

Letter of Notification for the Tree City 138 kV Station and Ebersole- Fostoria Central 138 kV Transmission Line Cut- in Project



PUCO Case No. 26-0795-EL-BLN

Submitted to:
The Ohio Power Siting Board
Pursuant to Ohio Administrative Code
Section 4906-6-05

Submitted by:
AEP Ohio Transmission Company, Inc.

September 1, 2026

LETTER OF NOTIFICATION FOR THE TREE CITY 138 KV STATION AND EBERSOLE-FOSTORIA CENTRAL
138 KV TRANSMISSION LINE CUT-IN PROJECT

LETTER OF NOTIFICATION

AEP Ohio Transmission Company, Inc.

Tree City 138 kV Station and Ebersole-Fostoria Central 138 kV Transmission Line
Cut-in Project

4906-6-05 Accelerated Application Requirements

AEP Ohio Transmission Company, Inc. (the Company) provides the following information to the Ohio Power Siting Board (OPSB) in accordance with the accelerated application requirements of Ohio Administrative Code Section 4906-6-05.

4906-6-05(B) General Information

B(1) Project Description

Provide the name of the project and applicant's reference number, names and reference number(s) of resulting circuits, a brief description of the project, and why the project meets the requirements for a letter of notification or construction notice application.

The Company is proposing the Tree City 138 kV Station and Ebersole-Fostoria Central 138 kV Transmission Line Cut-in Project (the "Project") located in Washington Township, Hancock County, Ohio. The purpose of the Project is to provide interconnection service to South Branch Solar, LLC, an Independent Power Producer (IPP). The Project has been assigned PJM Queue Number AF2-375. The 138 kV Tree City Station will be approximately 1.1 acres and receive looped service from the Ebersole-Fostoria Central 138 kV transmission line located immediately south of the station site. Three structures will be added to cut into the Ebersole-Fostoria Central 138 kV transmission line. No new right-of-way will be required for the cut-in structures, and approximately 0.1 miles of 138 kV line will be looped through Tree City Station. The Tree City-South Branch Solar 138 kV generation tie line will extend less than 0.1 mile from Tree City Station to a Point of Interconnection (POI) pole just outside the station fence and is included in this application. Tree City Station and portions of the transmission lines will be built on land under option for purchase by the IPP that will be transferred to the Company. The IPP will grant easements to the Company for the remaining portions of the transmission lines on their overall property. No easements from landowners other than the Company or IPP will be required. The IPP will construct a 138 kV line from their station to the POI structure, and will be handled separately by the IPP. The location of the Project is shown on **Figure 1 and Figure 2 of Appendix A**.

The Project meets the requirements for a LON because it is within the types of projects defined by item 3 of Ohio Administrative Code Section 4906-1-01 Appendix A of the Application Requirement Matrix for Election Power Transmission Lines, with items 1(d)(i) and 3 applicable to the transmission line cut-in and extensions:

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(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:

(d) Line(s) primarily needed to attract or meet the requirements of a specific customer or customers, as follows:

(i) The line is completely on the property owned by the specific customer or the applicant.

(3) Construction of a new electric power transmission substation.

The Project has been assigned Case No. 26-0795-EL-BLN.

B(2) Statement of Need

If the proposed project is an electric power transmission line or gas pipeline, the applicant provide a statement explaining the need for the proposed facility.

South Branch Solar plans to build a 129.6 maximum facility output (MFO) (77.76 MW capacity) solar generating facility. As part of the AF2-375 IPP interconnection service agreement, the company will be required to install a cut-in to the Ebersole-Fostoria Central 138kV transmission line and install approximately 0.1 miles of 138kV line to connect to the Tree City.

Failure to move forward with the proposed Project will result in the Company's inability to serve the customer's generation interconnection request, thereby jeopardizing the customer's required in-service date per the FERC approved Interconnection Service Agreement.

Ohio Substitute House Bill 15, effective in August 2025, requires applicants for certificates of environmental compatibility and public need for the construction of new transmission lines to submit a summary of studies that have been made by or for the applicant of cost-effective advanced transmission technologies that maximize the value, expand the capacity, or improve the reliability of the facility. R.C. 4906.06(A)(7). The statutory definition of advanced transmission technology includes advanced conductors, defined as "conductor with a direct current electrical resistance that is at least ten per cent lower than existing conductors of a similar diameter on the electric transmission system while simultaneously increasing the energy carrying capacity by at least seventy-five per cent." R.C. 4906.01(N). In subsequent rulemaking, the Ohio Power Siting Board determined that the advanced transmission technology requirements in Substitute House Bill 15 are inapplicable to short, gen-tie lines. In the Matter of the Consideration of Ohio Power Siting Board Rules, as Required by Substitute House Bill Number 15, Case No. 25-757-GE-BRO, Finding and Order, ¶ 9 (Nov. 20, 2025). Due to the short nature of the Project and that substations are exempt, the Company determined that no advanced transmission technologies as defined by the Revised Code are required or would be cost-effective to implement.

LETTER OF NOTIFICATION FOR THE TREE CITY 138 KV STATION AND EBERSOLE-FOSTORIA CENTRAL 138 KV TRANSMISSION LINE CUT-IN PROJECT

The Project is assigned to the PJM Network upgrade number n8783. The Board has approved the generating facility (Case # 21-0669-EL-BGN). The Project was included on Page 23 of the Company's 2026 Long Term Forecast Report (LTFR) as provided in **Appendix B**.

B(3) Project Location

Provide the location of the project in relation to existing or proposed lines and substations shown on an area system map of sufficient scale and size to show existing and proposed transmission facilities in the project area.

The location of the Project in relation to existing transmission lines and substations is shown on **Figure 1**, in **Appendix A**.

B(4) Alternatives Considered

Describe the alternatives considered and reasons why the proposed location or route is best suited for the proposed facility, including but not be limited to, impacts associated with socioeconomic, ecological, construction, or engineering aspects of the project.

The Project is located on land currently under option by the IPP. Based on the IPP's proposed development and existing facilities in the area, the proposed location is the most suitable and least impactful for the Project. Other alternatives would require impacting neighboring properties and would add additional transmission length to the associated projects without any additional benefit. No impacts to wetlands, streams, or cultural resources or tree clearing are anticipated. Therefore, this alternative represents the most suitable location and is the most appropriate solution for meeting the Company and IPP's needs in the area.

B(5) Public Information Program

Describe its public information program to inform affected property owners and residents of the nature of the project and the proposed timeframe for project construction and restoration activities.

The Company will inform adjacent property owners and tenants about this Project through several different mediums. Within seven days of filing this LON, the Company will issue a public notice in a newspaper of general circulation in the Project area. The notice will comply with all requirements of Ohio Revised Code ("OAC") Section 4906-6-08(A)(1-6). Further, the Company has mailed (or will mail) a letter, via first class mail, to contiguous owners and tenants. The letter will comply with all requirements of OAC Section 4906-6-08(B). The Company maintains a website (<http://AEPOhio.com/OPSBFilings/>) which provides the public access to an electronic copy of this LON and the public notice for this LON. An electronic copy of the LON will be served to the public library in each political subdivision for this Project. The Company retains ROW land agents that discuss Project timelines, construction and restoration activities and convey information to affected owners and tenants throughout the Project.

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B(6) Construction Schedule

Provide an anticipated construction schedule and proposed in-service date of the project.

Construction of the Project is planned to begin in January 2027 with an anticipated in-service date of December 2027.

B(7) Area Map

Provide a map of at least 1:24,000 scale clearly depicting the facility and proposed limits of disturbance with clearly marked streets, roads, and highways, and an aerial image.

Figure 1 in **Appendix A**, identifies the location of the Project area on a United States Geological Survey 1:24,000 topographic map of the Lynchburg, Ohio quadrangle. **Figure 2** in **Appendix A** displays the Project components on a 2023 aerial photograph.

B(8) Property Agreements

Provide a list of properties for which the applicant has obtained easements, options, and/or land use agreements necessary to construct and operate the facility and a list of the additional properties for which such agreements have not been obtained.

A list of properties required for the Project are provided in **Table 1**, below.

Table 1 – Property Agreements

Property Parcel Number	Agreement Type	Easement or Option Obtained (Yes/No)
510001014647	Property under option by IPP. Tree City Station portion to be transferred to Company. Easements to be granted for remaining portions of transmission lines.	No. To be obtained prior to construction.

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B(9) Technical Features

Describe the following information regarding the technical features of the project:

B(9)(a) Operating characteristics, estimated number and types of structures required, and right-of-way and/or land requirements.

The equipment and facilities to be installed for the Project are anticipated to include the following:

Substation

1 – 16x27ft Drop-in Control Module
3 – 138kV Circuit Breakers

Transmission Lines

The transmission lines are estimated to include the following:

Ebersole-Fostoria Central Cut-in

Voltage: 138kV
Conductors: (3) 795 kcmil 26/7 ACSR “Drake”
Static Wire: (1) .646 OPGW and (1) 7#8 Alumoweld
Insulators: Polymer
ROW Width: 100 feet
Structure Type: Three (3) single circuit, steel monopole dead ends

Tree City-South Branch Solar Tie Line

Voltage: 138kV
Conductors: (3) 795 kcmil 26/7 ACSR “Drake”
Static Wire: (2) .646 OPGW
Insulators: Polymer
ROW Width: 100 feet
Structure Type: One (1) single circuit, steel monopole dead end

B(9)(b) Electric and Magnetic Fields

For electric power transmission lines that are within one hundred feet of an occupied residence or institution, the production of electric and magnetic fields during the operation of the proposed electric power transmission line.

No occupied residences or institutions are located within 100 feet of the Project.

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B(9)(c) Project Cost

The estimated capital cost of the project.

The cost estimate for the proposed Project, which is comprised of applicable tangible and capital costs, is approximately \$13,100,000 based on a Class 3 estimate. The costs for this Project will be recovered through total reimbursement by the IPP.

B(10) Social and Ecological Impacts

The applicant shall describe the social and ecological impacts of the project:

B(10)(a) Land Use

Provide a brief, general description of land use within the vicinity of the proposed project, including a list of municipalities, townships, and counties affected.

The Project location is in an area of agricultural use, primarily for row crops, with scattered residences in the vicinity. Significant portions of the vicinity have been optioned for construction of a solar generation facility. An aerial photograph of the Project vicinity is provided as **Figure 2**. The Project is mapped within Washington Township in Hancock County. No tree clearing is anticipated as part of the Project.

B(10)(b) Agricultural Land

Provide the acreage and a general description of all agricultural land, and separately all agricultural district land, existing at least sixty days prior to submission of the application within the potential disturbance area of the project.

The Project Area is agricultural land planned for development of a solar generation facility. The dominant agricultural use appears to be row crops (i.e. soybeans and corn). Approximately 7.1 acres of agricultural land will be transferred from the IPP to the Company for the Project and will be converted from agricultural use.

Based on communication with the Hancock County Auditor's office on August 18, 2026, there are no agricultural district parcels or Ohio Department of Agricultural easements within the potential disturbance area of the Project.

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B(10)(c) Archaeological and Cultural Resources

Provide a description of the applicant’s investigation concerning the presence or absence of significant archaeological or cultural resources that may be located within the potential disturbance area of the project, a statement of the findings of the investigation, and a copy of any document produced as a result of the investigation.

A cultural resource literature review was conducted by the Company’s consultant in July 2026. Correspondence from the State Historic Preservation Office (“SHPO”) was received in July 2026, see **Appendix B**. The SHPO stated that that the Project will have no adverse effect on historic properties and that no further archaeological work is necessary.

B(10)(d) Local, State, and Federal Agency Correspondence

Provide a list of the local, state, and federal governmental agencies known to have requirements that must be met in connection with the construction of the project, and a list of documents that have been or are being filed with those agencies in connection with siting and constructing the project.

A summary of anticipated permits and authorizations for the Project is provided in the **Table 2**, below. There are no other known local, state, or federal requirements that must be met prior to commencement of the Project.

Table 2 – Anticipated Permits

Permit/Authorization/Coordination	Agency	Date
General Permit OHCOO06 (Storm Water Pollution Prevention Plan)	Ohio Environmental Protection Agency	Expected Fall 2026
Notice Criteria	Federal Aviation Administration	Coordination complete 6/18/2026. Not required to file notice with FAA.
Clean Water Act Section 404/401	United States Army Corps of Engineers	Not Applicable
	Ohio Environmental Protection Agency	
Archaeology/Architectural	Ohio Historic Preservation Office	Coordination complete 7/13/2026. No additional work required.
Threatened and Endangered Species	United States Fish and Wildlife Service	Consultation complete 6/23/2026
Threatened and Endangered Species	Ohio Department of Natural Resources	Consultation complete 7/9/2026

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B(10)(e) Threatened, Endangered, and Rare Species

Provide a description of the applicant's investigation concerning the presence or absence of federal and state designated species (including endangered species, threatened species, rare species, species proposed for listing, species under review for listing, and species of special interest) that may be located within the potential disturbance area of the project, a statement of the findings of the investigation, and a copy of any document produced as a result of the investigation.

As part of the ecological study completed for the Project, coordination letters were submitted to the United State Fish and Wildlife Service (USFWS) and the Ohio Department of Natural Resources (ODNR) Ohio Natural Heritage Program (ONHP) and Division of Wildlife (DOW), seeking an environmental review of the Project for potential impacts to state and/or federally protected species. USFWS and ODNR provided responses on June 23, 2026 and July 9, 2026, respectively. Copies of the agencies' responses are presented in **Appendix C**.

Appendix D provides the full evaluation of the federal and state threatened or endangered species for the Project area.

No trees or other threatened, endangered, or rare species habitat is present on the Project property. Based on the nature of the proposed Project activities and habitat characteristics of the surrounding vicinity, construction impacts to protected species are not anticipated.

B(10)(f) Areas of Ecological Concern

Provide a description of the applicant's investigation concerning the presence or absence of areas of ecological concern (including national and state forests and parks, floodplains, wetlands, designated or proposed wilderness areas, national and state wild and scenic rivers, wildlife areas, wildlife refuges, wildlife management areas, and wildlife sanctuaries) that may be located within the potential disturbance area of the project, a statement of the findings of the investigation, and a copy of any document produced as a result of the investigation.

The IPP's consultant completed a delineation for a larger area that included the Project footprint. No wetlands, streams, or ponds were delineated during survey of the Project portion of the IPP survey, and therefore construction activities will not result in discharge of fill in any streams or wetlands. The delineation was verified by the United States Army Corps of Engineers (USACE) (LBR-2025-00619) on August 29, 2025 (**Appendix E**).

Based on a review of the Protected Areas Database of the United States as well as the Conservation Easement Database, there are no state or national parks, forests, wildlife areas or mapped conservation easements in the vicinity of the Project.

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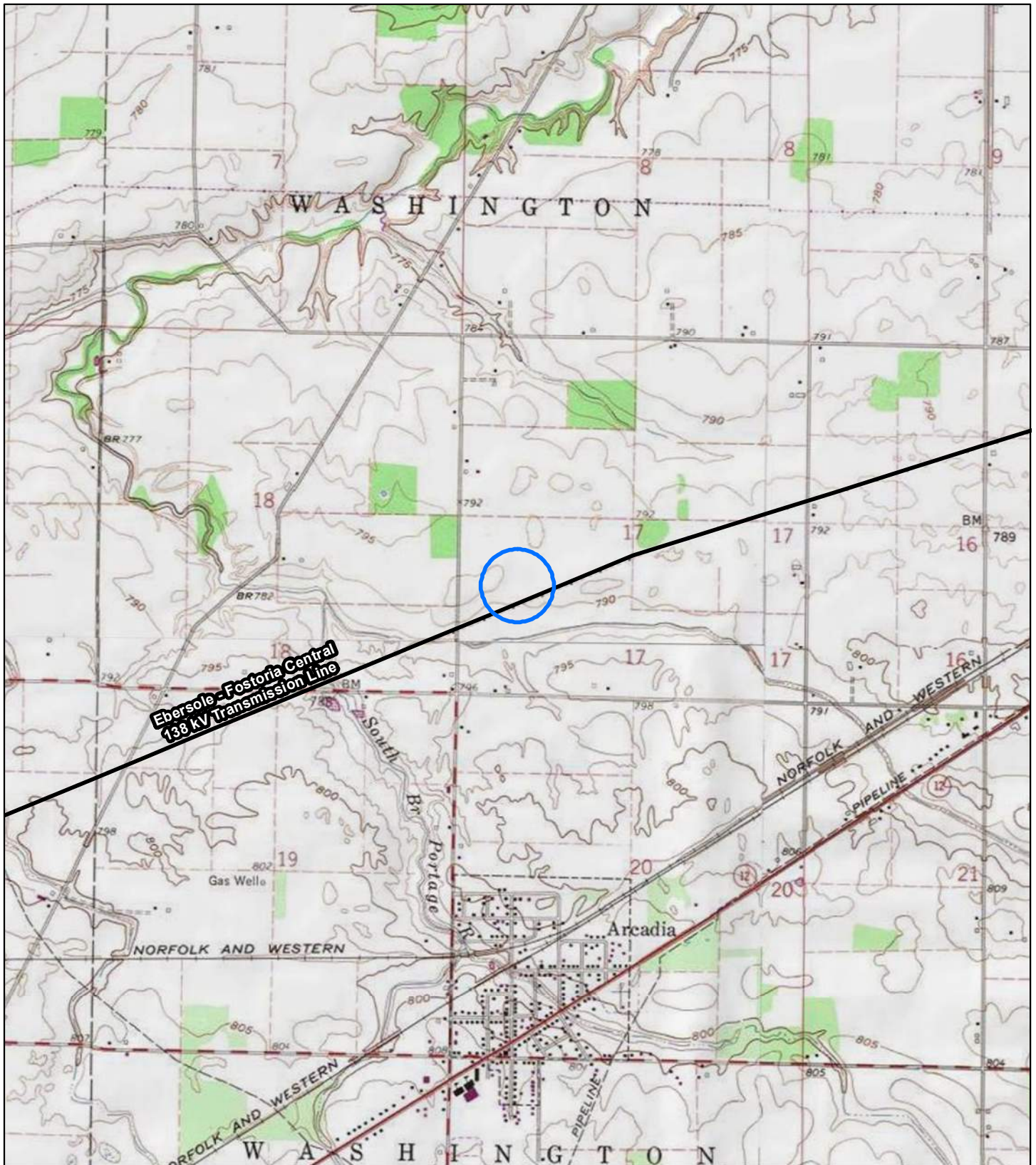
The FEMA Flood Insurance Rate Map (“FIRM”) was reviewed to identify any floodplains/flood hazard areas that have been mapped within the Project Area (specifically, map number 39173C0420D). Based on this mapping, no FEMA-designated 100-year floodplains are mapped across the Project’s areas of disturbance. No floodplain permitting is necessary.

B(10)(g) Unusual Conditions

Provide any known additional information that will describe any unusual conditions resulting in significant environmental, social, health, or safety impacts.

To the best of the Company’s knowledge, no unusual conditions exist that would result in significant environmental, social, health, or safety impacts.

Appendix A Project Maps



Legend:

- Project Area
- Existing Transmission Line

Data Sources:
ESRI USA Topographic Maps
Bloomdale and Arcadia, Ohio

Ohio State Plane South
NAD 1983



August 13, 2026

PROJECT LOCATION

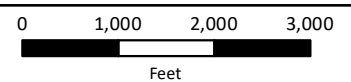


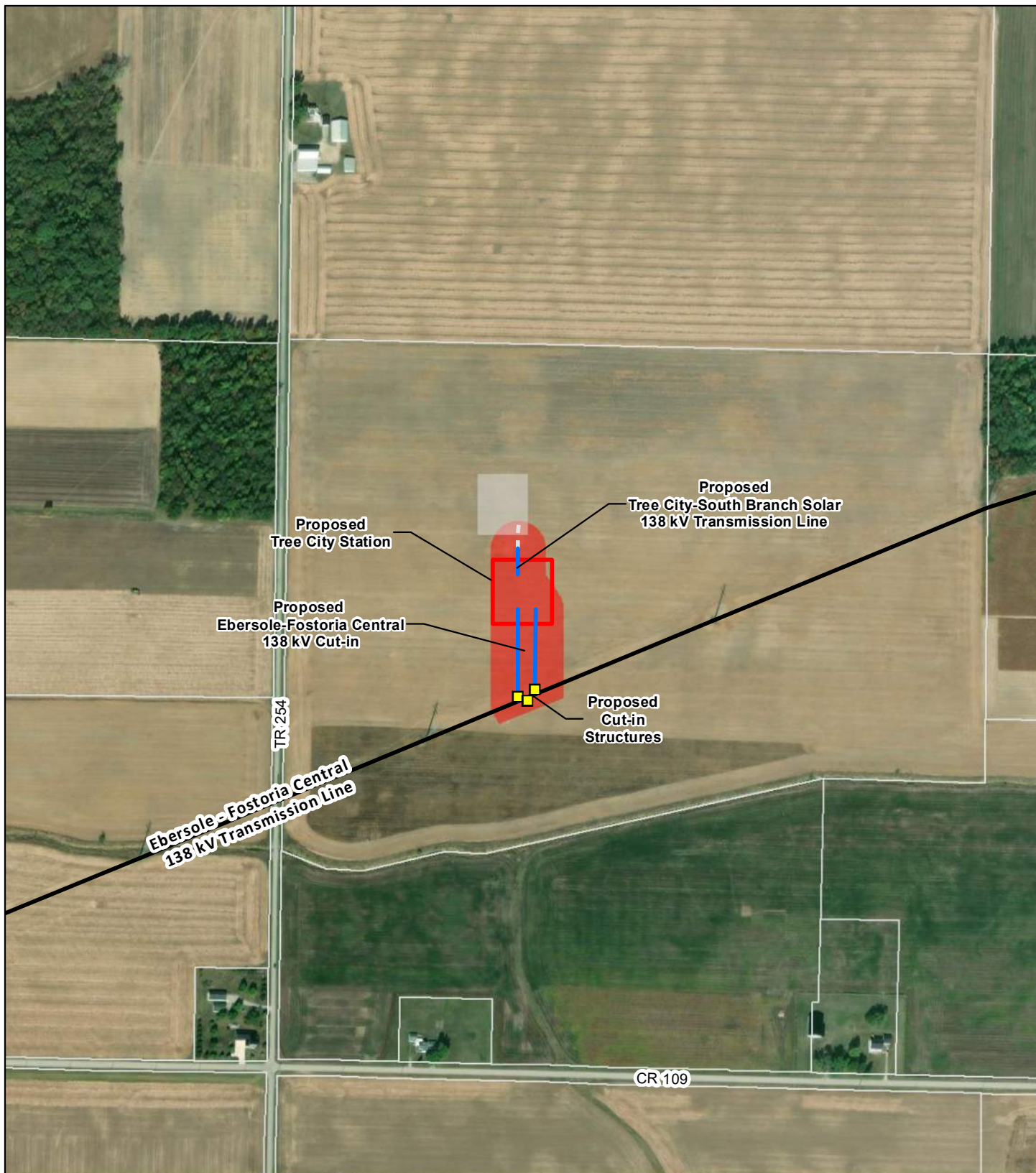
HANCOCK COUNTY, OHIO

**FIGURE 1
TOPOGRAPHIC OVERVIEW**



Tree City 138 kV Station
and Ebersole-Fostoria
Central 138 kV Transmission
Line Cut-in Project





Legend:

- Proposed Tree City Station Fence
- Proposed Transmission Line
- Proposed Cut-in Structure
- Route Corridor
- Existing Transmission Line
- Approximate IPP Distribution Station
- Approximate IPP Gen Tie
- Parcel Boundary

Data Sources: AEP,
ESRI World Imagery (2025)

Ohio State Plane North
NAD 1983



August 13, 2026

PROJECT LOCATION

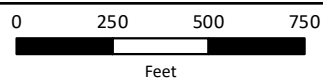


HANCOCK COUNTY, OHIO

FIGURE 2 PROJECT AERIAL MAP



Tree City 138 kV Station
and Ebersole-Fostoria
Central 138 kV Transmission
Line Cut-in Project



Appendix B Long-Term Forecast Report

1	LINE NAME AND NUMBER:	South Branch - Sunset Solar 138 kV (TP2021206 AF2-014)
2	POINTS OF ORIGIN AND TERMINATION	South Branch - Sunset Solar INTERMEDIATE STATION - N/A
3	RIGHTS-OF-WAY: LENGTH / WIDTH / CIRCUITS	0.05 mi / 100 ft / 1 circuit
4	VOLTAGE: DESIGN / OPERATE	138 kV / 138 kV
5	APPLICATION FOR CERTIFICATE:	2025
6	CONSTRUCTION:	2027 - 2028
7	CAPITAL INVESTMENT:	\$0.39 M (reimbursable)
8	PLANNED SUBSTATION:	South Branch
9	SUPPORTING STRUCTURES:	Steel
10	PARTICIPATION WITH OTHER UTILITIES	N/A
11	PURPOSE OF THE PLANNED TRANSMISSION LINE	Service to new customer
12	CONSEQUENCES OF LINE CONSTRUCTION DEFERMENT OR TERMINATION	Unable to serve new customer
13	MISCELLANEOUS:	
14	Advanced Transmission Technologies	Advanced Transmission Technologies do not offer enough benefits in lieu of a traditional/robust solution needed for this specific case.
1	LINE NAME AND NUMBER:	Ebersole - Fostoria 138 kV (TP2021206 AF2-014)
2	POINTS OF ORIGIN AND TERMINATION	Ebersole - Fostoria INTERMEDIATE STATION - South Branch
3	RIGHTS-OF-WAY: LENGTH / WIDTH / CIRCUITS	8.45 mi / 100 ft / 1 circuit (0.1 mi of line work)
4	VOLTAGE: DESIGN / OPERATE	138 kV / 138 kV
5	APPLICATION FOR CERTIFICATE:	2025
6	CONSTRUCTION:	2027 - 2028
7	CAPITAL INVESTMENT:	\$0.9 M (reimbursable)
8	PLANNED SUBSTATION:	South Branch
9	SUPPORTING STRUCTURES:	Steel
10	PARTICIPATION WITH OTHER UTILITIES	N/A
11	PURPOSE OF THE PLANNED TRANSMISSION LINE	Service to new customer
12	CONSEQUENCES OF LINE CONSTRUCTION DEFERMENT OR TERMINATION	Unable to serve new customer
13	MISCELLANEOUS:	
14	Advanced Transmission Technologies	Advanced Transmission Technologies do not offer enough benefits in lieu of a traditional/robust solution needed for this specific case.
1	LINE NAME AND NUMBER:	West Millersport - Ripley Solar 138 kV (TP2022063 AG1-163)
2	POINTS OF ORIGIN AND TERMINATION	West Millersport - Ripley Solar INTERMEDIATE STATION - N/A
3	RIGHTS-OF-WAY: LENGTH / WIDTH / CIRCUITS	0.5 mi / 100 ft / 1 circuit
4	VOLTAGE: DESIGN / OPERATE	138 kV / 138 kV
5	APPLICATION FOR CERTIFICATE:	2025
6	CONSTRUCTION:	2026 - 2027
7	CAPITAL INVESTMENT:	\$0.7 M (reimbursable)
8	PLANNED SUBSTATION:	N/A
9	SUPPORTING STRUCTURES:	Steel
10	PARTICIPATION WITH OTHER UTILITIES	N/A
11	PURPOSE OF THE PLANNED TRANSMISSION LINE	Service to new customer
12	CONSEQUENCES OF LINE CONSTRUCTION DEFERMENT OR TERMINATION	Unable to serve new customer
13	MISCELLANEOUS:	

Appendix C Agency Correspondence



In reply refer to:
2026-HAN-68773

July 13, 2026

Chad Porter
Weller & Associates, Inc.
1395 West 5th Ave.
Columbus, OH 43212
Email: c.porter@wellercrm.com

RE: Section 106 Review: Tree City Station Project, Hancock County, Ohio

Dear Mr. Porter:

This letter is in response to the correspondence received on July 2, 2026, regarding the proposed Tree City Station Project in Hancock County, Ohio. We appreciate the opportunity to comment on this project. The comments of the Ohio State Historic Preservation Office (SHPO) are made pursuant to Section 149.53 of the Ohio Revised Code and the Ohio Power Siting Board (OPSB) for siting this project (OAC 4906-4 & 4906-5). The comments of the Ohio SHPO are also submitted in accordance with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108 [36 CFR 800]).

The following comments pertain to the *Cultural Resource Management Review for the 16.2 ha (40 ac) Tree City Station Project in Washington Township, Hancock County, Ohio* (Weller & Associates, June 2026). A literature review was completed for this project; the entirety of the project area has been the subject of previous professional surveys (Weller 2021a, 2021b). No archaeological or architectural resources have been identified in the project area. Weller recommended that no further cultural resource work is necessary. Our office agrees with this determination.

Based on the information provided, our office agrees that the project, as proposed, will have no effect on historic properties. Therefore, no further coordination is required, unless the project changes or additional cultural resources are discovered during the implementation of this project. In such a situation, this office should be contacted as required by 36 CFR § 800.13. If you have any questions concerning this review, please contact Bridget Roddy via email at broddy@ohiohistory.org. Thank you for your cooperation.

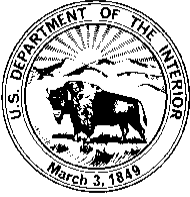
Sincerely,

A handwritten signature in blue ink that reads "Bridget C. Roddy".

Bridget C. Roddy, Project Reviews Manager-Archaeology
Resource Protection and Review
State Historic Preservation Office

RPR Serial No. 1114672

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



June 23, 2026

Project Code: 2026-0102968

Re: Tree City station IPP project

Dear Mr. Geckle:

The U.S. Fish and Wildlife Service (Service) received your recent correspondence requesting information about the subject proposal. We offer the following comments and recommendations to assist you in minimizing and avoiding adverse effects to threatened and endangered species pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq), as amended (ESA).

Federally Threatened and Endangered Species: Due to the project, type, size, and location, we do not anticipate any effect to federally endangered, threatened, or proposed species or proposed or designated critical habitat. If there are any project modifications during the term of this action, or additional information for listed or proposed species or their critical habitat becomes available, or if new information reveals effects of the action that were not previously considered, then please contact us for additional project review.

Bald Eagle: The project is in the range of the bald eagle (*Haliaeetus leucocephalus*), which is protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d). We recommend that you visit <https://ohiodnr.gov/discover-and-learn/animals/birds/bald-eagle> to determine if the project is within 0.5 mile of a documented eagle nest. Additionally, because not all eagle nests in the state have been mapped, we recommend that an on-site examination be conducted to determine if any large stick nests are visible from project area. If the project is within 0.5 mile of a documented eagle nest or the on-site examination reveals the presence of a potential eagle nest, we recommend visiting <https://www.fws.gov/story/do-i-need-eagle-take-permit> to determine if an eagle take permit is required.

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,

Erin Knoll
Field Office Supervisor



**Department of
Natural Resources**
ohiodnr.gov

Mike DeWine, Governor
Jim Tressel, Lt. Governor
Mary Mertz, Director

Office of Real Estate & Land Management

Tara Paciorek - Chief
2045 Morse Road – E-2
Columbus, Ohio 43229-6693

July 9, 2026

Aaron Geckle
V3 Companies
312 Walnut Street, Suite 1600
Cincinnati, Ohio 45202

Re: 26-0992_Tree City Station

Project: The proposed project involves the construction of the Tree City Station, connection to the existing Ebersole-Fostoria 138-kV transmission line, and the construction of a new 138-kV gen tie transmission line to a solar facility substation to interconnect the solar generation facility.

Location: The proposed project is located in Washington Township, Hancock County, Ohio.

Approximate Center Coordinates: 41.1279, -83.5134

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

Natural Heritage Database: A review of the Ohio Natural Heritage Database indicates there are no records of state or federally listed plants or animals within one mile of the specified project area. Records searched date from 1980.

Please note that Ohio has not been completely surveyed and we rely on receiving information from many sources. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area.

Fish and Wildlife: The Division of Wildlife (DOW) has the following comments.

The DOW recommends that impacts to streams, wetlands and other water resources be avoided and minimized to the fullest extent possible, and that Best Management Practices be utilized to minimize erosion and sedimentation.

The entire state of Ohio is within the range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species, the northern long-eared bat (*Myotis septentrionalis*), a state endangered and federally endangered species, the little brown bat (*Myotis lucifugus*), a state endangered species, and the tricolored bat (*Perimyotis subflavus*), a state endangered species. During the spring and summer (April 1 through September 30), these species of bats predominately roost in trees behind loose, exfoliating bark, in crevices and cavities, or in clusters of dead leaves on tree limbs. However, these species are also dependent on the forest structure surrounding roost trees. If trees are present within the project area, and trees must be cleared, the DOW recommends tree and/or tree limb clearing only occur from October 1 through March 31, conserving trees with loose, shaggy bark and/or crevices, holes, or cavities, as well as trees with a Diameter Breast Height (DBH) $\geq 20"$ if possible. If trees are present within the project area, and trees and/or tree limbs must be cleared during the summer months, the DOW recommends a mist net survey or acoustic survey be conducted from June 1 through August 15, prior to any clearing. Mist net and acoustic surveys should be conducted in accordance with the most recent version of the [OHIO DIVISION OF WILDLIFE AND U.S. FISH AND WILDLIFE SERVICE \(OH-FIELD OFFICE\) JOINT GUIDANCE FOR BAT SURVEYS](#). If state-listed bats are documented, DOW recommends tree clearing only occur from October 1 through March 31. However, limited summer tree clearing may be acceptable after consultation with the DOW (contact Eileen Wyza at Eileen.Wyza@dnr.ohio.gov).

For every project, the DOW also recommends that a winter bat habitat assessment is conducted to determine if potential hibernacula are present within the project area. This is to limit possible disturbances that seasonal tree clearing and/or subsurface work (e.g., trenching, blasting, etc.) may cause to hibernating bats. Potential hibernacula include rocky outcroppings, caves, and underground mines. Direction on how to conduct winter habitat assessments can be found in the joint guidance linked above. If a potential or known hibernaculum is found, the DOW recommends a 0.25-mile permanent tree clearing buffer around the hibernaculum entrance. Limited summer or winter tree clearing may be acceptable after consultation with the DOW. If a habitat assessment for projects involving subsurface disturbance finds that a potential hibernaculum is present within 5 miles of the project area, please consult with Eileen Wyza for project recommendations. If no tree clearing or subsurface impacts to a hibernaculum are proposed, this project is not likely to impact these species.

The project is within the range of the following listed mussel species.

Federally Endangered

clubshell (*Pleurobema clava*)

rayed bean (*Villosa fabalis*)

State Endangered

purple lilliput (*Toxolasma lividum*)

State Threatened

pondhorn (*Unio merus tetralasmus*)

Salamander Mussel (*Simpsonaias ambigua*)

This project must not have an impact on native mussels. This applies to both listed and non-listed species, as all species of mussel are protected in Ohio. Per the Ohio Mussel Survey Protocol (2026), 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 5 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. 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, 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](#). If there is no in-water work proposed, impacts to mussels are not likely.

The project is within the range of the western banded killifish (*Fundulus diaphanus menona*), a state endangered fish. The DOW recommends no in-water work in perennial streams from March 15 through 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 this or other aquatic species.

The project is within the range of the Kirtland's snake (*Clonophis kirtlandii*), a state threatened species. This secretive species prefers wet meadows and other wetlands. Due to the location, the type of habitat within the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the northern harrier (*Circus hudsonius*), a state endangered bird. This is a common migrant and winter species. Nesters are much rarer, although they occasionally breed in large marshes and grasslands. Harriers often nest in loose colonies. The female builds a nest out of

sticks on the ground, often on top of a mound. Harriers hunt over grasslands. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 15 through July 31. If this habitat will not be impacted, this project is not likely to impact this species.

Due to the potential for impacts to federally listed species, as well as to state-listed species, we recommend that this project be coordinated with the US Fish & Wildlife Service.

The Divisions of Water Resources, Forestry, and Mineral Resources Management have not conducted a project specific review and/or comments; however, the guidance provided below should be reviewed by the Environmental Review applicant for applicability on this project and subsequent compliance as applicable.

Water Resources: If the subject project is in a floodplain regulated by the Federal Emergency Management Agency (FEMA), the [local floodplain administrator](#) should be contacted concerning the possible need for any floodplain permits or approvals. The FEMA National Flood Hazard Layer (NHFL) Viewer [website](#) can be utilized to see if the project is in a FEMA regulated floodplain. If the project is not in a FEMA regulated floodplain, then no further action is required.

Ohio Revised Code (ORC) Section 1521.16 mandates that any owner of a property or a facility that has the capacity of withdrawing 100,000 gallons per day (gpd) of water from groundwater, surface water, or both must register with the Division of Water Resources' [Water Withdrawal Facilities Registration \(WWFR\) Program](#) and report their withdrawals annually.

Additional coordination may be required depending on the location of the withdrawal and consumptive use. Permitting may be required for:

- New or increased consumptive use of water averaging 2 million gallons per day (mgd) within 30 days within the Ohio River basin.
- New or increased withdrawal and consumptive water use in the Lake Erie watershed averaging 1 million gallons per day (mgd) or more in 90 days.
- New or increased water withdrawal directly from Lake Erie averaging 2.5 million gallons per day (mgd) or more in 90 days.
- Diversion or movement of water across the Ohio River and Lake Erie basin divide.

If the project does not involve activities that are subject to water withdrawal regulatory requirements as described above, then no further action is required. For more information, visit the [Water Inventory & Planning website](#).

Forestry: The Division of Forestry recommends that construction projects preserve existing trees to the greatest extent possible. Failing to consider trees during any phase of project development (e.g. planning, design, preconstruction, construction, landscaping and/or postconstruction) can compromise tree health and structural integrity. Preserving trees during a construction project involves protecting the soil, roots, trunks, and crowns of trees. Protection barriers should be visible and extend around the root zone, the area under the tree that extends beyond the drip zone. There should be no storage of material or traffic within this established zone. Trees should be monitored throughout the project and steps taken to remedy any impacts. Projects should consider Best Management Practices (BMPs) during construction and the [Purdue Extension document Construction and Trees: Guidelines for Protection](#) is recommended as a resource for BMPs. Certified arborists can be located through the [International Society of Arboriculture website](#). Please note that tree preservation practices may also be required under municipal ordinances.

Mineral Resources: For projects requiring earth disturbance, the Ohio Mines Locator ([ODNR Mines of Ohio Viewer](#)) should be referenced. Both current and abandoned mines with either underground or surface features should be identified, and project impacts evaluated. Please reference the [Ask Before You Build](#) development guide for information about abandoned mine land features. Division of Mineral Resources Management may be contacted for further information and guidance regarding development of mined lands. Contact minerals@dnr.ohio.gov for further information.

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

Expiration: *ODNR Environmental Reviews are typically valid for 2 years from the issuance date. If the scope of work, project area, construction limits, and/or anticipated impacts to natural resources have changed significantly from the original project submittal, then a new Environmental Review request should be submitted.*

Appendix D Endangered, Threatened, and Rare Species Table

Endangered, Threatened, and Rare Species

Scientific Name	Common Name	State Listed Status	Federally Listed Status	Typical Habitat Description	Habitat Observed in Survey Area	Avoidance Dates	Agency Comments	Potential Impacts
Fishes								
<i>Fundulus diaphanous menona</i>	Western banded killifish	Endangered	N/A	Perennial Streams	No	March 15 to June 30	ODNR – Due to the location and that there is no in-water work proposed in a perennial stream, this project is not likely to impact this species.	No
Reptiles								
<i>Clonophis kirtlandii</i>	Kirtland's Snake	Threatened	N/A	Wet meadows and other wetlands habitat	No	N/A	ODNR – Due to the location, the type of habitat within the project area, and the type of work proposed, this project is not likely to impact this species.	No
Birds								
<i>Circus hudsonis</i>	Northern harrier	Endangered	N/A	Common migrant and winter species. Nesters occasionally breed in large marshes and grasslands. Hunt over grasslands.	No	April 15 to July 31	ODNR – If habitat will be impacted, construction should be avoided during this species' nesting period of April 15 to July 31. If this habitat will not be impacted, this project is not likely to impact this species	No
Mussels								
<i>Pleurobema clava</i>	Clubshell	Endangered	Endangered	Perennial streams	No	N/A	ODNR – If there is no in-water work proposed, impacts to mussels are not likely.	No
<i>Vilosa fabalis</i>	Rayed bean	Endangered	Endangered		No			
<i>Toxolasma lividum</i>	Purple lilliput	Endangered	N/A		No			
<i>Simpsonaias ambigua</i>	Salamander mussel	Threatened	N/A		No			
<i>Unio merus tetralasmus</i>	Pondhorn	Threatened	N/A		No			

Scientific Name	Common Name	State Listed Status	Federally Listed Status	Typical Habitat Description	Habitat Observed in Survey Area	Avoidance Dates	Agency Comments	Potential Impacts
Mammals								
<i>Myotis lucifugus</i>	Little brown bat	Endangered	N/A	During the spring and summer (April 1 through September 30), these bat species predominately roost in trees behind loose, exfoliating bark, in crevices and cavities, or in the leaves. However, these species are also dependent on the forest structure surrounding roost trees	No	April 1 to September 30	ODNR/USFWS - Cutting of trees is recommended between October 1 and March 31. If seasonal tree cutting is not possible, a mist net survey or acoustic survey may be conducted by an approved surveyor between June 1 and August 15. ODNR - If a potential or known hibernaculum is found, the Division of Wildlife (DOW) recommends a 0.25-mile tree cutting and subsurface disturbance buffer around the hibernaculum entrance, however, limited summer or winter tree cutting may be acceptable after consultation with the DOW. If no tree cutting or subsurface impacts to a hibernaculum are proposed, this project is not likely to impact these species.	No
<i>Myotis septentrionalis</i>	Northern long-eared bat	Endangered	Threatened		No			
<i>Myotis sodalis</i>	Indiana bat	Endangered	Endangered		No			
<i>Perimyotis subflavus</i>	Tricolored bat	Endangered	N/A		No			

Appendix E Approved Jurisdictional Determination



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS BUFFALO DISTRICT
478 MAIN STREET
BUFFALO, NY 14202-3278

August 29, 2025

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination, Preliminary Jurisdictional Determination, and Delineation Verification for Department of the Army Processing No. LRB-2025-00619

Jordan Rofkar
Haley & Aldrich, Inc.
6500 Rockside Rd.
Suite 200
Cleveland, OH 44131

Dear Mr. Rofkar:

I have reviewed the request, submitted on behalf of South Branch Solar, LLC, for an approved jurisdictional determination (JD) and a preliminary JD for a 712-acre parcel located immediately north of the Village of Arcadia, approximately 3 miles southwest of the City of Fostoria, and 6 miles northeast of the City of Findlay, in Hancock County, Ohio (41.121869, -83.508887) (Sheet 1 of 6).

Please note that this letter contains two jurisdictional determinations. Please refer to the documentation below and attached for the terms, conditions, and appeal rights for each type of JD.

Approved JD

I have determined that the location and extent of all aquatic resources shown on the attached map(s) accurately represent onsite conditions (Sheets 2-6 of 6).

Enclosed is an approved JD which verifies the limits of waters of the U.S. as depicted on Sheets 2-6 of 6. This approved JD will remain valid for a period of five (5) years from the date of this correspondence unless new information warrants revision of the approved JD before the expiration date. At the end of this period, a new aquatic resource delineation will be required to support any request for a new JD.

I have determined that the following aquatic resource is not a water of the U.S. as noted on the attached Approved Jurisdictional Determination Form: **Wetland: MMA**. Therefore, this aquatic resource is not regulated under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899. Department of the Army authorization is not required if you propose work, installation of structures, or a discharge of dredged or fill material in this aquatic resource.

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination, Preliminary Jurisdictional Determination, and Delineation Verification for Department of the Army Processing No. LRB-2025-00619

If you object to the determination you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Request for Appeal (RFA) form. If you request to appeal the above approved JD, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Suzanne Chubb,
Regulatory Program Manager
US Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10-780, CELRD-PD-O
Cincinnati, Ohio 45202-3222
Phone: (513) 218-1243
e-mail: suzanne.l.chubb@usace.army.mil

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete; that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **October 29, 2025.**

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

Preliminary JD

Please note that this is a preliminary JD. Preliminary JDs are non-binding written indications that there may be waters of the United States (WOUS) on your parcel and approximate locations of those waters. Preliminary JDs are advisory in nature and may not be appealed.

Pursuant to Regulatory Guidance Letter 16-01, any permit application made in reliance on this preliminary JD will be evaluated as though all aquatic resources in are regulated by the Corps. Further, all aquatic resources will be used for purposes of assessing the extent of project related impacts and compensatory mitigation. If you require a definitive response regarding Department of the Army jurisdiction for any or all of the aquatic resources identified on the submitted drawings, you may request an approved JD from this office. If an approved JD is requested, please be aware that this is often a lengthy process and we may require the submittal of additional information.

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination, Preliminary Jurisdictional Determination, and Delineation Verification for Department of the Army Processing No. LRB-2025-00619

I have enclosed the preliminary JD Form with this letter. The form and attached table identify the extent of aquatic resources and specific terms and conditions of the preliminary JD. Please sign and return a copy of this form to my attention so that I may complete my evaluation of your file. If you do not respond within 15 days, I will presume concurrence and no additional follow-up is necessary prior to finalizing this action.

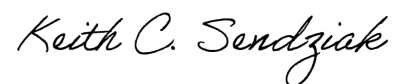
In accordance with Regulatory Guidance Letter 05-02, "Preliminary jurisdictional determinations are not definitive determinations of areas within regulatory jurisdiction and do not have expirations dates." However, I strongly recommend that the boundaries of all aquatic resources within the review area be re-evaluated by a qualified wetland biologist after five years of the date of this letter. This will ensure that any changes are appropriately identified, and you do not inadvertently incur a violation of Federal law while constructing your project or working within the review area.

Further, the delineation and all determinations included herein have been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the review areas identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

A copy of this letter has been sent to the Ohio Environmental Protection Agency.

Questions pertaining to this matter should be directed to me at (716) 879-4339 or by e-mail at: keith.c.sendziak@usace.army.mil

Sincerely,

Handwritten signature of Keith C. Sendziak in black ink.

Keith Sendziak
Biologist

Enclosures



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, BUFFALO DISTRICT
478 MAIN STREET
BUFFALO, NEW YORK 14202-3278

CELRB-ORR

August 29, 2025

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime
Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322
(2023),¹ LRB-2025-00619 (MFR 1 of 1)²

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.³ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.⁴ For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated consistent with the definition of “waters of the United States” found in the pre-2015 regulatory regime and consistent with the Supreme Court’s decision in *Sackett*. This AJD did not rely on the 2023 “Revised Definition of ‘Waters of the United States,’” as

¹ While the Supreme Court’s decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, interstate water, or territorial seas that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

CELRB-ORR

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [LRB-2025-00619]

amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable Ohio due to litigation.

1. SUMMARY OF CONCLUSIONS.

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).
 - i. Wetland MMA (1.13 acres) – non-jurisdictional

2. REFERENCES.

- a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).
- b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).
- c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States & Carabell v. United States* (December 2, 2008)
- d. *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023)
- e. 2008 Rapanos Guidance
- f. 2003 SWANCC_guidance_jan_03
- g. *Rapanos v. United States*, 547 U.S. 715 (2006)
- h. Wetland and Stream Delineation Report, South Branch Solar, Hancock County, Ohio, prepared for South Branch Solar, LLC, prepared by Haley & Aldrich, Inc, July 2021.

3. REVIEW AREA. The review area includes an approximate 720-acre parcel located immediately north of the Village of Arcadia, approximately 3 miles southwest of the City of Fostoria, and 6 miles northeast of the City of Findlay, in Hancock County, Ohio.

Please note: This approved jurisdictional determination applies to Werland MMA. All other onsite waters are subject to a preliminary jurisdictional determination.

CELRB-ORR

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [LRB-2025-00619]

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED. N/A.⁶
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS. N/A.
6. SECTION 10 JURISDICTIONAL WATERS⁷: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁸ N/A.
7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.
 - a. TNWs (a)(1): N/A
 - b. Interstate Waters (a)(2): N/A

⁶ This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established.

⁷ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁸ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

- c. Other Waters (a)(3): N/A
- d. Impoundments (a)(4): N/A
- e. Tributaries (a)(5): N/A
- f. The territorial seas (a)(6): N/A
- g. Adjacent wetlands (a)(7): N/A

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified as “generally non-jurisdictional” in the preamble to the 1986 regulations (referred to as “preamble waters”).⁹ Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water. N/A
- b. Describe aquatic resources and features within the review area identified as “generally not jurisdictional” in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance. N/A
- c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the review area and describe how it was determined to be a waste treatment system. N/A
- d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland. N/A
- e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in “*SWANCC*,” would have been jurisdictional based solely on the “Migratory Bird Rule.” Include the size of the aquatic

⁹ 51 FR 41217, November 13, 1986.

resource or feature, and how it was determined to be an “isolated water” in accordance with SWANCC. N/A

- f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court’s decision in *Sackett* (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

Wetland MMA – Wetland MMA is located within an approximately 5-acre woodlot located adjacent to several hundred acres of row crops. During the field work portion of the water resource delineation the consultant did not identify any connection between Wetland MMA and any relatively permanent water. A review of USGS Maps, National Wetland Inventory, Web Soil Survey, NHD Stream Database, and aerial imagery confirms the consultant’s onsite observations. The nearest relatively permanent water is a perennial tributary located approximately 1,150 feet south of Wetland MMA. There are no identified connections between Wetland MMA and a relatively permanent water in any of these resources, nor was one observed in aerial imagery. Therefore, it has been determined that Wetland MMA does not have a continuous surface connection to a relatively permanent tributary and is therefore, a non-jurisdictional aquatic resource.

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.
 - a. USGS Topo Maps – Topo View – August 21, 2025
 - b. National Wetland Inventory Map – August 21, 2025
 - c. USDA NRCS Web soil Survey – August 21, 2025
 - d. NHD Stream Database – August 21, 2025
 - e. CONNECTExplorer – August 21, 2025
 - f. Google Maps, Street View – August 21, 2025
 - g. Geauga County GIS Hub – August 21, 2025

10. OTHER SUPPORTING INFORMATION. N/A

CELRB-ORR

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [LRB-2025-00619]

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

BACKGROUND INFORMATION**A. REPORT COMPLETION DATE FOR PJD:** 29-AUG-2025**B. NAME AND ADDRESS OF PERSON REQUESTING PJD:**

Jordan Rofkar
Haley & Aldrich, Inc.
6500 Rockside Rd.
Suite 200
Cleveland, OH 44131

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:

LRB, South Branch Solar, LLC, LRB-2025-00619

D. PROJECT LOCATION AND BACKGROUND INFORMATION:
(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: OH County/Parish/Borough: Hancock City: Village of Arcadia

Center coordinates of site (lat/long in degree decimal format):

Lat.: 41.121869° Long.: -83.508887°

Universal Transverse Mercator: 17

Name of nearest waterbody: East Branch Portage River

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):☒ Office (Desk) Determination. Date: August 29, 2025☐ Field Determination. Date(s):

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO
REGULATORY JURISDICTION.

Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Stream MM1	41.125668	-83.523485	570 feet	Non-wetland waters	Section 404
Stream MM2	41.125823	-83.508561	6740 feet	Non-wetland waters	Section 404
Stream MM3	41.119336	-83.519025	330 feet	Non-wetland waters	Section 404
Wetland MMC	41.12583	-83.505166	3.11 acres	Wetland	Section 404

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD or no JD whatsoever, which do not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the USACE has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD or reliance on no JD whatsoever; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of USACE permit authorization based on a PJD or no JD whatsoever constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the USACE will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (*check all that apply*)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: Haley & Aldrich Inc.
- ☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.
☒ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report. Rationale: _____.
- ☐ Data sheets prepared by the Corps: _____.

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___ Corps navigable waters' study: _____.

___ U.S. Geological Survey Hydrologic Atlas: _____.

___ USGS NHD data.

___ USGS 8 and 12 digit HUC maps.

___ U.S. Geological Survey map(s). Cite scale & quad name: _____.

___ USDA Natural Resources Conservation Service Soil Survey. Citation: _____.

___ National wetlands inventory map(s). Cite name: _____.

___ State/Local Wetland Inventory map(s): _____.

___ FEMA/FIRM maps: _____.

___ 100-year Floodplain Elevation is: _____. (National Geodetic Vertical Datum of 1929)

___ Photographs: ___ Aerial (*Name & Date*): _____.
or ___ Other (*Name & Date*): _____.

___ Previous determination(s). File no. and date of response letter: _____.

___ Other information (*please specify*): _____.

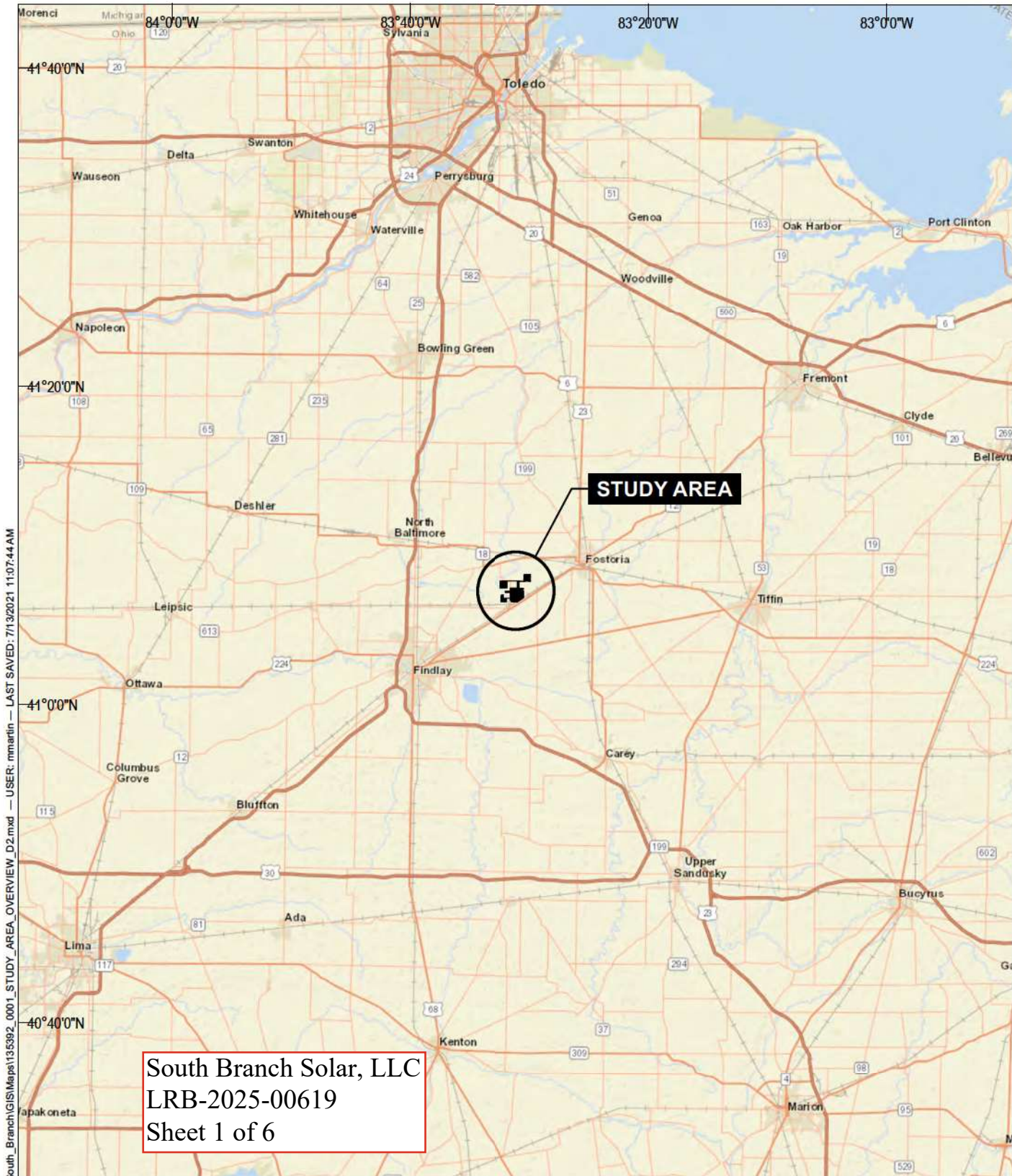
IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the USACE and should not be relied upon for later jurisdictional determinations.

Keith C. Sendziak

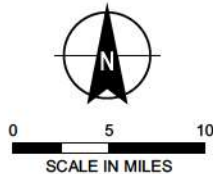
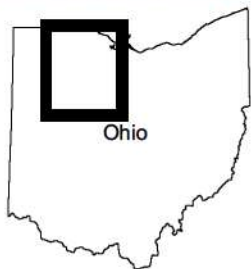
Signature of Regulatory Staff Member
Completing PJD

Signature of Person Requesting PJD
(*REQUIRED, unless obtaining the
signature is impracticable*)¹

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South Branch Solar, LLC
 LRB-2025-00619
 Sheet 1 of 6



MAP SOURCE: ESRI
 SITE COORDINATES: 41°07'32"N, 83°30'25"W

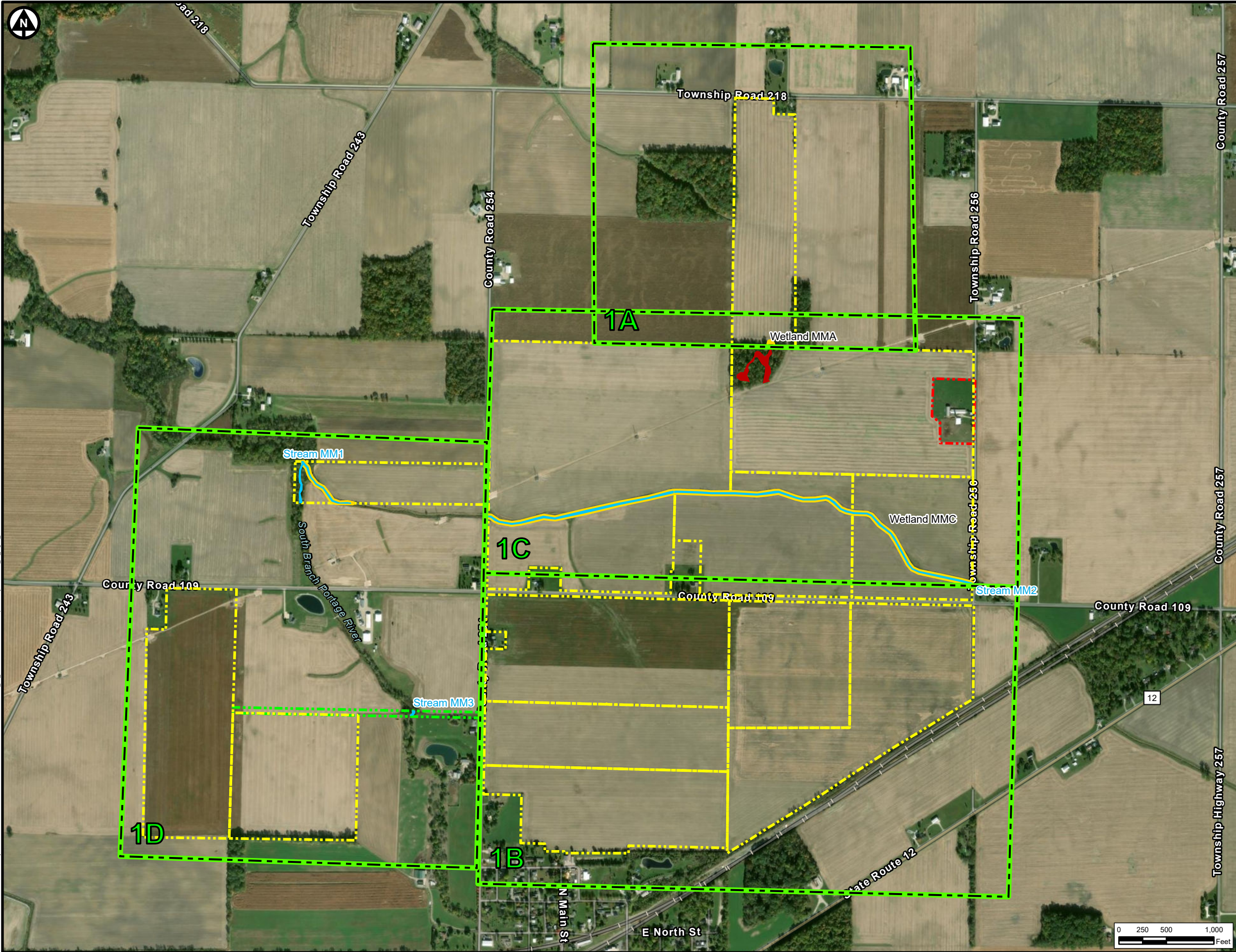
**HALEY
 ALDRICH**

SOUTH BRANCH SOLAR
 HANCOCK COUNTY, OHIO

STUDY AREA OVERVIEW

APPROXIMATE SCALE: 1 IN = 10 MI
 JULY 2021

FIGURE 1



Map Series

Streams

PEM Wetlands

PFO Wetlands

Tony Good Exclusion

Cunningham Easement

Proposed Project Area

South Branch Solar, LLC

LRB-2025-00619

Sheet 2 of 6

Note: The aerial photo was acquired through the Esri Imagery Web Service. Aerial photography dated 2021.

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verdantas

Washington Township
Hamilton County, Ohio

Surface Water Delineation
Map

South Branch Solar
Leeward Energy

Project Number
24208

Date
08/2025

Author
Ijakovijevic

Scale
1 in = 1,000 ft

Figure
1

Edited: 8/27/2025 File Location: Z:\Project Files\VA\LA\Leeward\Emr\08208 - South Branch Solar.DIGIS\24208_01_SurfaceWaterDelineation.mxd Layout: 24208_01_Fig01_Delineation Produced Using Esri's ArcGIS Software



- PEM Wetlands
- PFO Wetlands
- Tony Good Exclusion
- Proposed Project Area

South Branch Solar, LLC
LRB-2025-00619
Sheet 3 of 6

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Washington Township
Hamilton County, Ohio

**Surface Water Delineation
Map**

South Branch Solar
Leeward Energy

Project Number	24208
Date	08/2025
Author	Ijakovijevic
Scale	1 in = 400 ft
Figure	1A



Streams

PEM Wetlands

Proposed Project Area

South Branch Solar, LLC

LRB-2025-00619

Sheet 4 of 6

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Washington Township
Hamilton County, Ohio

Surface Water Delineation Map

South Branch Solar
Leeward Energy

Project Number
24208

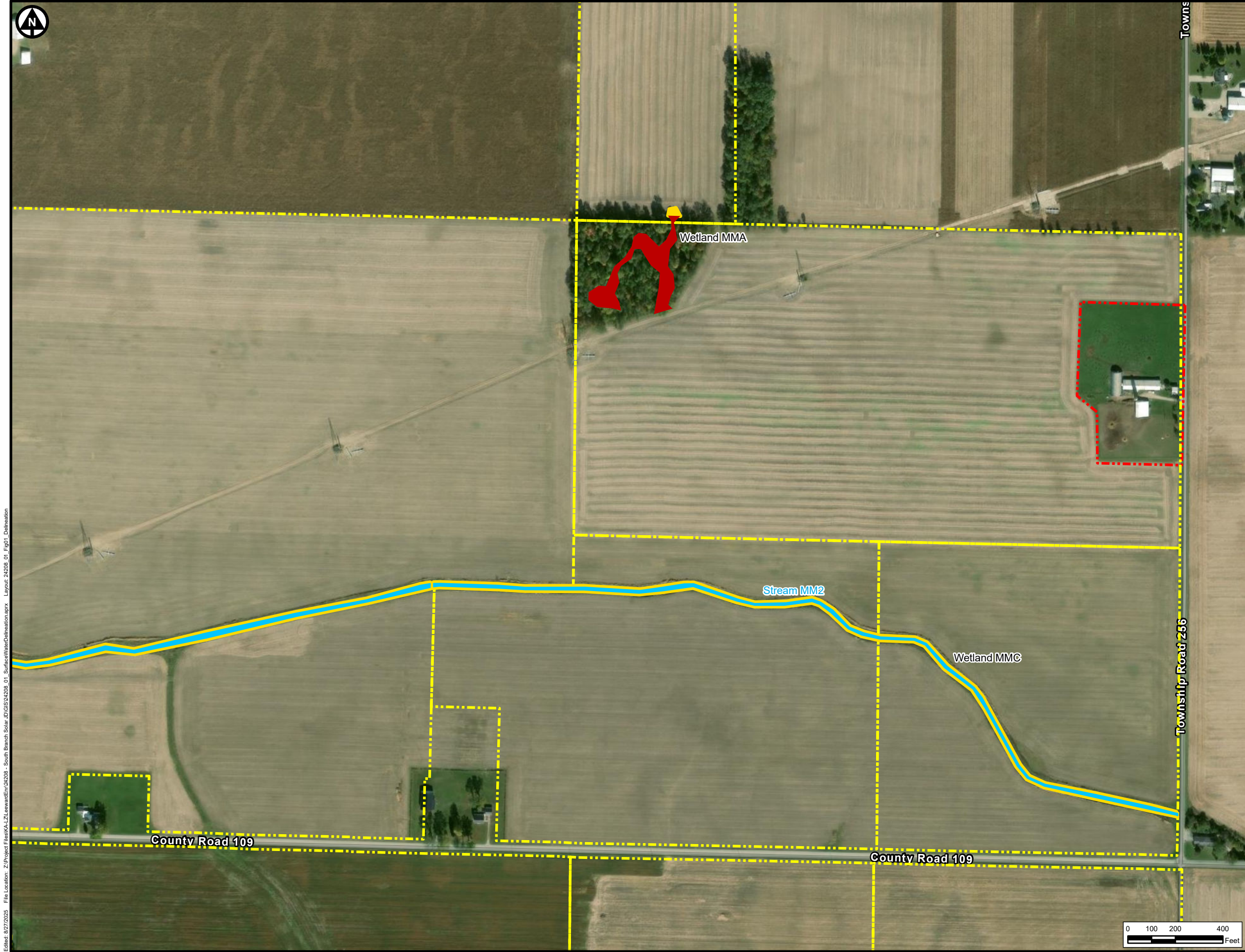
Date
08/2025

Author
ljakovljevic

Scale
1 in = 400 ft

Figure
1B

Edited: 8/27/2025 File Location: Z:\Project Files\VA\Z\Leeward\Em\08208 - South Branch Solar.DIGIS\24208_01_SurfaceWaterDelineation.aprx Layout: 24208_01_Fig01 Delineation Produced Using Esri's ArcGIS Software



- Streams
- PEM Wetlands
- PFO Wetlands
- Tony Good Exclusion
- Proposed Project Area

South Branch Solar, LLC
LRB-2025-00619
Sheet 5 of 6

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Washington Township
Hamilton County, Ohio

**Surface Water Delineation
Map**

South Branch Solar
Leeward Energy

Project Number	24208
Date	08/2025
Author	Ijakovijevic
Scale	1 in = 400 ft
Figure	1C



Streams

PEM Wetlands

Cunningham Easement

Proposed Project Area

South Branch Solar, LLC

LRB-2025-00619

Sheet 6 of 6

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Washington Township
Hamilton County, Ohio

Surface Water Delineation
Map

South Branch Solar
Leeward Energy

Project Number
24208

Date
08/2025

Author
ljakovljevic

Scale
1 in = 400 ft

Figure
1D

Edited: 8/27/2025 File Location: Z:\Project Files\VA\Z\Leeward\Em\04208 - South Branch Solar IDGIS\24208_01_SurfaceWaterDelineation.aprx Layout: 24208_01_Fig01 Delineation Produced Using Esri's ArcGIS Software

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

9/2/2026 3:07:57 PM

in

Case No(s). 26-0795-EL-BLN

Summary: Letter of Notification for the Tree City 138kV Station and Ebersole-Fostoria Central 138 kV Transmission Line Cut-in Project electronically filed by Jared M Klaus on behalf of AEP Ohio Transmission Company, Inc..