Ward 1
183 North Highland Ave.
Akron, OH 44303

Mr. Bob Keith,
Clerk of Council
166 S. High Street, Room 301
Akron, OH 44308

Ms. Margo Sommerville,
Vice President
Akron City Council
276 Mill Creek Dr.
Akron, OH 44307

Mr. James Andrew Hewitt, P.E.
City Engineer
166 S. High St. Rm. 701
Akron, OH 44308

Ms. Marilyn Keith, President
Akron City Council
585 Winslow Ave.
Akron, OH 44313

Ms. Michelle DiFiore, PE, PMP
Interim Environmental Division
Manager
166 S. High St. Rm. 701
Akron, OH 44308

Libraries

Ms. Valerie Kosin,
Library Director
Cuyahoga Falls Library
2015 Third Street
Cuyahoga Falls, OH 44221

Mr. David Jennings, Director
Akron-Summit County Public Library
60 South High Street,
Akron, OH 44326

Copies of the transmittal letters to these officials have been included with this Application as proof of compliance with OAC Rule 4906-6-07 (B) and to provide the Board with proof of notice to local officials as required by OAC Rule 4906-6-07 (A)(1) and to libraries per OAC Rule 4906-6-07 (A)(2).

Information is posted at 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 to meet the requirements of OAC Rule 4906-6-07 (B) and to provide the Board with proof of compliance with the notice requirements in OAC Rule 4906-6-07 (A)(3).

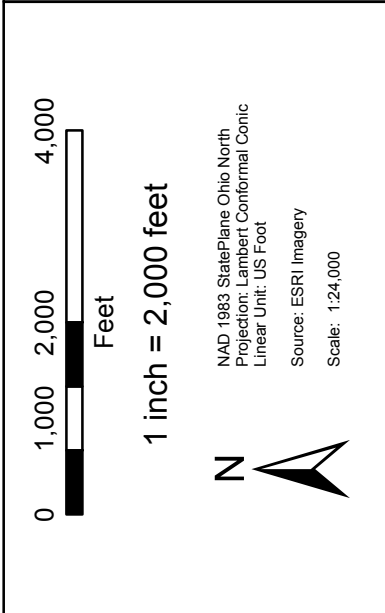
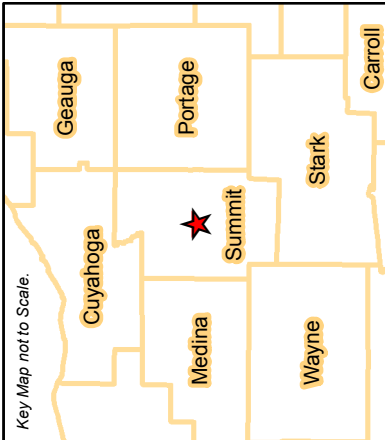
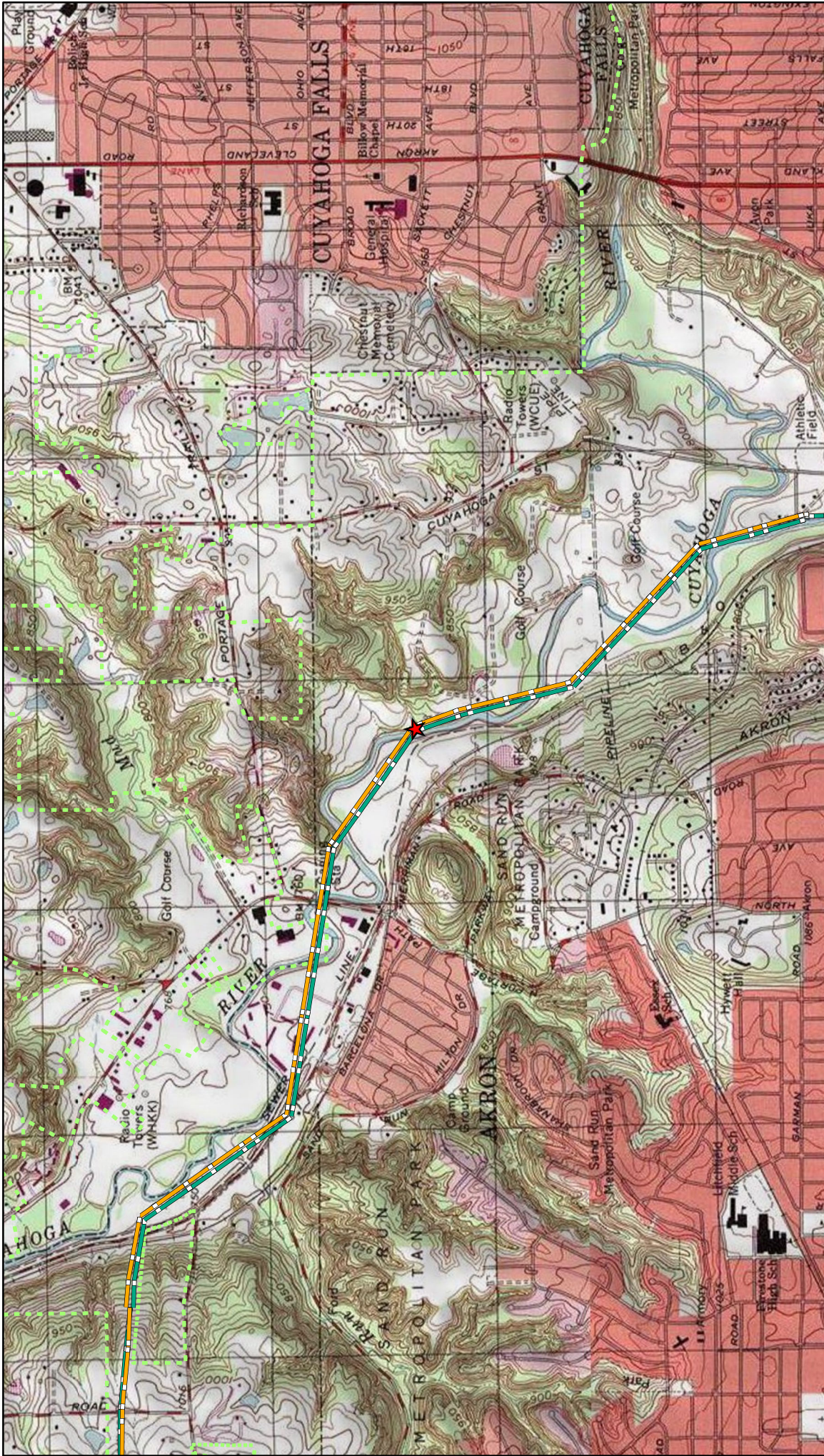
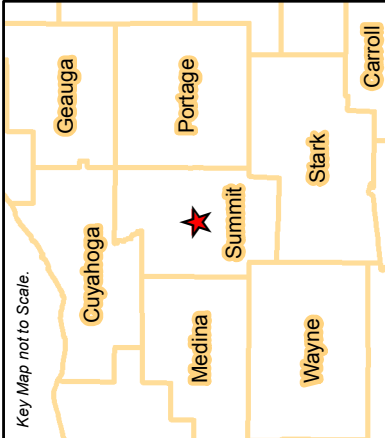
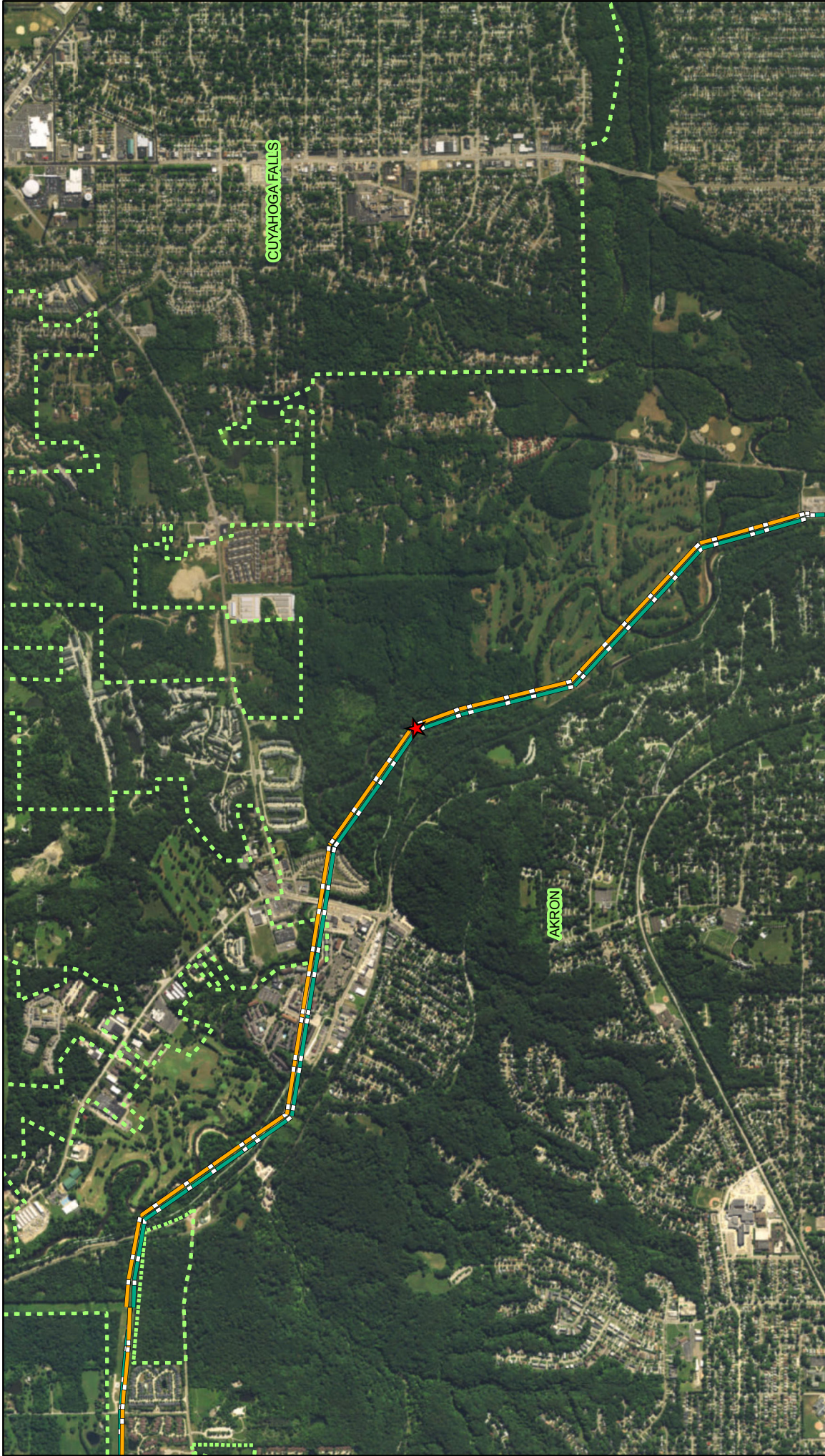


EXHIBIT 1

Aetna (West Akron) and Babb-West Akron 138 kV Transmission Line Structure Replacement Project

Municipality: Akron
 County: Summit
 State: Ohio
 USGS Quads: Peninsula



Legend

- ★ Project Location
- Babb-West Akron 138 kV
- Aetna (West Akron) 138 kV
- - - Municipality Boundary
- - - County Boundary

0 1,000 2,000 4,000
Feet

1 inch = 2,000 feet

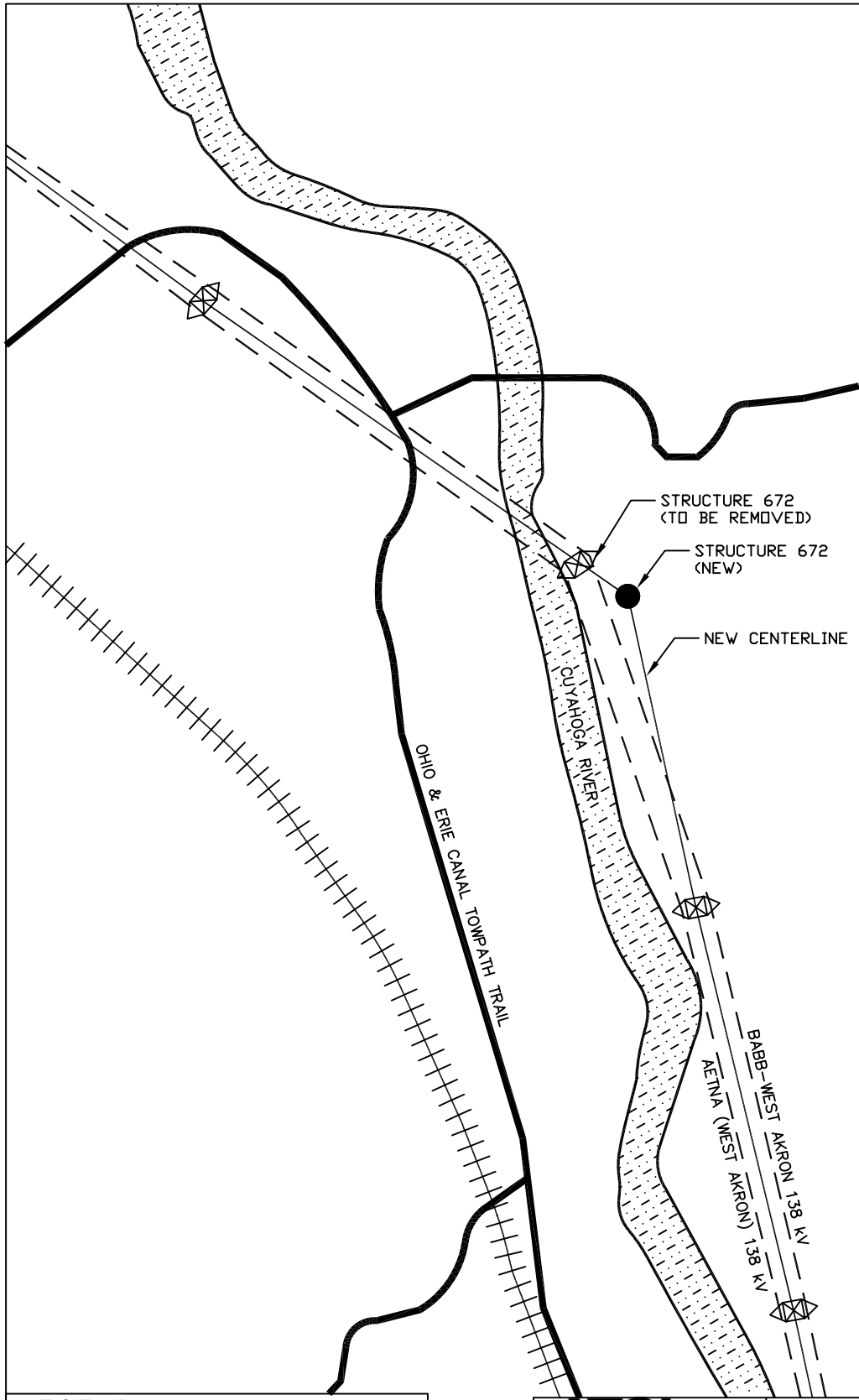
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NAD 1983 StatePlane Ohio North
Projection: Lambert Conformal Conic
Linear Unit: US Foot
Source: ESRI Imagery
Scale: 1:24,000

EXHIBIT 2
Aetna (West Akron) and
Babb-West Akron 138 kV
Transmission Line Structure
Replacement Project

Municipality: Akron
County: Summit
State: Ohio
USGS Quads: Peninsula

CITY OF AKRON
SUMMIT COUNTY
STATE OF OHIO



LEGEND

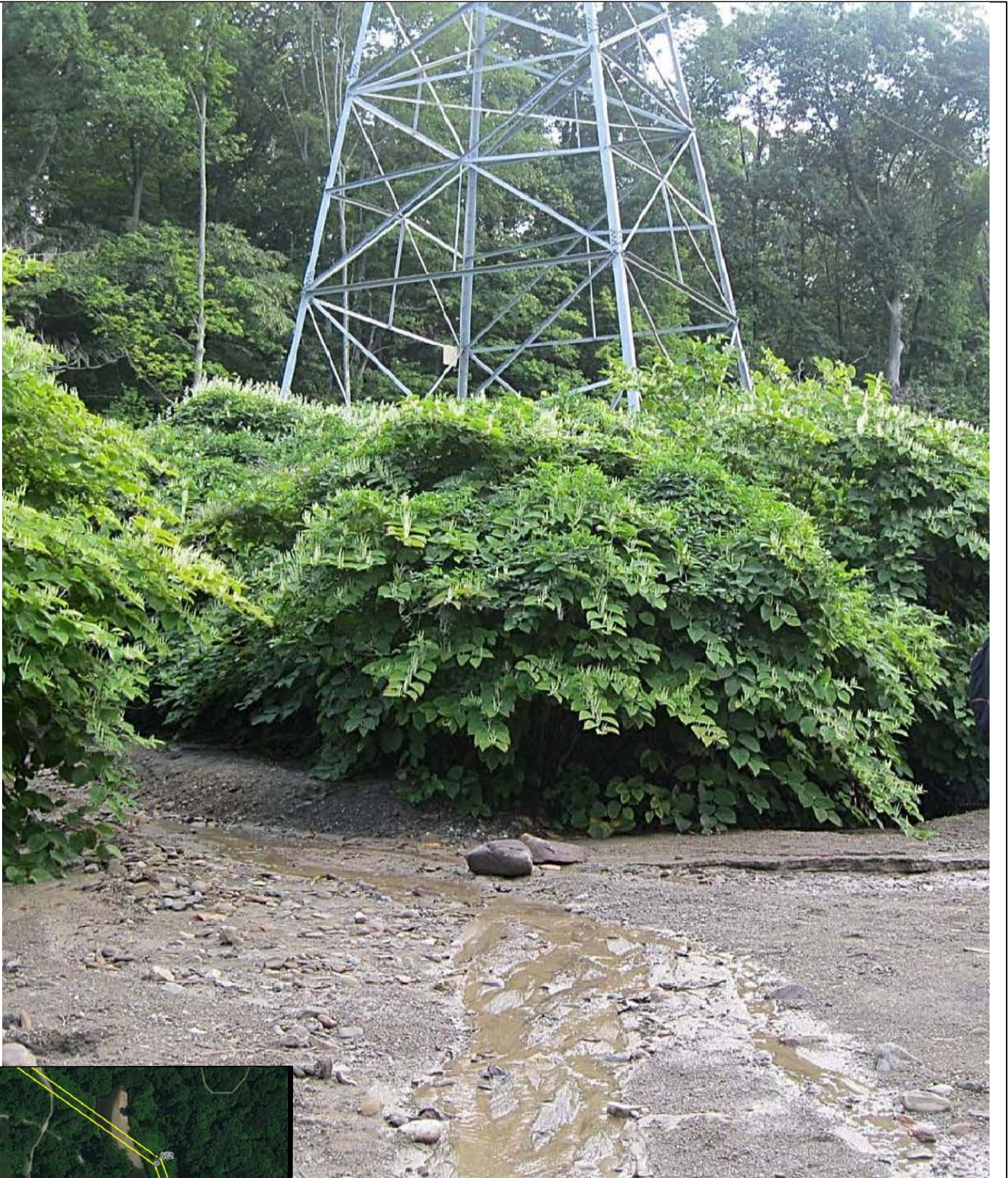
- EXISTING CONDUCTOR
- ◊ EXISTING STEEL LATTICE TOWER
- NEW SINGLE STEEL POLE
- EXISTING ROADS
- ++++ RAILROAD
- ▨ EXISTING RIVER



AETNA (WEST AKRON) 138 kV &
BABB - WEST AKRON 138 kV
TRANSMISSION LINES STRUCTURE REPLACEMENT
PROJECT

GENERAL LAYOUT

EXHIBIT 3



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

AETNA (WEST AKRON) 138 kV &
BABB-WEST AKRON 138 kV
TRANSMISSION LINES STRUCTURE REPLACEMENT
PROJECT

TOWER No. 672

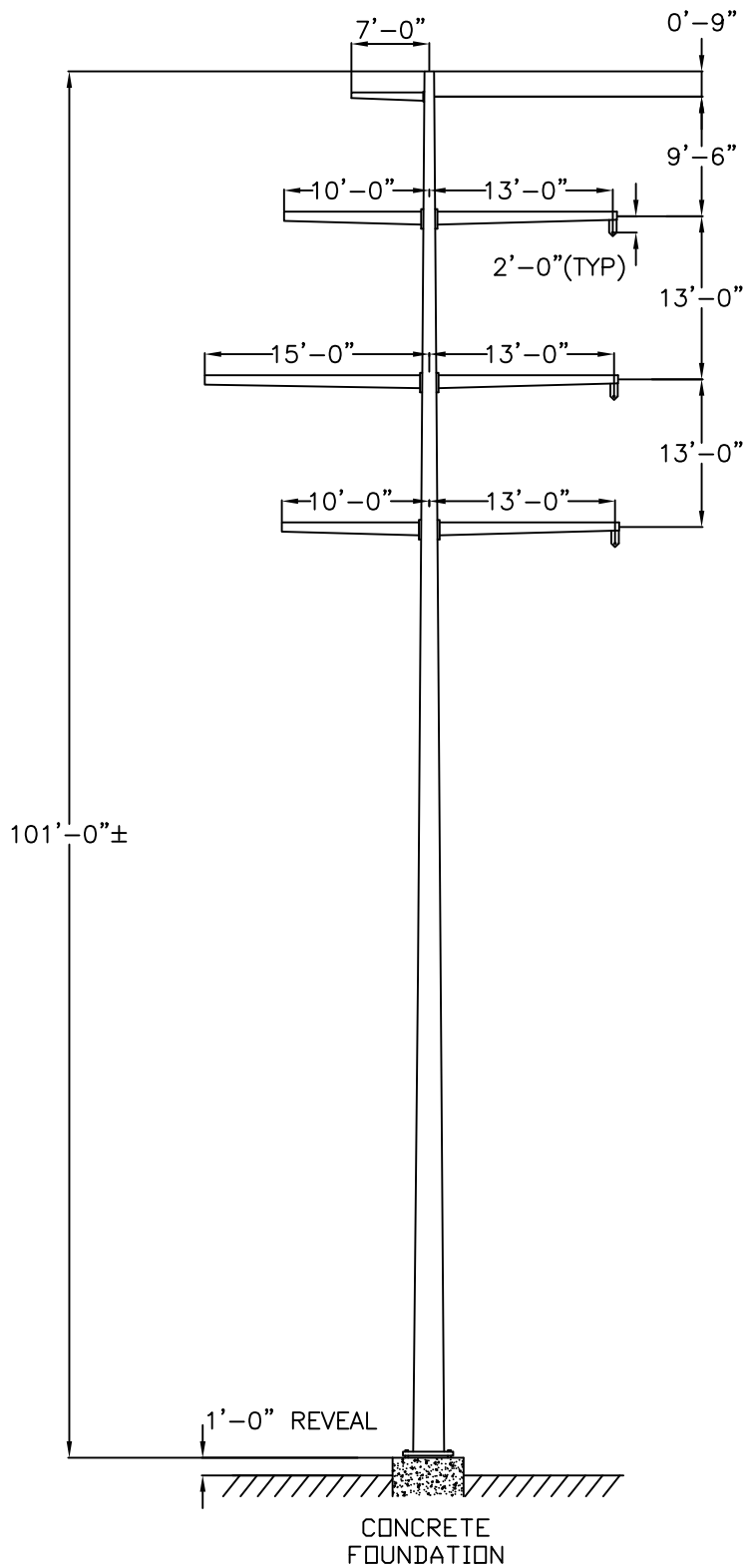
EXHIBIT 4

EXHIBIT 5

TOWER 672 PRELIMINARY ACCESS ROAD

SCALE: 1"=200'-0"





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

AETNA (WEST AKRON) 138kV
 BABB-WEST AKRON 138kV
 TRANSMISSION LINES
 STRUCTURE REPLACEMENT PROJECT

138 kV LIGHT ANGLE STEEL MONOPOLE
 TOWER No. 672 REPLACEMENT STRUCTURE

NOT TO SCALE

EXHIBIT 6



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

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

November 20, 2017

Nataliya Bryksenkova
FirstEnergy Corp.
76 South Main St.
Akron, Ohio 44308

Re: 17-679; Aetna (West Akron) -Babb-West Akron 138 kV Structure Replacement

Project: The proposed project involves the in-place replacement of one structure (#672) with a different type of structure due to erosion of the ground under the structure.

Location: The proposed project is located in the City of Akron, Summit 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:

Hairy pinweed (*Lechea mucronata*), P
Bald eagle (*Haliaeetus leucocephalus*), FSC
Cuyahoga Valley National Park – National Park Service
Cascade Valley Metro Park – Metroparks Serving Summit Co.
Sand Run Metro Park – Metroparks Serving Summit Co.

The review was performed on the project area specified in the 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.

The project is within the range of the Iowa darter (*Etheostoma exile*), a state endangered fish, the pugnose minnow (*Opsopoeodus emiliae*), a state endangered fish, the western banded killifish (*Fundulus diaphanus menona*), a state endangered fish, and the lake chubsucker (*Erimyzon sucetta*), a state threatened fish. The DOW recommends no in-water work in perennial streams from April 15 to June 30 to reduce impacts to indigenous aquatic species and their habitat. If no in-water work is proposed in a perennial stream, this project is not likely to impact these or other aquatic 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 habitat at the project site and within the vicinity of 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 smooth greensnake (*Opheodrys vernalis*), a state endangered species. This species is primarily a prairie inhabitant, but also found in marshy meadows and roadside ditches. Due to the location, the type of habitat at the project site and within the vicinity of 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 American bittern (*Botaurus lentiginosus*), a state endangered bird. Nesting bitterns prefer large undisturbed wetlands that have scattered small pools amongst dense vegetation. They occasionally occupy bogs, large wet meadows, and dense shrubby swamps. 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.

The project is within the range of the black bear (*Ursus americanus*), a state endangered species. Due to the mobility of this species, the 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/portals/soilwater/pdf/floodplain/Floodplain%20Manager%20Community%20Contact%20List_8_16.pdf

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



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



TAILS# 03E15000-2018-TA-0125 (B&V No. 195387)

Dear Mr. Richter,

We have received your recent correspondence requesting information about the subject proposal. There are no federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area. 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 ≥ 3 inches 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 ≥ 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 ≥ 3 inches dbh cannot be avoided, we recommend that removal of any trees ≥ 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 <http://www.fws.gov/midwest/endangered/mammals/nleib/index.html>), 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. We recommend that 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.

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 questions, or if we can be of further assistance in this matter, please contact our office at (614) 416-8993 or ohio@fws.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Everson".

Dan Everson

Field Supervisor

cc: Nathan Reardon, ODNR-DOW

Kate Parsons, ODNR-DOW

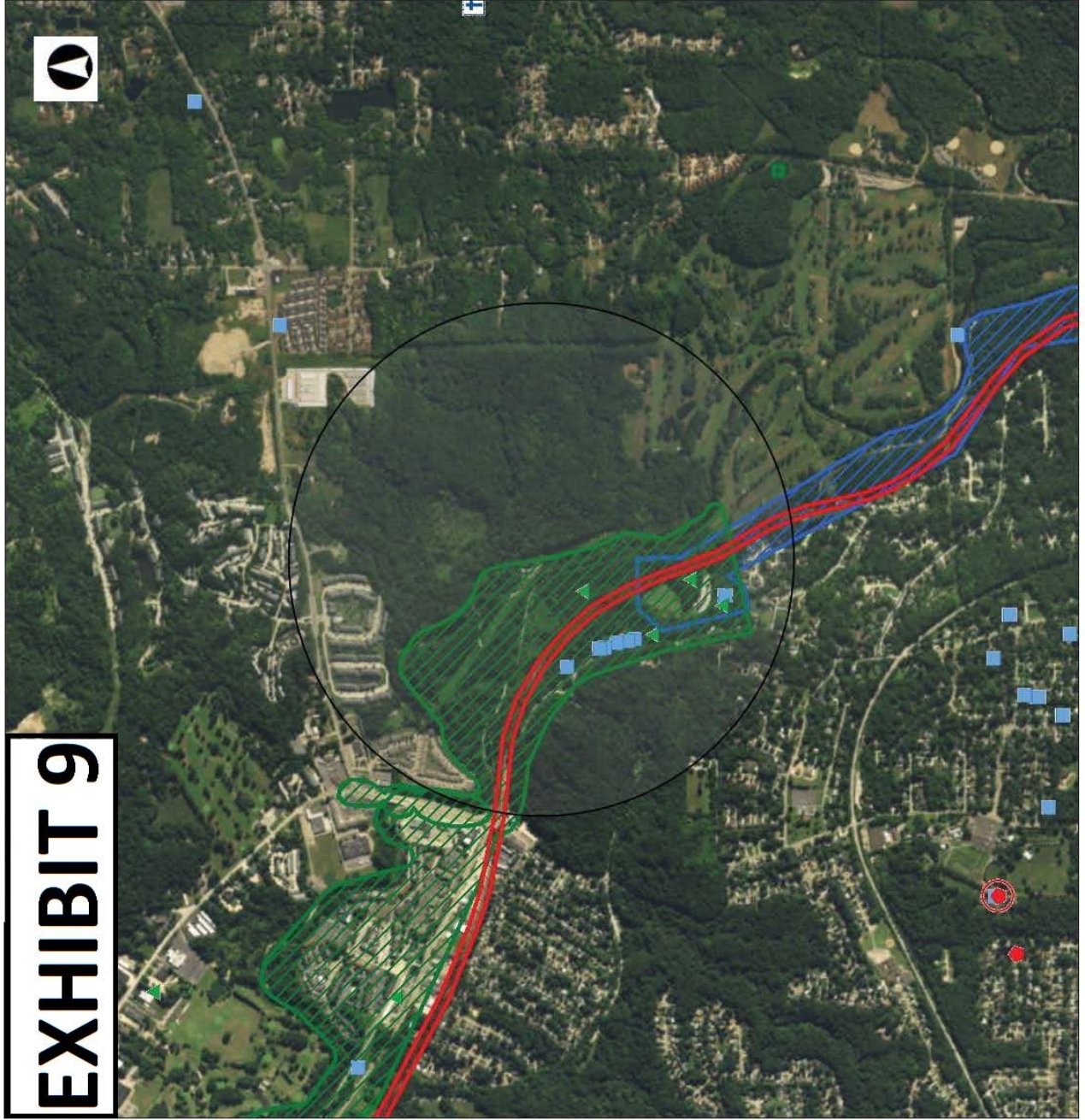


EXHIBIT 9



Legend

NR Listings
 Listed
 National Historic Landmark
 Delisted

NR Determinations of Eligibility
 Archaeological Sites
 Historic Structures
 Historic Bridges
 Historic Tax Credit Projects
 OGS Cemeteries

Confident
 Not Confident

Dams
 UTM Zone Split
 NR Boundaries
 OAI Site Boundaries
 Phase1
 Phase2

0 0.30 0.61 Miles

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Datum: [Datum]
 Projection: WGS_1984_Web_Mercator_Auxiliary_Sphere





In reply refer to:
2017-SUM-40517

December 13, 2017

John Richter, Biologist
Black & Veatch
11401 Lamar Avenue
Overland Park, KS 66211

Re: Tower Relocation of Pole 672, Cascade Valley Metro Park, City of Akron, Summit County, Ohio

Dear Mr. Richter:

This letter is in response to the report *Phase I Archaeology Survey for the FirstEnergy Tower Relocation of Pole 672*, received by this office on November 29, 2017. The comments of the State Historic Preservation Office are made pursuant to Section 149.53 of the Ohio Revised Code and Ohio Power Siting Board rules for siting this project (OAC 4906) and in accordance with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended, and the associated regulations at 36 CFR Part 800.

Project documentation indicates that FirstEnergy plans to remove and relocate Pole 672, an existing transmission line pole that is in danger of being undercut by the Cuyahoga River. The project includes use of a small laydown area near the existing pole and construction of a 5,879-foot long and 100-foot wide access road. The proposed access road either follows existing roadways or will be located along the roadbed of a former roadway. The pole will be relocated a short distance from its existing location.

Commonwealth Heritage Group (CHG) conducted an archaeological survey of the direct area of potential effects (APE), which encompasses about 14 acres, using visual inspection, pedestrian survey, and subsurface testing methods. Much of the area had been previously investigated by staff from Summit Metro Parks, but the results of those investigations had not been reported to this office. CHG identified one historic archaeological site within the APE – the Johnson House site, 33SU680. Identified components of the site consist of a house foundation outside of the APE and artifacts recovered from one shovel test pit within the APE. The artifacts include four pieces of clear glass and two whiteware rim sherds. I agree with CHG's recommendations that the portion of the site within the APE does not appear eligible for listing on the National Register of Historic Places. If the scope of the project changes such that impacts may occur to the portions of the Johnson House site outside of the current APE, additional work will be necessary to assess the eligibility of the Johnson House site. With the assistance of Summit Metro Parks staff, CHG also identified and documented several house foundations and a red barn adjacent to the project's

Mr. John Richter
December 13, 2017
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APE. Since the project involves constructing an access road in the same location where a road exists or previously existed, the project should not adversely impact any of these resources.

Based on the submitted information, it is my opinion that the project will not affect historic properties. Please be advised that this is a Section 106 decision. This review decision may not extend to other SHPO programs. No further coordination is required for this project unless the scope of work changes or archaeological remains are discovered during the course of the project. In such a situation, this office should be contacted as per 36 CFR § 800.13.

If you have any questions, please contact me at kkennedy@ohiohistory.org or (614) 298-2000.

Thank you for your cooperation.

Sincerely,



Kendra Kennedy, Project Reviews Manager
State Historic Preservation Office

cc: William Beach, FirstEnergy
Auggie Ruggiero, FirstEnergy
Anne Lee, CHG

Serial No. 1071428