

U.S. Army Corps of Engineers Baltimore District

## **Public Notice**

In Reply to Application Number CENAB-OP-RMS (Delmarva Power and Light-Piney Grove to Wattsville) 2015-61739

PN 16-15 Comment Period: March 25, 2016 to April 25, 2016

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

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

APPLICANT: Delmarva Power & Light

C/o Mark Marini P.O. Box 9239

Newark, Delaware 19714

LOCATION: In the Pocomoke River and Swan's Gut Creek and in wetlands adjacent to unnamed tributaries to Sturges Creek; Mount Olive Branch; Nassawango Creek; Campground Branch; Pocomoke River; Purnell Branch; Patty's Branch; unnamed tributaries to Patty's Branch; Hardship Branch; Kelly Mill Branch; Spring Hill Branch; Tarr Branch; unnamed tributaries to Tarr Branch; Pikes Creek; unnamed tributaries to Pikes Creek; Riley Creek; Little Mill Creek; Marshall Mill Run; Bunn Ditch; Swan's Gut Creek; and unnamed tributaries to Swan's Gut Creek between the Piney Grove substation at 3779 Layfield Road in Salisbury, Wicomico County, Maryland to the Kenney substation at 62609 Public Landing Road in Snow Hill, Worcester County, Maryland and south to the Maryland-Virginia State line.

WORK: The proposed project would upgrade an existing electrical line on wooden poles. The applicant proposes to cut the existing wooden poles at grade and remove to an upland disposal site; to replace approximately 24.75 miles of a 69 kV electrical utility line, including the replacement of wooden poles, as necessary, with single-pole steel structures driven directly into the ground as drilled piers, on caisson sockets, or with bolted flanges. Pole foundation diameters would vary from 6.5 feet to 11 feet, impacted between approximately 33 square feet and 95 square feet for each foundation. The project would include the installation of 110 new single-pole steel structures within non-tidal wetlands, resulting in permanent impacts to approximately 0.16 acres of nontidal wetlands and 0.02 acres of tidal wetlands. The proposed project would also include the replacement of approximately 2,609 linear feet of 69kV overhead utility line and the installation of a new 138 kV overhead utility line approximately 43 feet above the mean high water level of the Pocomoke River and the replacement of approximately 119 linear feet of 69kV overhead utility line and the installation of a new 138 kV overhead utility line approximately 64.7 feet above the MHW level of Swan's Gut Creek.

Temporary composite interlocking mats would be utilized during construction and would result in temporary impacts to approximately 24.38 acres of nontidal wetlands and 2.14 acres of tidal wetlands. The applicant proposes to remediate impacts to wetlands associated with the utilization of mats following completion of construction.

As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to waters of the United States to the maximum extent practicable. The majority of the project would be replacement of existing poles in close proximity to the original wooden pole position. Portions of the utility line were re-aligned, including shifting of pole positions within the existing right of way, to reduce the number of poles within wetlands and to reduce impacts to waters of the United States. The new single-pole steel structures are proposed in close proximity to current pole locations or within uplands to reduce impacts to existing wetland habitat and the existing poles would be cut at the substrate and disposed at an off-site location to reduce permanent impacts and soil disturbance within wetland areas. The applicant has proposed to remediate all temporary access impacts following completion of the work. Compensatory mitigation is not being proposed by the applicant for permanent impacts to nontidal wetlands at this time.

The purpose of the project is to improve electrical supply to meet local electricity demands.

The project site lies in or adjacent to EFH as described under MSFCMA for Pleuronectes americanus (winter flounder), Scopthalmus aquosos (windowpane flounder), Pomatomus saltatrix (blue fish), Stenotomus chrysops (scup), Centropristus striata (black sea bass), and Paralicthys dentatus (summer flounder) juvenile and adult; Urophycis chuss (red hake) eggs, larvae, and juvenile; Peprilus triacanthus (Atlantic butterfish) and Sphyrna lewini (scalloped hammerhead shark) juvenile; Clupea harengus (Atlantic sea herring) and Prionance glauca (blue shark) adult; Odontaspis taurus (sand tiger shark) larvae and adult; Squatina dumerili (Atlantic angel shark) and Charcharinus plumbeus (sandbar shark) larvae, juvenile, and adult; Charcharinus obscurus (dusky shark) and Galeocerdo cuvieri (tiger shark) larvae; and eggs, larvae, juvenile, and adult stages of Scomberomorus cavalla (king mackerel), Scomberomorus maculatus (spanish mackerel), and Rachycentron canadum (cobia); all managed species under the MSFCMA.

The project has the potential to adversely affect EFH or the species of concern by alteration of spawning, nursery, forage and/or shelter habitat. The project may have an adverse effect on approximately 2.14 acres of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly intertidal marsh habitat that does not support submerged aquatic vegetation (SAV) or hard clams (Mercenari mercenary). The proposed project would temporarily disturb approximately 2.14 acres of tidal wetlands; and permanently impact 0.02 acres of tidal wetlands. However, the District Engineer has made a preliminary determination that site-specific impacts would not be substantial and an abbreviated consultation will be conducted with NMFS. Temporary impacts would be remediated following completion of the proposed work. No mitigative measures are recommended to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the probable impact 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 reasonably 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, economics, 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, 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, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration.

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, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230 within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which to make its consistency determination.

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 listed 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 requested permit.

The evaluation of the impact of the work described above 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 District Engineer must receive the request, which must be in writing, U.S. Army Corps of

Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest that may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicate the foregoing 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.

FOR THE DISTRICT ENGINEER:

Kathy B. Anderson Chief, Maryland Section Southern















