



**U.S. Army Corps
of Engineers**
Baltimore District
PN-21-35

Public Notice

**In Reply to Application Number
NAB-2021-00217 (Lake Williams Dam Rehabilitation)**

Comment Period: August 24, 2021 to September 23, 2021

THE PURPOSE OF THIS PUBLIC NOTICE IS TO INFORM INTERESTED PARTIES OF THE PROPOSED ACTIVITY AND TO SOLICIT COMMENTS. 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 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), as described below:

APPLICANT:

Mr. J.T. Hand, President and Chief Executive Officer
The York Water Company
130 East Market Street
York, Pennsylvania 17401-1219

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The proposed project is located in the East Branch of Codorus Creek in Springfield and York Townships, York County, Pennsylvania. Latitude: 39.89007°, Longitude: -76.73057°

OVERALL PROJECT PURPOSE:

To rehabilitate and improve Lake Williams Dam for long-term use and to comply with Pennsylvania Department of Environmental Protection (PADEP) Division of Dam Safety requirements and regulations. PADEP's Dam Safety regulations require Category 1 dams to have adequate spillway capacity to safely pass a Spillway Design Flood equivalent to 100% of the Probable Maximum Flood.

PROJECT DESCRIPTION:

The York Water Company proposes to replace the existing gated (moveable-crest) concrete spillway with a new labyrinth spillway structure and armor the dam embankment with roller compacted concrete to provide an auxiliary spillway which would only be activated during extreme flood events. The labyrinth spillway configuration will allow the permanent increase in the normal pool elevation of the Lake Williams reservoir by 1-foot. The 1-foot increase in pool elevation will increase the stored water capacity of Lake Williams by sixty-million-gallons and will not impact the 100-year flood elevation limits. The pool increase will support drinking water supply goals and conservation measures. The project will also include a new principal spillway

structure; a new non-overflow left gravity dam; dam embankment armoring; a new outlet works; a roller compacted concrete stream crossing; and new monitoring instrumentation. The work will result in permanent impacts to 0.019-acre of emergent wetlands, 1.882-acres of open water within the reservoir, and 107-linear-feet of stream channel; and temporary impacts to 0.205-acre of open water in the reservoir and 85 linear feet of stream channel. The work will result in 3.0-acres of additional open water within the reservoir's permanent pool. The work will also result in secondary impacts, as a result of inundation, to 0.097-acre of emergent and scrub-shrub wetlands and 264-linear-feet of stream channel.

EFFECTS ON AQUATIC RESOURCES:

Activity	Stream Impact (lf/acre)	Wetland Impact (acre)	Reservoir (acre)	Impact	Authority
New outlet and Spillway Construction	[Secondary Impact] Inundation of 264 linear feet (LF) of stream consisting of 26 LF of ephemeral stream, 16 LF of intermittent stream, and 222 LF of perennial stream	[Secondary Impact] Inundation of 0.097 acre of wetland consisting of 0.094 acre of Phragmites PEM wetland and 0.003 acre of PEM/PSS wetland	1.56-acre fill 0.014-acre loss of pool 3.0-acre gain of additional pool	permanent	404
Stream Crossing and Flow Measurement Weir	65 LF / 0.042-acre of perennial stream	0	0	permanent	404
Reinforced Concrete Slab on Upstream Face of Dam	0	0	0.242-acre fill	permanent	404
Roller Compacted Embankment Armoring	0	0.019 acre of PEM wetland	0	permanent	404

Principal Spillway Chute & Training Walls	12 LF / 0.010-acre	0	0	permanent	404
Tailwater Monitoring Box	30 LF / 0.001 acre	0	0	permanent	404
Temporary Diversion Barriers	85 LF / 0.048-acre	0	0.028-acre	temporary	404
Removal of Existing Cofferdam	0	0	0.080-acre	permanent	404
New Rock for Existing Access Road	0	0	0.177-acre	temporary	404

LEAD FEDERAL AGENCY:

The U.S. Army Corps of Engineers, as the lead federal agency, is responsible for all coordination pursuant to applicable federal authorities.

APPLICANT'S PROPOSED AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION:

The project proposes a net-increase of waters of the United States by creating an additional 3 acres of lacustrine resource and open water habitat. As a result of the increase in the net-acreage of waters of the United States, no additional compensatory mitigation is proposed. The project will avoid direct impacts to six wetlands and twelve unnamed tributaries to East Branch Codorus Creek located within the project study area. To protect red bellied turtles, a state-protected species, the drawdown will occur while turtles are active so they can be moved to Lake Redman as part of the trap and transfer effort and any stragglers that avoid capture can move on their own. To protect nearby nesting bald eagles from January 1 to July 31 (the breeding season), all activities that may disturb bald eagles will be avoided within 660 feet (200 meters) of the nest. In addition, existing landscape buffers that screen the activity from the nest will be maintained. Sediment erosion and control measures will be used during construction and all disturbed areas will be revegetated upon construction completion.

CORPS EVALUATION REQUIREMENTS:

This project will be evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-332). 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 evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency.

ENDANGERED SPECIES:

A preliminary review of this application indicates that the proposed work will have no effect on federally 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.

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 on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH), including species of concern, life cycle habitat, or Habitat Areas of Particular Concern. The project site lies in or adjacent to EFH as described under MSFCMA for managed species under the MSFCMA. The Baltimore District has made a preliminary determination that the project is not within an EFH. The Baltimore District has made a preliminary determination that mitigative measures are not required to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise.

HISTORIC RESOURCES

Pursuant to Section 106 of the National Historic Preservation Act of 1966 and applicable guidance, the Corps has reviewed the latest published version of the National Register of Historic Places and initially determined that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. The Corps has made the preliminary determination that the proposed project would have no effect on historic properties. The Corps' final eligibility and effect determination will be based on coordination with the State Historic Preservation Office as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps' identified permit area.

TRIBAL RESOURCES:

Section 106 of the National Historic Preservation Act also requires federal agencies to consult with federally-recognized American Indian tribes that attach religious and cultural significance to historic properties that may be affected by the agency's undertaking. Corps Tribal Consultation Policy mandates an open, timely, meaningful, collaborative, and effective deliberative communication process that emphasizes trust, respect, and shared responsibility. The policy further emphasizes that, to the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages before decisions are made and actions taken. The Corps' final eligibility and effect determination will be based on coordination with interested tribes, in accordance with the Corps' current tribal standard operating procedures as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on tribal resources.

MODIFICATION OF CIVIL WORKS PROJECTS:

33 USC 408 (SECTION 408): All Section 408 proposals will be coordinated internally at USACE. The Section 408 decision will be issued along with the Section 404 and/or Section 10 decision. Please see the following link for more information regarding Section 408: <https://www.nab.usace.army.mil/section408/>.

WATER QUALITY CERTIFICATION:

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act.

COASTAL ZONE MANAGEMENT PROGRAMS:

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 Program. By this public notice, we are requesting the state concurrence or objection to the applicant's consistency statement.

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

SUBMISSION OF COMMENTS:

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 and are subject to release to the public through the Freedom of Information Act. 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 U.S. Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager's email address below. Written comments should reference the Application Number NAB-2021-00217

PUBLIC HEARING REQUESTS:

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 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. The public hearing request may be submitted by electronic mail or mailed to the following address:

Marion Gall
marion.gall@usace.army.mil
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
1631 South Atherton Street, Suite 101
State College, Pennsylvania 16801

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

General information regarding the Corps' permitting process can be found on our website at <https://www.nab.usace.army.mil/Missions/Regulatory.aspx>. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project or would like to request a paper copy of this public notice, please contact Marion Gall by email at marion.gall@usace.army.mil.

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