

**U.S. Army Corps
of Engineers**
Baltimore District
PN 20-01

**Public Notice
In Reply to Application Number
NAB-2018-61132 (DPL Big Annessex/Utility Line Maintenance)**

Comment Period: January 8, 2020 to January 22, 2020

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 404 of the Clean Water Act (33 USC 1344), as described below:

APPLICANT: Delmarva Power and Light Company (DPL)
Attn: Mr. Grant Parker
PO Box 1739
Salisbury, Maryland 21802

WATERWAY AND LOCATION OF THE PROPOSED WORK: In tidal estuarine wetlands to the Big Annessex River, along the east side of Crisfield Highway, within the existing and maintained Kings Creek to Crisfield utility line right-of-way (DPL Circuit No. 6725), Westover, Somerset County, Maryland. Latitude: 38.085146; Longitude: -75.722636

OVERALL PROJECT PURPOSE: Improve overall system reliability and safety along the existing electrical transmission line.

PROJECT DESCRIPTION: To upgrade and reconfigure an approximately 2,345 linear foot section of existing overhead 69 kV electrical transmission line by emplacing temporary construction matting for equipment access and maneuvering to replace in-kind 1 utility pole, cut an existing pole below the marsh surface, and conduct routine maintenance to overhead deteriorated power line infrastructure. The project would result in permanent impacts to approximately 3.0 square feet (0.00007 acres) of tidal wetlands and temporary impacts to approximately 100,155 square feet (2.3 acres) of tidal wetlands. All pole structures removed would be hauled off-site to an upland disposal (non-wetland) site. All work is to be completed in accordance with the attached plan(s).

EFFECTS ON AQUATIC RESOURCES:

Activity	Effect Duration	Resource Type/ Amount (sq.ft)	Authority
Marsh Matting	Temporary	Tidal Wetlands/ 100,155 sq.ft	Section 404
Utility Pole/ Foundation	Permanent	Tidal Wetlands/ 3.0 sq.ft	Section 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: 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 (WoTUS) to the maximum extent practicable. With the exception of approximately 3.0 square feet (sq.ft) of permanent tidal wetland impacts necessary to replace a deteriorated wooden utility pole, all other

impacts are temporary in duration and would be the result of emplacing temporary construction access matting within tidal wetland areas occurring within the existing and maintained utility ROW. The marsh matting would minimize wetland soil compaction, rutting, and vegetation destruction to access a single pole replacement structure in-kind and to perform overall maintenance to existing cross-arm, wire, and conductor structures. Due to the linear nature of the project and the route being limited to the existing ROW, there are few options available for complete avoidance of WoTUS. Existing access roads currently used during regular ROW maintenance activities would be utilized to the greatest extent possible. Temporary construction access within wetlands was designed to be the minimum width required for construction vehicle access. The replacement utility pole structure would be direct embedded and located a distance of approximately 5- to 10-feet from the existing pole location in tidal wetlands. The existing utility pole structure would be cut below the wetland surface elevation grade and the area restored to pre-existing conditions, allowing the tidal marsh to re-establish and be self-mitigating.

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: The lead federal agency is responsible for Endangered Species Act coordination. A preliminary review of this application indicates that the proposed work will have no effect 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 lead federal agency is responsible for Essential Fish Habitat coordination. 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), 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 will not have a substantial adverse effect on 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: The lead federal agency is responsible for historic resources coordination. Pursuant to Section 106 of the National Historic Preservation Act (NHPA) 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 adverse 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 NHPA 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. The lead federal agency is responsible for tribal coordination. 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 (CZM) 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 email address below. Written comments should reference the Application Number: NAB-2018-61132.

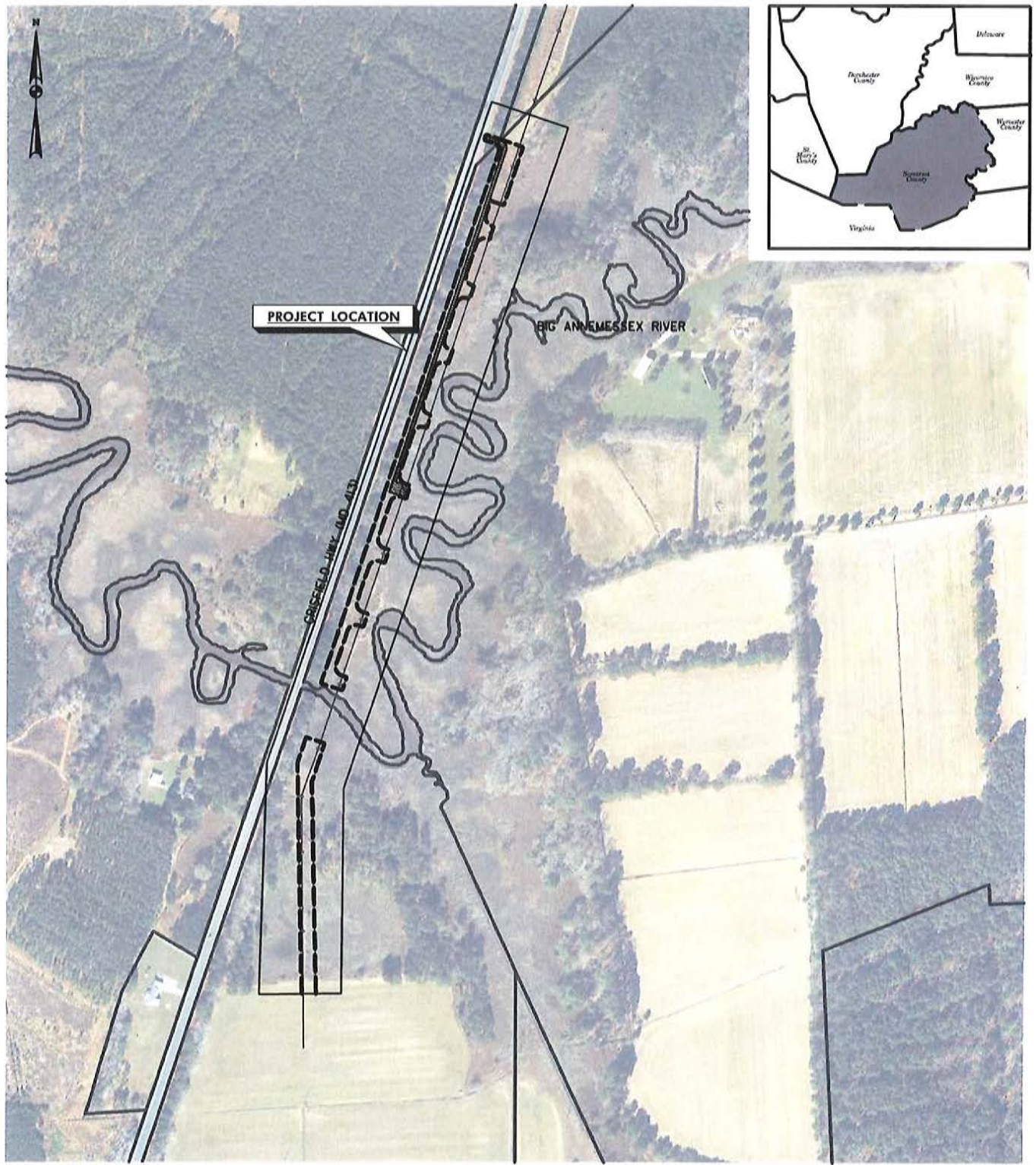
PUBLIC HEARING REQUESTS: Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be

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:


Mr. Jason Peters
Jason.R.Peters@usace.army.mil
U.S. Army Corps of Engineers, Baltimore District
Attn: Regulatory Branch, Easton Field Office
Talbottown Shopping Center
218 N. Washington Street, Suite 304
Easton, Maryland 21601

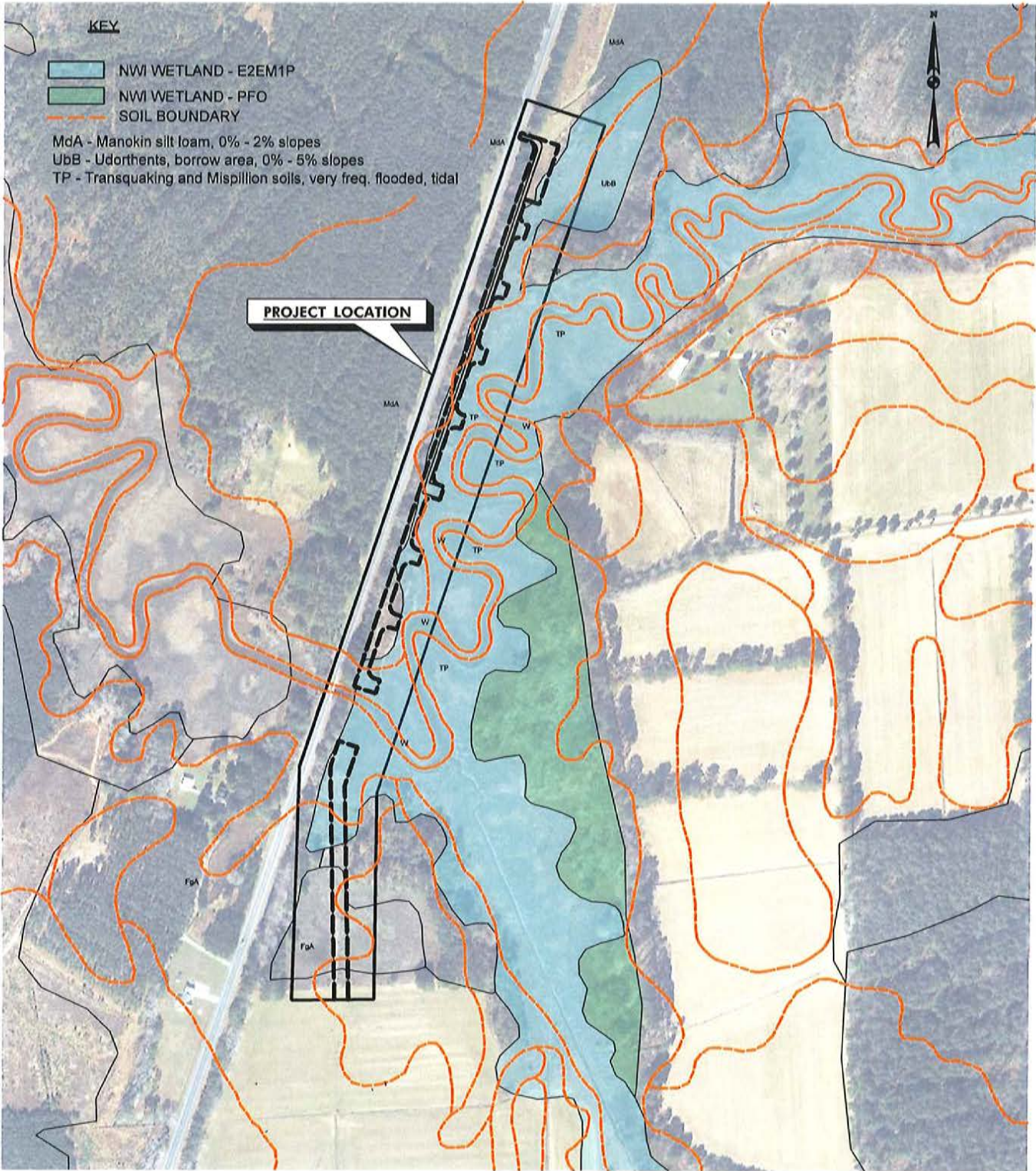
It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested, who did not receive a copy of this notice.

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 Mr. Jason Peters at 410-820-8550 or by email at Jason.R.Peters@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.



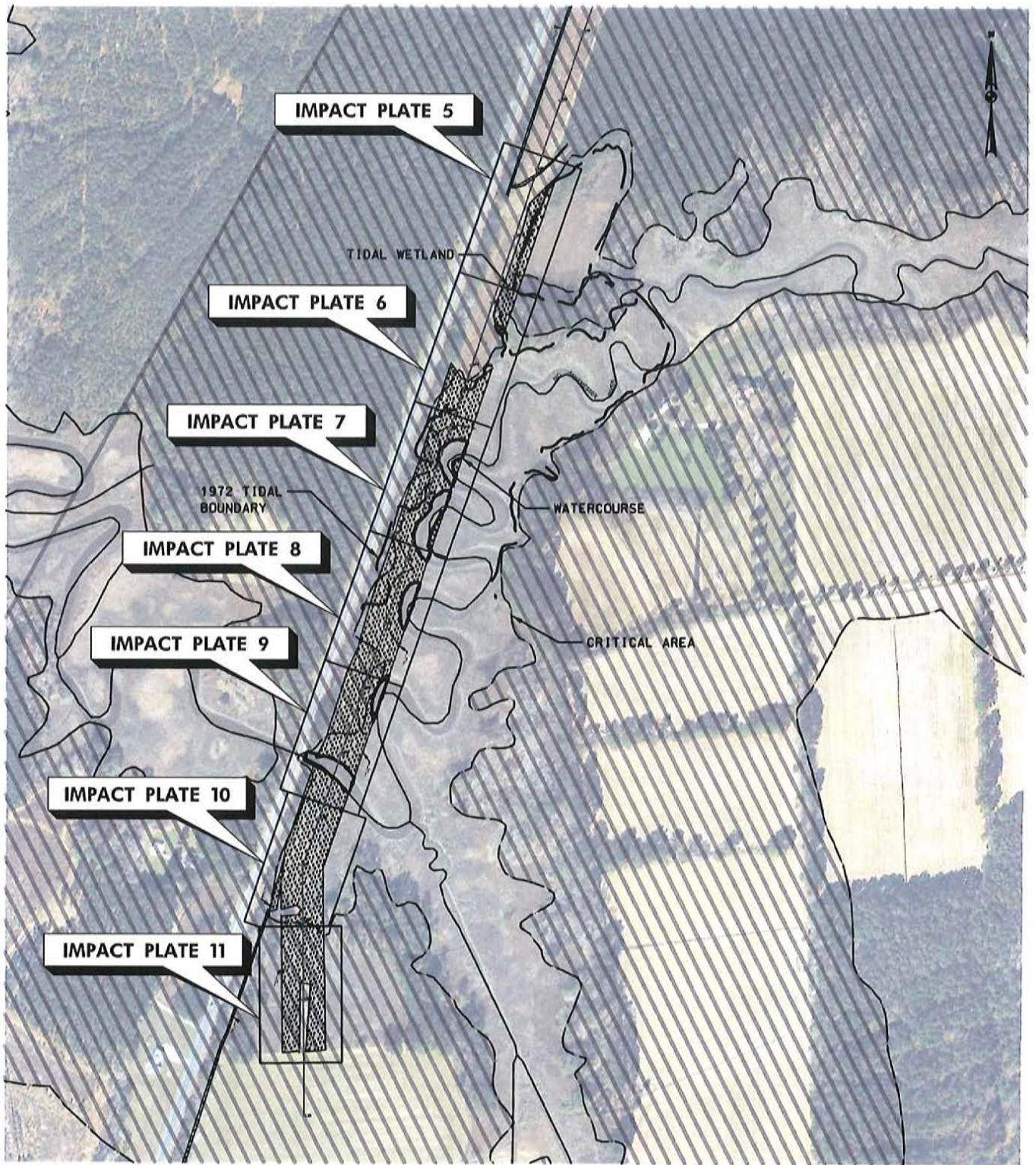
\\bosserver1\projects\5890.SP\Drawings\01\Transmission\Main\In_Big_Annesmessex_River\500_CADD\Plan_Ser\Impact_Plotset.gdp_100_BigAnnesmessex.dgn

	Revisions	SOMERSET COUNTY		
		BIG ANNESMESSEX TRANSMISSION MAINTENANCE PROJECT		
		LOCATION MAP		
		SCALE: 1" = 500'	DATE: JUNE 2019	PLATE 1 of 11




\\observer\projects\5890.SP\Delmarva.ECOC\48_Transmission Maint in Big Annessex River\300_CAD\Plan_Sat\Impact_Protect\08-1002_BigAnnessex.dwg





	Revisions	SOMERSET COUNTY		
		BIG ANNEMESSEX TRANSMISSION MAINTENANCE PROJECT		
		SOILS AND NWI WETLANDS MAPPING		
		SCALE: 1" = 500'	DATE: JUNE 2019	PLATE 2 of 11



\\bosserver\projects\5890_SP_Belmar-vs-ECDC\41_Transmission_Maint_in_Eig_Annemessex_River\300_CADD\Plan_Ser\Impact_Plates\gp-1003_EigAnnemessex.dgn

	Revisions	SOMERSET COUNTY	
		BIG ANNEMESSEX TRANSMISSION MAINTENANCE PROJECT	
		INDEX SHEET	
		SCALE: 1" = 500'	DATE: JUNE 2019

LEGEND

PROPERTY LIMITS	-----	CRITICAL AREA	-----	CBCA	-----	CBCA	-----
TIDAL WETLANDS	-----	CRITICAL AREA HATCHING	-----				
TIDAL WETLAND HATCHING	-----	EXISTING UTILITY POLE	-----				
1972 TIDAL BOUNDARY	-----	PROPOSED UTILITY POLE/PERMANENT WETLAND IMPACTS	-----				
LIMITS OF DISTURBANCE	-----	EXISTING ELECTRIC OVERHEAD	-----	E			
DELINEATED WATERCOURSE	-----	TEMPORARY TIDAL WETLAND IMPACTS	-----				
100 YR FLOODPLAIN	-----						
MEAN HIGH WATER	-----						
MEAN LOW WATER	-----						

SEQUENCE OF CONSTRUCTION:

1. CONTACT THE MDE AT (410) 901-4020 AT LEAST TWO (2) WEEKS PRIOR TO THE START OF WORK TO SCHEDULE A PRE-CONSTRUCTION MEETING. FAILURE TO DO SO MAY RESULT IN AN IMMEDIATE STOPWORK ORDER.
2. CALL MISS UTILITY (800) 257-7777 AT LEAST 48 HOURS PRIOR TO THE START OF CONSTRUCTION.
3. IMPLEMENT EROSION AND SEDIMENT CONTROLS PRIOR TO BEGINNING WORK.
4. COMMENCE UTILITY IMPROVEMENT WORK. FOLLOWING SOIL DISTURBANCES, STABILIZE WITHIN:
 - A. THREE (3) CALENDAR DAYS AS TO THE SURFACE OF ALL PERIMETER CONTROLS, DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND ALL SLOPES GREATER THAN THREE HORIZONTAL TO ONE VERTICAL (3:1) AND
 - B. SEVEN (7) DAYS FOR ALL OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE.

THE IN-PLACE SEDIMENT CONTROL MEASURES WILL BE MAINTAINED ON A CONTINUING BASIS UNTIL THE SITE IS PERMANENTLY STABILIZED AND ALL PERMIT REQUIREMENTS ARE MET.
5. ALL EXCESS SOILS NOT MOUNDED IMMEDIATELY AROUND THE POLE BASE TO BE HAULED TO SITE WITH AN APPROVED E&S PLAN.
6. SEED DISTURBED GROUNDS WITH IN-KIND VEGETATIVE SPECIES AS TO NOT ALTER EXISTING HYDROLOGIC CONDITIONS.
7. WITH WRITTEN PERMISSION FROM THE SEDIMENT CONTROL INSPECTOR, REMOVE PERIMETER CONTROLS, STABILIZE REDISTURBED AREAS.

IMPACT SUMMARIES:

Big Annessex Transmission Maintenance Impact Table										
Plate Number	Name		Temporary Wetland Impacts	Temporary Wetland Buffer Impacts	Permanent Wetland Impacts	Permanent Wetland Buffer Impacts	Temporary Stream Impacts		Temporary Floodplain Impacts	Permanent Floodplain Impacts
			SF	SF	SF	SF	LF	SF	SF	SF
5	Seg 10 WET 1	E2EM	0	0	0	0	0	0	0	0
6	Seg 10 WET 1	E2EM	4743	0	0	0	0	0	0	0
7	Seg 10 WET 1	E2EM	19494	0	0	0	0	0	0	0
8	Seg 10 WET 1	E2EM	20496	0	3	0	0	0	0	0
9	Seg 10 WET 1	E2EM	15096	0	0	0	0	0	0	0
10	Seg 10 WET 1	E2EM	23588	0	0	0	0	0	0	0
11	Seg 10 WET 1	E2EM	16738	0	0	0	0	0	0	0
Totals		S.F.	100,155	0	3	0	0	0	0	0
		Acres	2.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00



An Exelon Company



Revisions

SOMERSET COUNTY

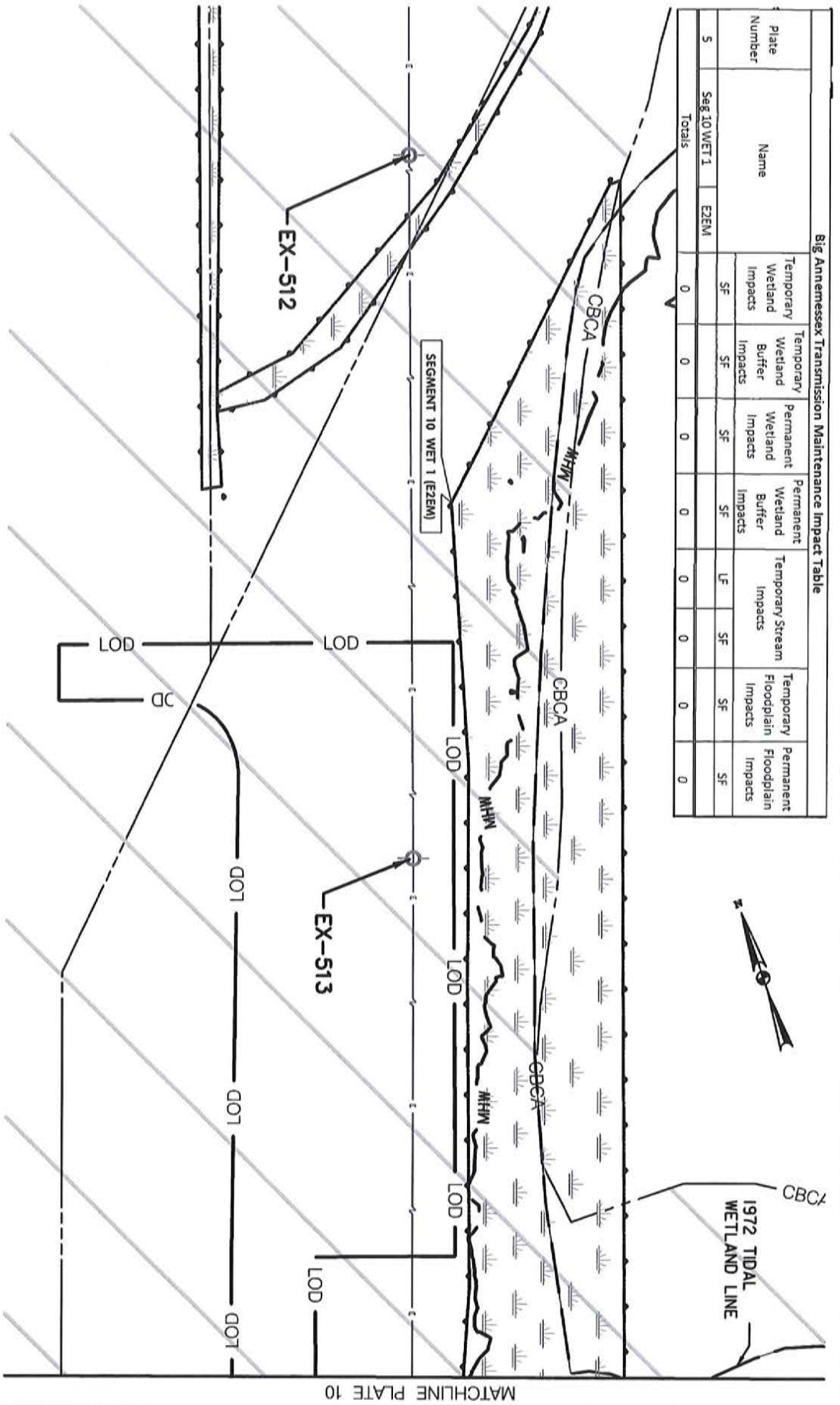
BIG ANNEMESSEX TRANSMISSION MAINTENANCE PROJECT

LEGEND AND NOTES

DATE: JUNE 2019 PLATE 4 of 11

Big Annemessex Transmission Maintenance Impact Table

Plate Number	Name	Temporary Wetland Impacts		Permanent Wetland Impacts		Temporary Stream Impacts		Temporary Floodplain Impacts		Permanent Floodplain Impacts	
		Wetland Impacts	Buffer Impacts	Wetland Impacts	Buffer Impacts	LF	SF	SF	SF	SF	SF
5	SEG 10 WET 1	0	0	0	0	0	0	0	0	0	0
Totals		0	0	0	0	0	0	0	0	0	0



Revisions

SOMERSET COUNTY

**BIG ANNEMESSEX TRANSMISSION
MAINTENANCE PROJECT**

TIDAL WETLAND IMPACTS



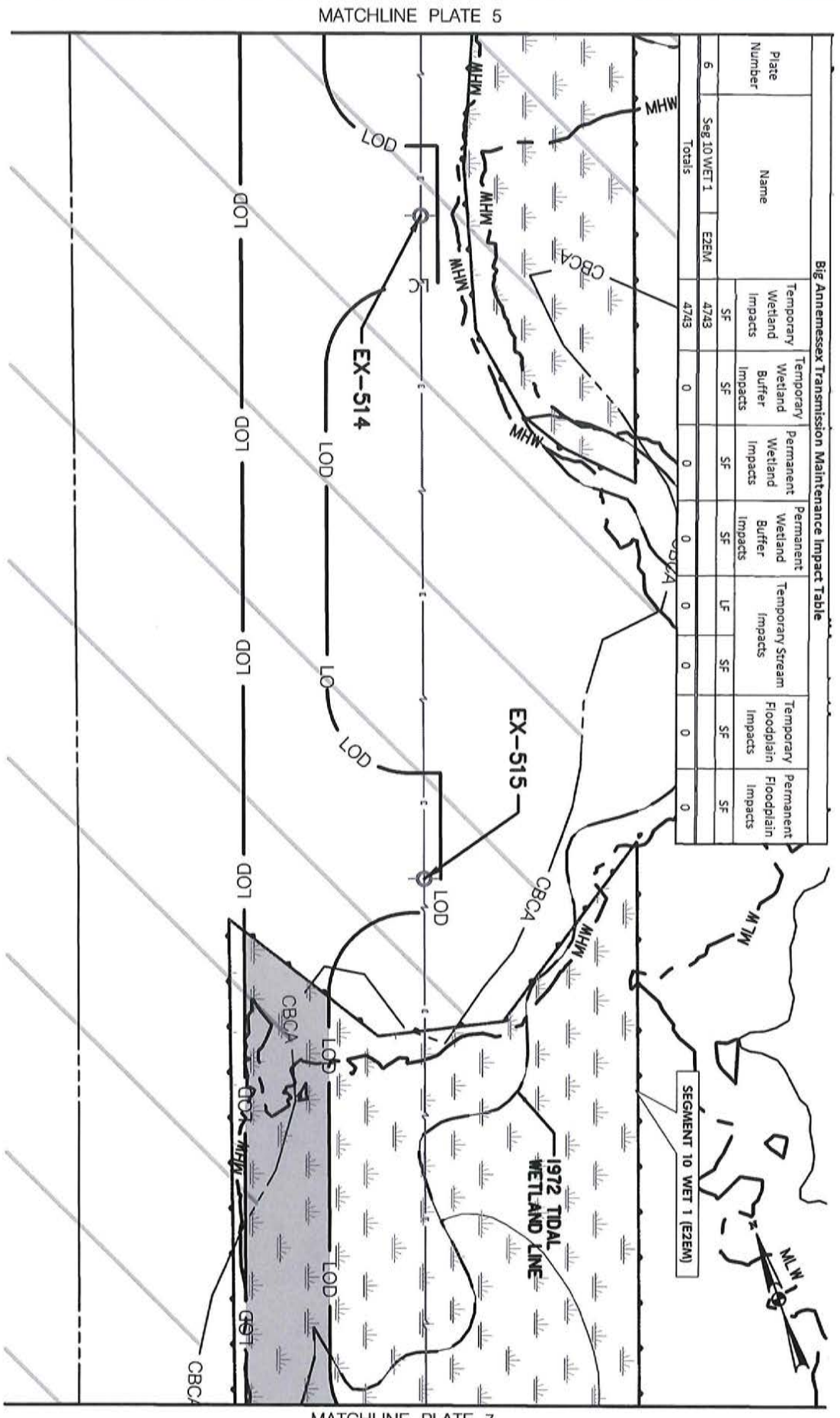
SCALE: 1" = 100'

DATE: JUNE 2019

PLATE 5 of 11

Big Annemessex Transmission Maintenance Impact Table

Plate Number	Name	Temporary Wetland Impacts		Temporary Wetland Buffer Impacts		Permanent Wetland Impacts		Permanent Wetland Buffer Impacts		Temporary Stream Impacts		Temporary Floodplain Impacts		Permanent Floodplain Impacts	
		SF	EZEM	SF	EZEM	SF	EZEM	SF	EZEM	LF	SF	SF	EZEM	SF	EZEM
6	Seg 10 WET 1	4743	EZEM	0		0		0		0		0		0	
Totals		4743		0		0		0		0		0		0	



Revisions

SOMERSET COUNTY

BIG ANNEMESSEX TRANSMISSION
MAINTENANCE PROJECT

TIDAL WETLAND IMPACTS

SCALE: 1" = 100'

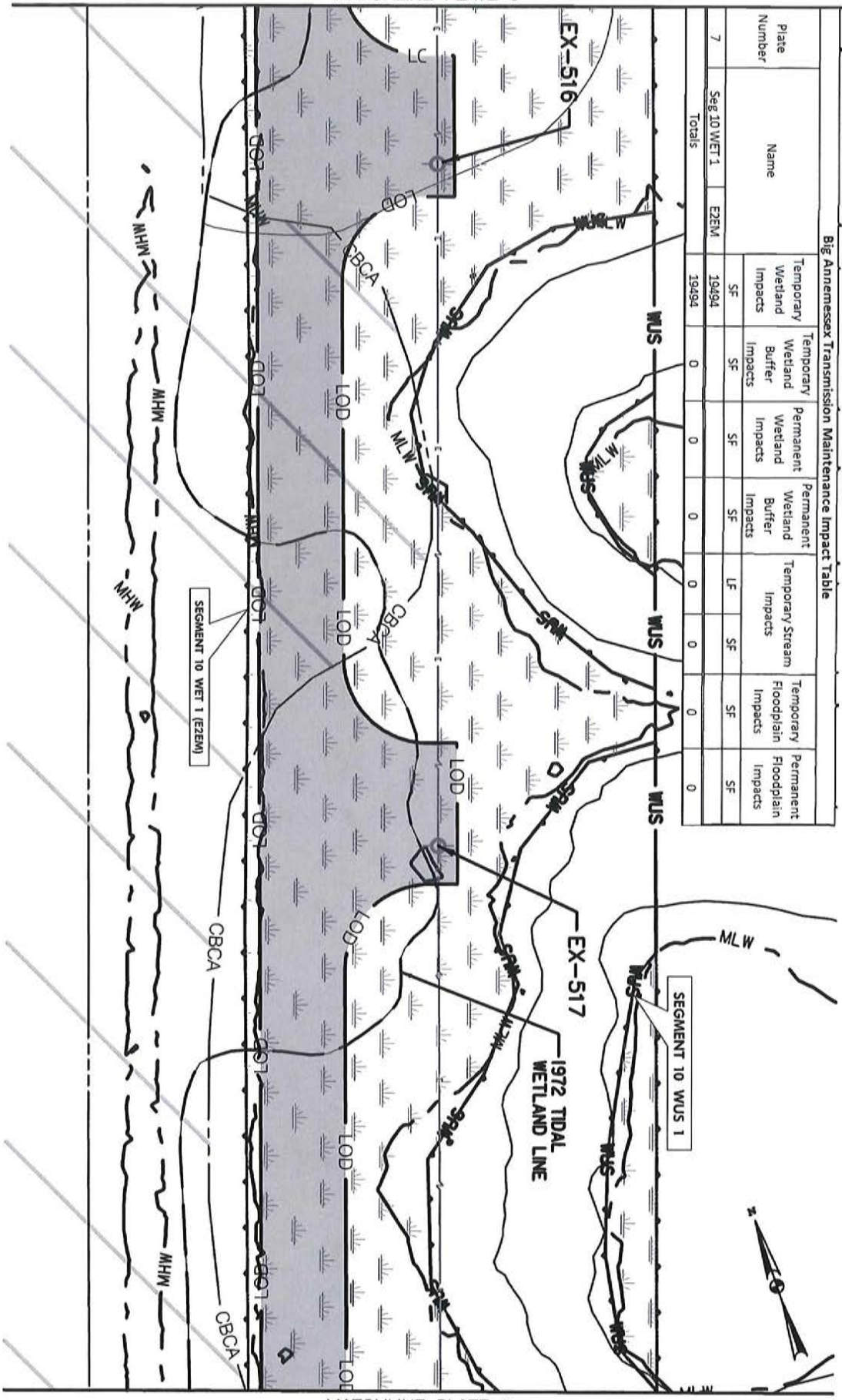
DATE: JUNE 2019

PLATE 6 of 11



Big Annemessex Transmission Maintenance Impact Table

Plate Number	Name	Temporary Wetland Impacts		Temporary Wetland Buffer Impacts		Permanent Wetland Impacts		Permanent Wetland Buffer Impacts		Temporary Stream Impacts		Temporary Floodplain Impacts		Permanent Floodplain Impacts	
		SF	LF	SF	LF	SF	LF	SF	LF	SF	LF	SF	LF	SF	LF
7	Seg 10 WET 1	19494	0	19494	0	0	0	0	0	0	0	0	0	0	0
Totals		19494	0	19494	0	0	0	0	0	0	0	0	0	0	0



MATCHLINE PLATE 6

MATCHLINE PLATE 8

Revisions

SOMERSET COUNTY

BIG ANNEMESSEX TRANSMISSION
MAINTENANCE PROJECT

TIDAL WETLAND IMPACTS



SCALE: 1" = 100'

DATE: JUNE 2019

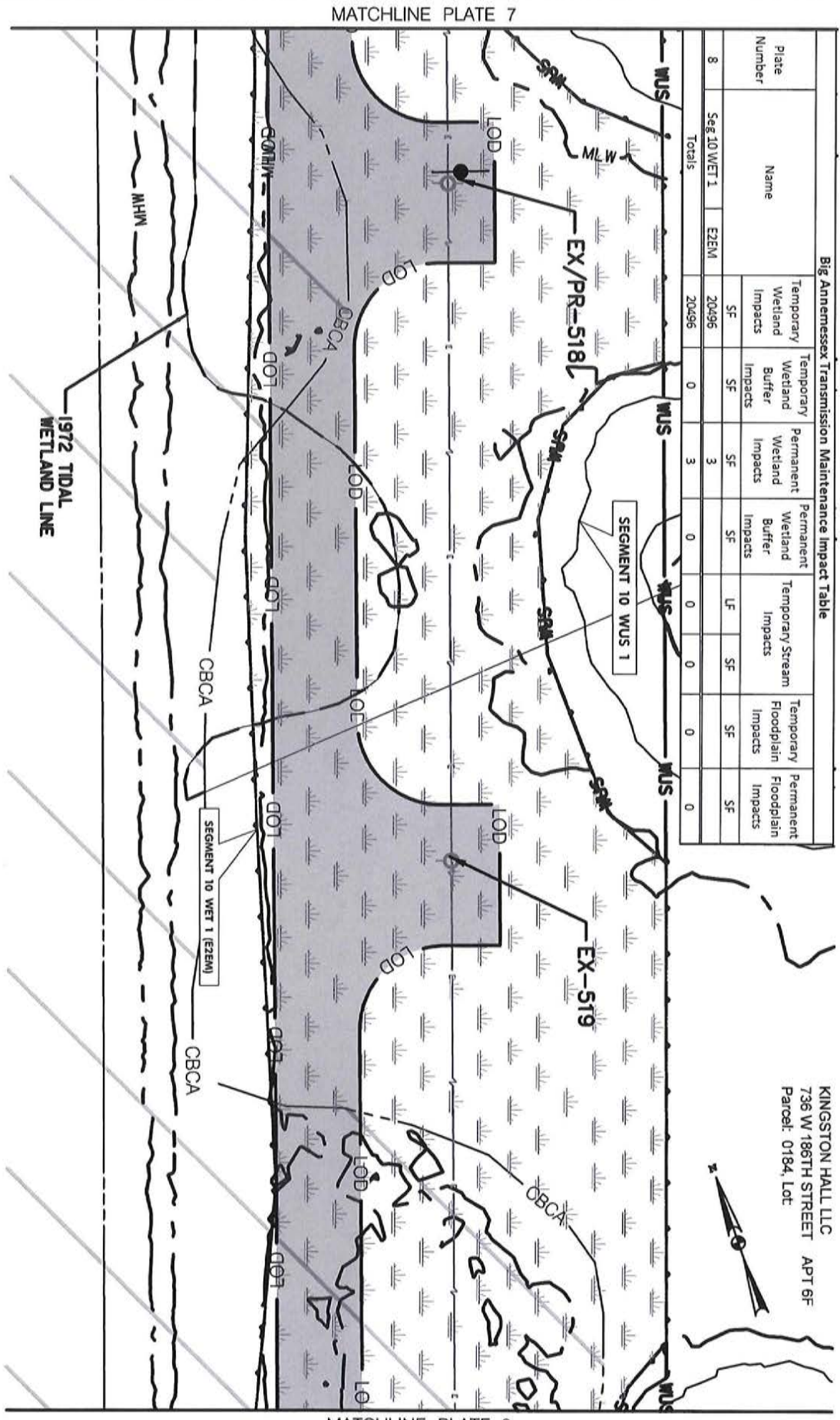
PLATE 7 of 11



\\bosser\er\Project\35890_S\Bosser\va\EGC\va\Transmission\Map\T In Big Annemessex River\2003_CAD\Drawn_Sett\mapset\Printas\p8-0004_BigAnnemessex.dwg

Big Annemessex Transmission Maintenance Impact Table

Plate Number	Name	Temporary Wetland Impacts		Temporary Wetland Buffer Impacts		Permanent Wetland Impacts		Permanent Wetland Buffer Impacts		Temporary Stream Impacts		Temporary Floodplain Impacts		Permanent Floodplain Impacts	
		SF	LF	SF	LF	SF	LF	SF	LF	SF	LF	SF	LF	SF	LF
8	Seg 10 WET 1	20496		20496		3		3		0		0		0	
Totals		20496		20496		3		3		0		0		0	



KINGSTON HALL LLC
736 W 186TH STREET
APT 6F
Parcel: 0184, Lot

Revisions

SOMERSET COUNTY
BIG ANNEMESSEX TRANSMISSION
MAINTENANCE PROJECT
TIDAL WETLAND IMPACTS

SCALE: 1" = 100'

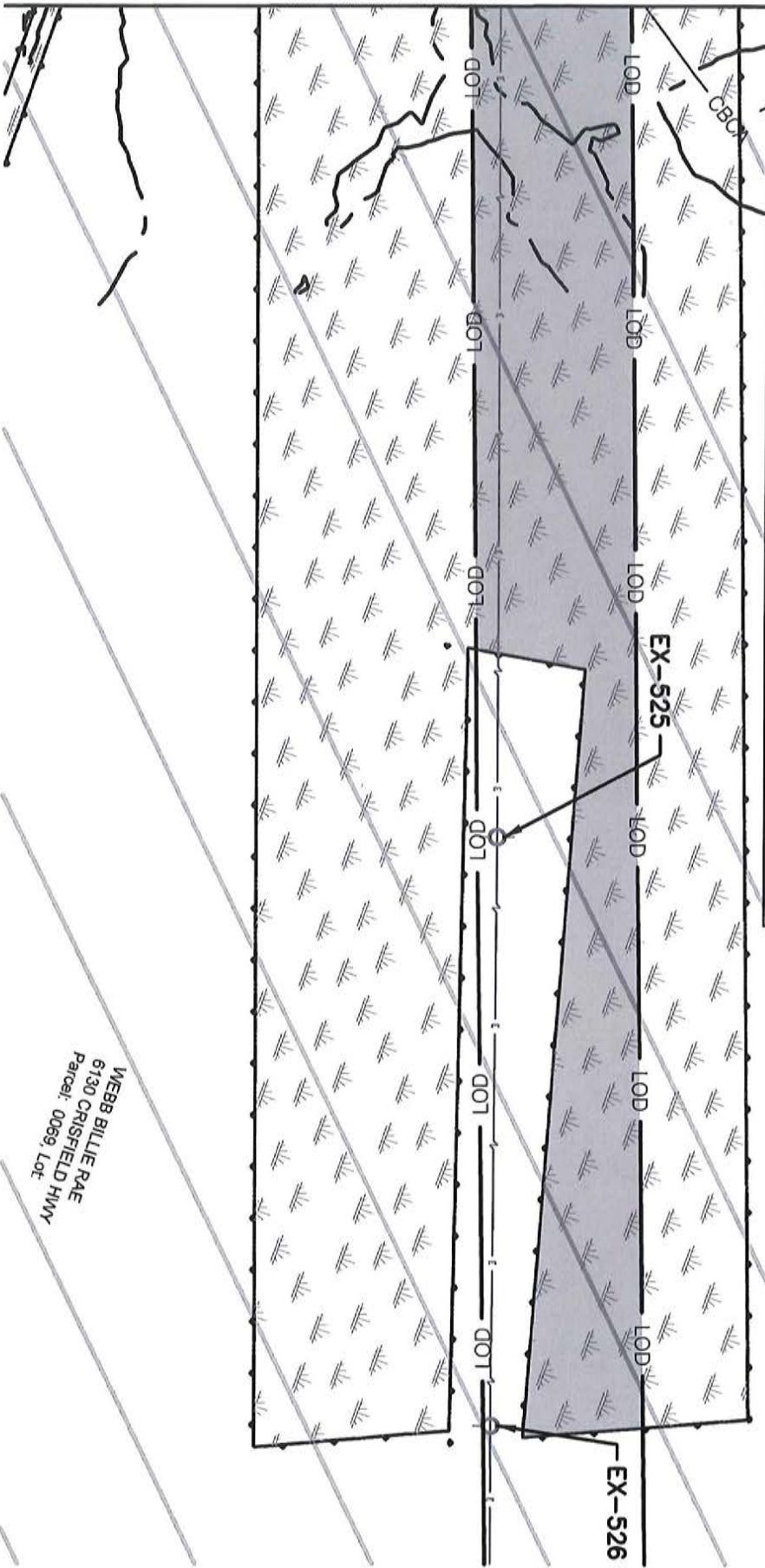
DATE: JUNE 2019

PLATE 8 of 11



\\boserv1\proj\15890_Sp_Deliver\vs_ECOG\41_Transmission_Maint\In_Big_Annemessex_River\300_CAD\plan_Sett\Impact_Pictas\pfr-0001_figannemessex.dgn

MATCHLINE PLATE 10



Big Annemessex Transmission Maintenance Impact Table

Plate Number	Name	Temporary Wetland Impacts		Temporary Wetland Buffer Impacts		Permanent Wetland Impacts		Permanent Wetland Buffer Impacts		Temporary Stream Impacts		Temporary Floodplain Impacts		Permanent Floodplain Impacts	
		SF	LF	SF	LF	SF	LF	SF	LF	SF	LF	SF	LF	SF	LF
11	Seg 10 WET 1	16738				0		0		0		0		0	
Totals		16738		0		0		0		0		0		0	

Revisions

SOMERSET COUNTY

BIG ANNEMESSEX TRANSMISSION MAINTENANCE PROJECT

TIDAL WETLAND IMPACTS

SCALE: 1" = 100'

DATE: JUNE 2019

PLATE 11 of 11