Public Notice

U.S. Army Corps of Engineers
Baltimore District

In Reply to Application Number
CENAB-OP-RMS(KEYS ENERGY CENTER) 2012-01007

PN 14-68 Comment Period: December 4, 2014 to January 4, 2015

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act (33. U.S.C. 1344) as described below:

APPLICANT: Keys Energy Center, LLC
c/o Mr. Jack Doran
P.O. Box 920001
Needham, Massachusetts 02492

LOCATION: In nontidal Waters of the U.S., including unnamed tributaries and wetlands contiguous and adjacent to Mataponi Creek at 10322 North Keys Road, Brandywine, Prince George's County, Maryland, and contiguous and adjacent to Mattawoman Creek, Zekiah Swamp, and the Patuxent River parallel to the existing PEPCO 500-kV right-of-way (ROW) in Charles and Prince George's Counties in Maryland.

WORK: To install approximately 0.8 miles of potable water line beneath existing farm roads; to install approximately 1.5 miles sewer line beneath existing farm roads, Old Indian Head Road, Tower Road, and Brandywine Road; to install approximately 7.5 miles of 20-inch diameter natural gas pipeline using primarily open trenching method and horizontal directional drilling (HDD), as necessary; and to maintain a permanent 20-foot wide easement parallel to and along the west side of the existing PEPCO 500-kV ROW, all for utilities associated with the construction and operation of a proposed natural gas-fired electric generating plant. The natural gas pipeline would run from the existing Dominion Gas line in Charles County and connect to the proposed Keys Energy Center plant at 10322 North Keys Road, Brandywine, Prince George's County, Maryland. The natural gas-fired electric generating plant and natural gas, potable water, and sewer lines associated with the plant will all be evaluated as a single and complete project. The Maryland Public Service Commission is reviewing the project concurrently. More information on this project can be found at http://keysenergycenter.com/ /.

The project proposes to deposit fill in wetlands for the construction of buildings and a culvert for an access road for the electricity-generating plant which would result in permanent impacts to approximately 1.91 acres of palustrine emergent (PEM) wetland and 0.02 acres of palustrine forested nontidal (PFO) wetlands. The gas line is proposed to cross 22 wetland areas and 7 areas of waterways by open trenching and to cross 1 wetland and 2 wetland-stream complexes by horizontal directional drilling method. The work includes to install construction matting necessary for access and clearing of vegetation in work areas temporarily impacting approximately 0.75 acres of palustrine unconsolidated bottom wetland and 0.67 acres of PEM wetland. Construction work utilizing open trenching method to install the gas line and backfill with the excavated material would

temporarily impact approximately 0.12-acres along 1,080 linear feet in 7 waterways, with a maximum waterway crossing width of 26 feet.

In addition, the proposed project includes permanent wetland vegetation conversion from the establishment of a 20-foot wide permanent easement within an approximately 75-foot wide temporary right-of-way (ROW) through wetlands and 100-foot wide temporary ROW through uplands for the natural gas line within currently unmaintained portions of PEPCO's 500kv line ROW impacting approximately 0.41 acres of palustrine scrub/shrub (PSS) wetland and 9.32 acres of PFO wetlands to be converted to annually mowed emergent wetlands in 22 wetland areas. Within the 20-foot wide permanent easement, all stumps and roots would be removed. Within the 75-foot wide or 100-foot wide temporary ROW, stumps would be ground to be flush with the soil surface and would be left in place. All vegetation clearing in wetlands would be done by heavy equipment using marsh mats for access; therefore the installation of the natural gas line and the ROW establishment are soil disturbing activities that are regulated by the Corps.

All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Ms. Vera Koskelo of this office at 410-962-6144 or email at Vera.B.Koskelo@usace.army.mil. If you wish to receive the entire set of plans for the public notice, please contact Ms. Melody Quinn at 410-962-4500.

Compensatory mitigation is proposed by the applicant for the loss of 1.91 acres of PEM wetland, for the loss of 842 square feet (0.2 acres) of PFO wetland, and for permanent conversion of 0.41 acres of palustrine scrub/shrub (PSS) wetland and 9.32 acres of PFO wetlands to PEM wetlands. The applicant proposes to create approximately 2.46 acres of PEM and 0.04 acres of PFO on the south-east corner of the Keys Energy project site, by grading the existing uplands adjacent to an existing wetland on site and to enhance approximately 12.94 acres of PEM wetland, on a property known as Hollybrook Farm, by plugging ditches to adjust the hydrology and planting with trees on the site resulting in PFO wetland.

Efforts were made to avoid, to the extent possible, the long and short-term adverse impacts associated with the proposed project. The proposed impacts were reduced by proposing to connect to existing infrastructure wherever possible and to place new infrastructure in uplands where possible. Site layout for this project was based upon existing route corridors that would most practicably avoid and minimize impacts to jurisdictional waters. The applicant has proposed to use HDD to cross two sensitive wetland-stream complexes and one sensitive wetland in the Zekiah Swamp Run and Wolf Den Branch watersheds, avoiding approximately 13,336 square feet of temporary wetland impact from temporary construction access and 3,226 square feet of permanent wetland vegetation conversion. The temporary construction ROW outside the 20-foot wide permanent easement was reduced from 80 feet wide in the uplands to 55 feet wide in the wetlands. The proposed gas line would make use of an existing transmission line corridor and would be constructed primarily within existing ROWs. The electricity-generating plant was originally proposed to be water-cooled which would have required an 11-mile long reclaimed water line to be constructed for the plant. Changing the plant to an air-cooled facility allowed the elimination of the reclaimed-water line and avoided temporary impacts to approximately 5,149 square feet of non-tidal wetland from temporary construction access; 54,594 square feet of non-tidal wetland from permanent wetland vegetation conversion; and 16,350 square feet along 2,776 linear feet of stream from open trenching to install the water line. No new permanent or temporary access roads would be created for this project. The location of the proposed electricity-generating plant and the gas line were limited by design constraints, based on the existing built conditions and layout within the existing transmission corridor.

The purpose of the proposed project is to increase electric generation capacity in Maryland. The applicant proposes to utilize economical, fuel-efficient, state-of-the-art technology. This electricity generated by this project would be available wholesale throughout the PJM management and distribution network, primarily in southern Maryland.

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). The project site does not lie in or adjacent to EFH as described under the MSFCMA.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonable may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economic, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, and consideration of property ownership and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments provided will become part of the public record for this action. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, Baltimore, Maryland, 21203 within the comment period specified above.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Wetlands and Waterways Program, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. The Section 401 certifying agency has a statutory limit of one year from the date of this public notice to make its decision.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the request permit.

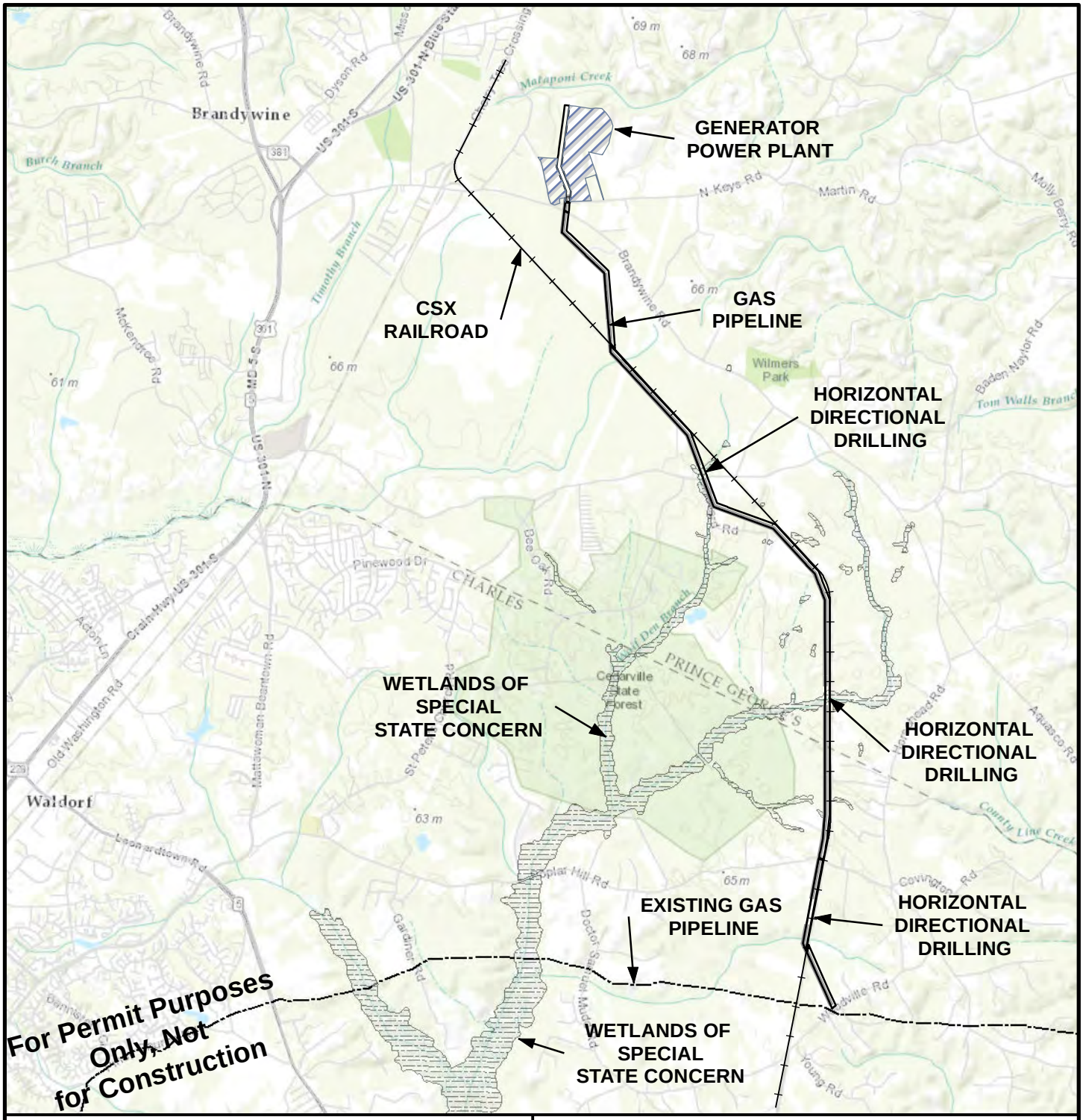
The evaluation of the impact of this project on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, Baltimore, Maryland 21203, within the comment period as specified above to receive consideration. Also it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected.

It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

Kathy B. Anderson

Kathy B. Anderson
Chief, Maryland Section Southern



LEGEND

- PROJECT SITE PARCEL BOUNDARY
- PEPCO ROW- RIGHT OF WAY
- DNR WETLAND OF SPECIAL CONCERN
- EXISTING NATURAL GAS TRANSMISSION LINE

PROPOSED NATURAL GAS PIPELINE

- HORIZONTAL DIRECTIONAL DRILLING
- OPEN TRENCH

1 0 1 Miles

NOTES

1. BACKGROUND: ESRI, ARCGIS ONLINE (WORLD TOPO MAP)

COORDINATE SYSTEM

NAD 1983 STATEPLANE MARYLAND FIPS 1900 FEET

PROJECT

KEYS ENERGY CENTER
PRINCE GEORGE'S AND CHARLES COUNTIES, MARYLAND

TITLE

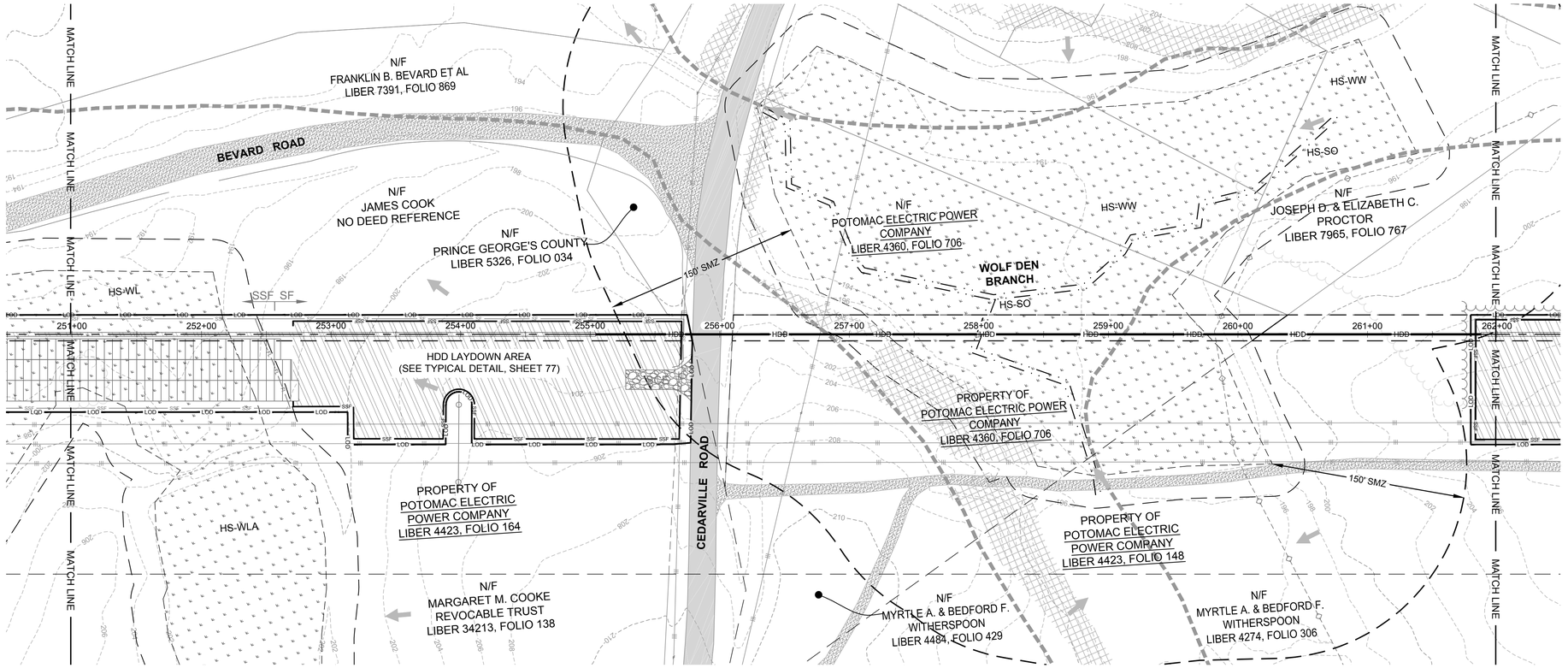
PROJECT VICINITY MAP

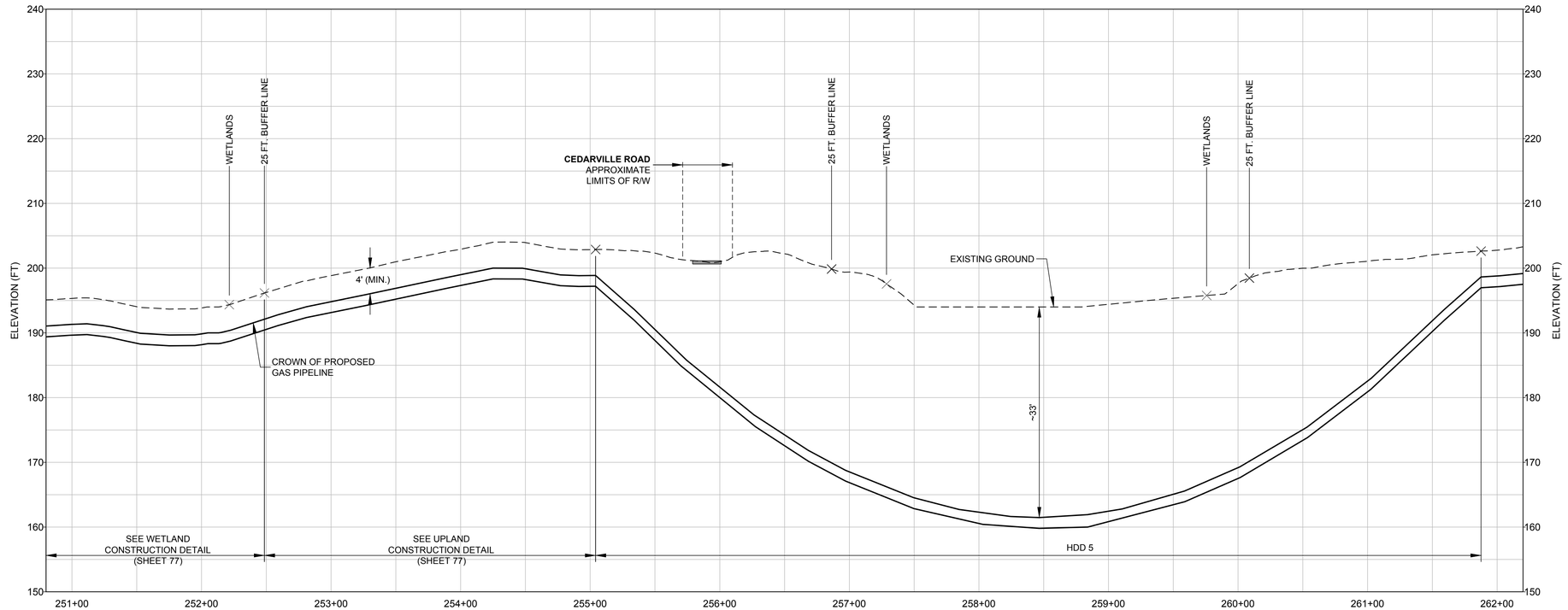
Golder Associates

PROJECT No. 113-89542			FILE No.
DESIGN	GVL	15 Jul. 2014	SCALE: AS SHOWN REV. 0
GIS	HJ	22 Oct. 2014	
CHECK	GVL	22 Oct. 2014	
REVIEW	KS	22 Oct. 2014	

FIGURE 1
1 OF 34

Map Document: S:\GIS\Projects\11389542 Keys Energy Center\GIS\mxd\MDE_Response_20141009\11389542F01_Project_Overview_8x11_BW.mxd





STATION 251+00 TO 262+00

FOR PERMITTING PURPOSES ONLY

HORIZONTAL SCALE 0 50 100 150 FEET

VERTICAL SCALE 0 10 20 30 FEET

REV	DATE	REVISION DESCRIPTION	DES	CADD	CHK	RVW

PROJECT
KEYS ENERGY CENTER, LLC
KEYS ENERGY NATURAL GAS PIPELINE
PRINCE GEORGE'S CO. AND CHARLES CO., MD

TITLE
PHASE II ESC PLAN AND PIPELINE PROFILE STATION 251+00 TO 262+00

Golder Associates

PROJECT No.	113-89542.11B.1020		FILE No.	11389542C02
DESIGN	MEF	2014-09-29	SCALE	AS SHOWN
CADD	ATN	2014-09-29	SHEET	
CHECK	MEF	2014-09-29		49 OF 81
REVIEW	PMD	2014-09-29		

G:\Plan Production Data Files\Drawing Data Files\113-89542\C - Conceptual E&S Plan\Active Drawings\11389542C02.dwg | Layout: Sheet - 49 | Modified: ATNorth 09/25/2014 11:15 AM | Plotted: gri - es 09/25/2014