

U.S. Army Corps of Engineers

Baltimore District

PN 19-46

Comment Period: July 29, 2019 to August 28, 2019

NAB-2018-01901 (Altoona Water Authority/Bellwood Dam

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.

Public Notice

In Reply to Application Number

Modifications)

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: Altoona Water Authority 900 Chestnut Avenue Altoona, Pennsylvania 16601

WATERWAY AND LOCATION: A 50.6 acre reservoir, located on Bell's Gap Run, adjacent to PA Route 865, in Antis Township, Blair County, Pennsylvania (Latitude: 40° 37' 29.37" N; Longitude: 78° 22' 55.73" W).

PROPOSED WORK AND PURPOSE: Bellwood Dam is a public water supply structure originally constructed in 1902 and later expanded to its current capacity in 1946. No improvements have been made to the dam over the last 72 years. The applicant proposes to modify and improve the existing dam by replacing aging infrastructure and appurtenances, reconstructing the dam spillway and stream discharge channel, and removing accumulated silts and sediments from the 50.6 acre reservoir. Total proposed impacts to aquatic resources include 1,687 linear feet (1.62 acres) of perennial stream, 2,540 linear feet (33.82 acres) of open water, and 0.28 acre of adjacent palustrine emergent (PEM) wetland. The project includes constructing a new labyrinth spillway, multiport intake tower, parapet wall, valve vault, access roads, and appurtenant structures. Due to the revised spillway and conservation release locations, stream restoration in the channel downstream of the embankment after completion of the dam modifications is proposed. All proposed impacts are permanent except for the temporary 0.38 acre impact needed for the access road into the drained reservoir.

In addition to the dam modifications, the reservoir would be drained and approximately 140,000 cubic yards of accumulated sediment would be removed from the reservoir via mechanical dredging. The material to be removed would be allowed to become sufficiently dry before earth moving operations occur within the reservoir. Conventional earthmoving and hauling equipment would enter the reservoir via a temporary access road and ramp. All excavated material is proposed to be transported and placed on three sites in State Game Lands No. 158, and five sites in State Game Lands 108, in Reade Township, Cambria County, Pennsylvania.

The purpose of the proposed work is to address the dams' deficient spillway capacity and to address other safety issues associated with the aging infrastructure. The Pennsylvania Department of Environmental Protection considers the Bellwood Dam currently "unsafe" due to the high potential for loss of life during a dam failure.

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. However, the location of the new spillway would permanently impact 0.28 acre of PEM wetland, as the new staged labyrinth spillway is necessary to allow sufficient capacity to pass the probable maximum flood. Compensatory mitigation is being proposed by the applicant for the proposed 0.28 acre of permanent PEM wetland impact. The permittee responsible mitigation site is located within the project area, adjacent to an existing wetland (Wetland 4) and will consist of 0.28 acres of wetland creation. See the attached mitigation site plan for details.

All work is proposed to be completed in accordance with attached plans.

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.

ESSENTIAL FISH HABITAT: 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 effect Essential Fish Habitat (EFH). The Corps has determined this project will not affect any EFH.

WATER QUALITY CERTIFICATION AND COASTAL ZONE MANAGEMENT PROGRAM:

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Pennsylvania Department of Environmental Protection. The Section 401 certifying agency has a statutory limit of one year from the date of this public notice to make its decision.

Where applicable, the applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the approved Coastal Zone Management (CZM) Program. By this public notice, we are requesting the State concurrence or objection to the applicant's consistency statement. It should be noted that

the CZM Program has a statutory limit of 6 months to make its consistency determination. The applicant must obtain any other State or local government permits which may be required.

ENDANGERED SPECIES ACT: A preliminary review of this application indicates that, with an Avoidance Measure in place for the Indiana bat (*Myotis sodalist*), the proposed work will have no effect on 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.

NATIONAL HISTORIC PRESERVATION ACT: 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. Additionally, the applicant has coordinated with the Pennsylvania Historical and Museum Commission (PHMC) and in correspondence dated October 5, 2016, the PHMC determined that there are no historic properties in the area of potential effect. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the request permit.

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, State College Field Office, 1631 South Atherton Street, Suite 102, State College, Pennsylvania, 16801 within the comment period specified above.

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, State College Field Office, 1631 South Atherton Street, Suite 102, State College, Pennsylvania, 16801 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.

If you have any questions concerning this matter, please contact Mrs. Amy Elliott of this office at (814) 235-0573 or via email at amy.h.elliott@usace.army.mil.

This public notice is issued by the Chief, Regulatory Branch.







