

Public Notice

U.S. Army Corps
of Engineers
Baltimore District
PN 21-02

In Reply to Application Number
NAB-2020-60183 (DPL E. New Market to Cambridge/Utility Line Rebuild)

Comment Period: January 15, 2021 to January 29, 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: Delmarva Power and Light Company (DPL)
Attn: Mr. Sean Francis
401 Eagle Run Road
Newark, Delaware 19714

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed project is located in Shoal Creek, Hurst Creek, Choptank River, White Hall Creek, Indian Creek, and Warwick River, entirely within the existing and maintained approximately 150-foot wide by 11.3-mile long utility line right-of-way easement (ROW), beginning at the Cambridge Substation and ending at the East New Market Substation, in Dorchester County, Maryland. (Latitude: 38.56; Longitude: -75.075)

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

PROJECT DESCRIPTION: To rebuild approximately 11.3 miles of existing overhead 69 kV electrical transmission line (DPL Circuit No. 6719), entirely within the existing 150-foot wide utility ROW, by emplacing temporary construction matting for equipment access and maneuvering to upgrade and replace in-kind 7 utility poles and replace 15 existing wooden pole structures with new steel monopole structures. The project would result in permanent impacts to approximately 351 square feet (0.01 acres) of nontidal wetlands for new pole installation and temporary matting impacts to approximately 211,723 square feet (4.86 acres) of nontidal wetlands. The work includes approximately 218 linear feet of overhead utility line replacement work elevated a minimum of 34 feet to a maximum of 83 feet above tidal portions of Indian Creek. Existing poles planned for removal would be cut below the marsh surface elevation and hauled off-site to an upland disposal (non-wetland) site. All work is proposed in accordance with the attached plan(s).

EFFECTS ON AQUATIC RESOURCES:

Activity	Effect Duration	Resource Type/ Amount (sq.ft/lf)	Authority
Marsh Matting	Temporary Fill	Nontidal Wetlands/211,723 sq.ft	Section 404

22 Utility Pole/ Foundation Structures	Permanent Fill	Nontidal Wetlands/351 sq.ft	Section 404
Overhead Line Replacement/	Temporary Work	Tidal Open Waters/218 lf	Section 10/Tidal Crossing

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. Except for approximately 289 square feet (sq.ft) of permanent nontidal wetland impacts necessary to replace 15 existing deteriorated wooden pole structures with new self-supporting steel monopole structures, all other impacts would be temporary in duration and would be the result of emplacing temporary construction access matting within nontidal wetland areas occurring within the existing and maintained utility 150-foot wide ROW. The work to replace utility pole structures either in-kind or with new steel monopoles would be direct embedded and located approximately 5- to 10-feet from the existing pole location along the ROW in nontidal wetlands. The existing utility pole structures would be cut below the wetland surface elevation grade and the area restored to pre-existing conditions, allowing nontidal wetland areas post-disturbance to re-establish and be self-mitigating. Out of a total of 286 structures (190 transmission, 96 distribution), 22 structures would be located within wetlands. The applicant has proposed using interlocking composite construction access matting to minimize the potential for prolonged wetland/soil compaction, rutting, and vegetation destruction to access transmission/distribution structures and to perform overall maintenance to existing cross-arm, static wire/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. No matting is proposed in tidal wetlands or waterways. The proposed work to replace approximately 218 linear foot portion of conductor/static wire above tidal portions of Indian Creek would be temporary in duration, thus minimizing potential impacts to navigation.

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-2020-60183.

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, need to be received within the comment period as specified above in order to receive consideration. Also, the public hearing request(s) must clearly set forth the interest which may be adversely affected by this activity and the way the interest may be adversely affected. The public hearing request may be submitted by email or mailed to the following address:

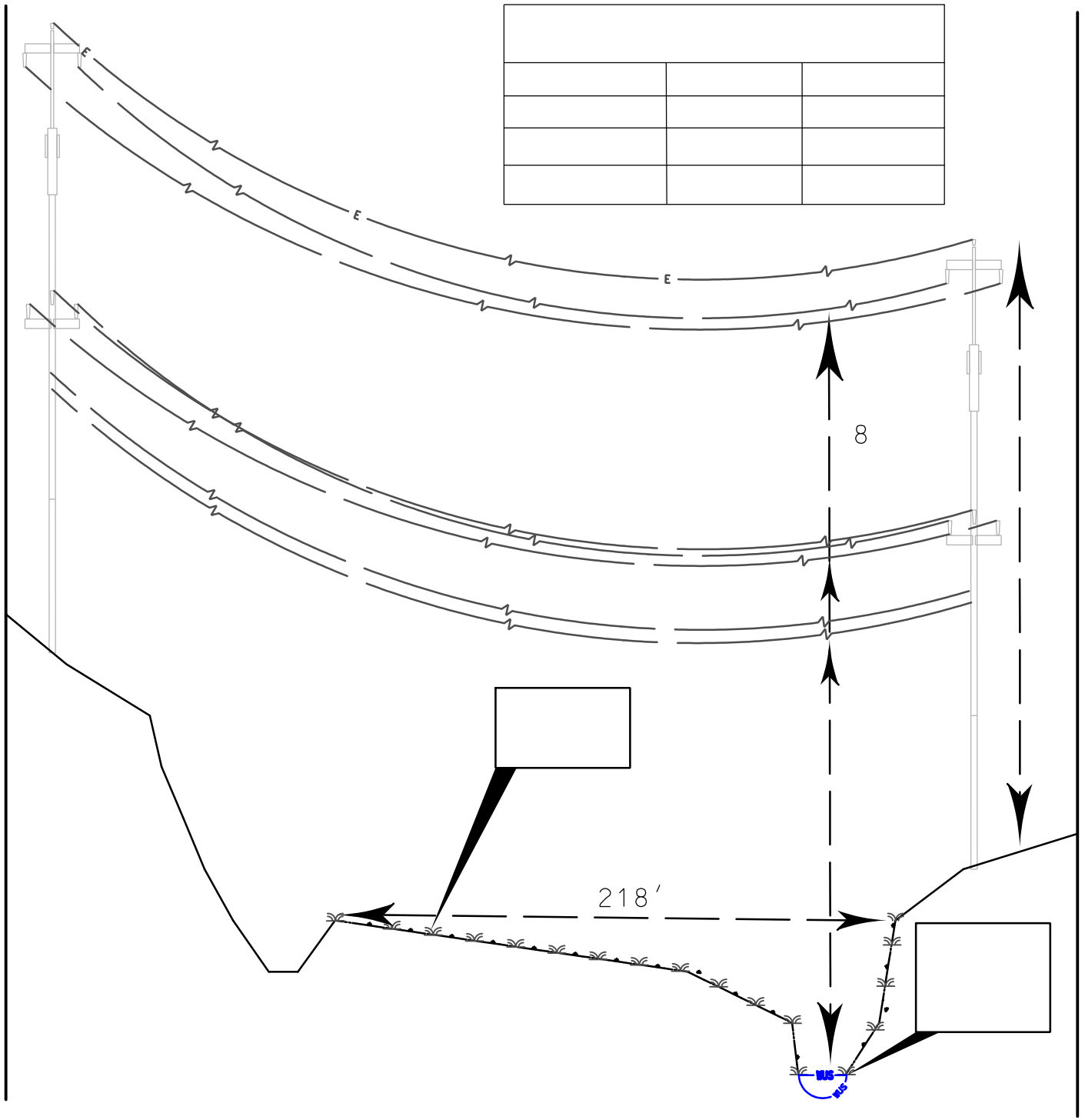
Mr. Jason Peters
(Email: Jason.R.Peters@usace.army.mil)
U.S. Army Corps of Engineers, Baltimore District
Attn: Regulatory Branch, Easton Field Office
Talbottown Shopping Center

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.

TIDAL WETLAND CROSSING (WL 17)



NOT TO SCALE

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Revisions

DORCHESTER COUNTY

**EAST NEW MARKET TO CAMBRIDGE
TRANSMISSION REBUILD PROJECT**

NOTES AND DETAILS




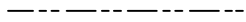
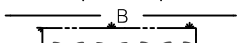

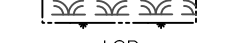

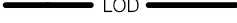











SCALE: N/A


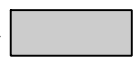



DATE: April 2020

PLATE 53 of 53

LEGEND

WATERCOURSE _____		100 YR FLOODPLAIN _____	
NONTIDAL WETLAND _____		PROPERTY BOUNDARIES _____	
NONTIDAL WETLAND BUFFER _____		CRITICAL AREA BOUNDARY _____	
TIDAL WETLAND _____		CRITICAL AREA FILL _____	
LIMIT OF DISTURBANCE _____		EXISTING CONTOURS _____	
EXISTING ELECTRIC OVERHEAD _____		DELINEATION STUDY AREA _____	
EXISTING UTILITY POLE _____		150' DELMARVA POWER _____	
PROPOSED TRANSMISSION POLE _____		RIGHT OF WAY _____	
PROPOSED DISTRIBUTION POLE _____		BANK TO BANK BRIDGE _____	

IMPACT LEGEND

TEMPORARY NON-TIDAL WETLAND IMPACTS _____	
TEMPORARY NON-TIDAL WETLAND BUFFER IMPACTS _____	
100 YEAR FLOODPLAIN IMPACTS _____	
PERMANENT TRANSMISSION POLE IMPACTS (2.5' - 5' DIAMETER) _____	
PERMANENT DISTRIBUTION POLE IMPACTS (2' DIAMETER) _____	

SEQUENCE OF CONSTRUCTION:

- CONTACT THE MARYLAND DEPARTMENT OF THE ENVIRONMENT 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.
- CALL MISS UTILITY (800) 257-7777 AT LEAST 48 HOURS PRIOR TO THE START OF CONSTRUCTION.
- COMMENCE UTILITY IMPROVEMENT WORK. AT NO POINT IN CONSTRUCTION IS MORE THAN 20 ACRES OF UNSTABILIZED DISTURBED GROUND ALLOWED. FOLLOWING SOIL DISTURBANCES, STABILIZE WITHIN:
 - 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
 - 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.
- ALL EXCESS SOILS NOT MOUNDED IMMEDIATELY AROUND THE POLE BASE TO BE HAULED TO SITE WITH AN APPROVED E&S PLAN.
- SEED DISTURBED GROUNDS WITH IN-KIND VEGETATIVE SPECIES AS TO NOT ALTER EXISTING HYDROLOGIC CONDITIONS. WITH WRITTEN PERMISSION FROM THE SEDIMENT CONTROL INSPECTOR, REMOVE PERIMETER CONTROLS, STABILIZE REDISTURBED AREAS.

NOTES:

- E&S CONTROLS MAY BE ADJUSTED OR ADDED WITH APPROVAL FROM THE EROSION AND SEDIMENT CONTROL INSPECTOR TO CAPTURE ALL SEDIMENT LADEN RUNOFF FROM THE WORK AREAS. ALL CONTROLS REMOVED FOR ACCESS PURPOSED TO BE RESET BY THE END OF WORK DAY.
- IF ENCOUNTERED, PUMP ALL GROUNDWATERS THROUGH AN APPROVED FILTER BAG.
- INTERLOCKING COMPOSITE MATTING SHALL BE USED FOR ALL ACCESS THRU WETLANDS, WETLAND BUFFERS, CRITICAL AREAS, 100YR FLOODPLAINS, OR AS OTHERWISE INDICATED. IF DISTURBED GROUNDS ARE CREATED AS A RESULT OF MATTING INSTALLATION, USE, OR REMOVAL, SAME DAY STABILIZATION PRACTICES SHALL BE IMPLEMENTED.
- TEMPORARY WATER CROSSING STRUCTURES AND ROAD SIDE DITCH ACCESS POINT CROSSINGS MUST SPAN TO EITHER BANK. IF DISTURBED GROUNDS ARE CREATED AS A RESULT OF BRIDGING INSTALLATION, USE, OR REMOVAL, SAME DAY STABILIZATION PRACTICES SHALL BE IMPLEMENTED.
- PLACEMENT OF PERIMETER CONTROLS AS SHOWN IN AGRICULTURAL FIELDS IS SUBJECT TO SITE CONDITIONS AT THE TIME OF CONSTRUCTION.

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Revisions

DORCHESTER COUNTY

EAST NEW MARKET TO CAMBRIDGE
TRANSMISSION REBUILD PROJECT

NOTES AND DETAILS



SCALE: N/A

DATE: April 2020

PLATE 04 of 53

East New Market to Cambridge 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
8	WL1	PEM	0	3579	0	64	0	0	0	0
9	WL2	PSS	18699	8960	10	6	0	0	0	0
9A	ENCWL1	PEM	3063	9433	3	3	0	0	0	0
9B	ENCWL1	PEM	1164	1748	3	0	0	0	0	0
	ENCWC1	INT	0	0	0	0	0	0	0	0
10	WL3	PSS	15901	7110	134	0	0	0	0	0
	ENCWL2	PEM	592	3245	0	0	0	0	0	0
11	WL3	PSS	25891	1581	14	0	0	0	0	0
12	WL3	PSS	28189	3018	22	0	0	0	0	0
13	WL4	PEM	0	1713	0	3	0	0	0	0
	WL5	PEM	66	1496	0	6	0	0	0	0
16	WL6	PEM	0	239	0	0	0	0	0	0
	WC1	PER	0	0	0	0	0	0	0	0
17	WC2	PER	0	0	0	0	0	0	0	0
19	WL7	PEM	0	3487	0	18	0	0	0	0
20	WL8	PEM	29687	13062	67	10	0	0	0	0
21	WL8	PEM	3443	8973	0	8	0	0	0	0
22	WL9	PEM	3318	7652	0	0	0	0	0	0
24	WL10	PEM	3351	7383	5	5	0	0	0	0
	WC3	PER	0	0	0	0	0	0	0	0
25	WL11	PEM	2839	838	0	0	0	0	0	0
	WL11	PSS	0	227	0	0	0	0	0	0
	WC4	PER	0	0	0	0	0	0	0	0
26	WL11	PEM	1014	1325	0	6	0	0	0	0
	WL11	PSS	581	1663	0	0	0	0	0	0
28	WL12	PEM	641	5084	0	64	0	0	0	0
	WL12	PFO	0	0	0	0	0	0	0	0
	White Hall Creek (WC5)	PER	0	0	0	0	0	0	0	0
29	WL13	PEM	0	1706	0	6	0	0	0	0
30	WL14	PEM	0	29	0	0	0	0	0	0
	WL15	PEM	543	2729	0	3	0	0	0	0
31	WL16	PSS	1756	2523	0	7	0	0	0	0
	WC6	PER	0	0	0	0	0	0	0	0
33	WC7	PER	0	0	0	0	0	0	0	0
34	WL17	PEM	0	0	0	0	0	0	0	0
	WL17	E2EM	0	0	0	0	0	0	0	0
	WL17	E2SS	0	0	0	0	0	0	0	0
	Indian Creek (WC8)	PER	0	0	0	0	0	0	0	0
	100-Year Floodplain	N/A	0	0	0	0	0	0	1117	6
35	WL17	PEM	0	0	0	0	0	0	0	0
	100-Year Floodplain	0	0	0	0	0	0	0	84	0
37	WL18	PEM	31	1688	0	3	0	0	0	0

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Revisions

DORCHESTER COUNTY

EAST NEW MARKET TO CAMBRIDGE TRANSMISSION REBUILD PROJECT

NOTES AND DETAILS

SCALE: N/A

DATE: April 2020

PLATE 05 of 53



East New Market to Cambridge 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
38	WL19	PEM	0	5222	0	15	0	0	0	0
	WL19	PSS	0	297	0	0	0	0	0	0
	WC9	INT	0	0	0	0	0	0	0	0
39	WL20	PEM	0	1661	0	0	0	0	0	0
	WC10	INT	0	0	0	0	0	0	0	0
40	WL21	PEM	4156	1902	6	0	0	0	0	0
	WL21	PFO	0	0	0	0	0	0	0	0
41	WL21	PEM	4055	6489	64	0	0	0	0	0
	WL21	PFO	0	0	0	0	0	0	0	0
	WL22	PEM	0	4141	0	11	0	0	0	0
	WC11	PER	0	0	0	0	0	0	0	0
	WC12	INT	0	0	0	0	0	0	0	0
42	WL22	PEM	0	5594	0	7	0	0	0	0
	WC12	INT	0	0	0	0	0	0	0	0
43	WL23	PSS	1952	2540	0	8	0	0	0	0
	WC13	PER	0	0	0	0	0	0	0	0
44	WL24	PEM	449	7833	3	17	0	0	0	0
	WL24	PSS	9728	4320	0	0	0	0	0	0
45	WL24	PEM	1601	13291	0	20	0	0	0	0
	WL24	PSS	4203	4158	0	0	0	0	0	0
46	WL24	PEM	0	7030	0	3	0	0	0	0
	WL24	PFO	0	810	0	3	0	0	0	0
47	WL25	PEM	12616	14489	5	5	0	0	0	0
48	WL25	PEM	1504	4848	0	0	0	0	0	0
	WL25	PSS	24876	0	12	0	0	0	0	0
	WC14	INT	0	0	0	0	0	0	0	0
49	WL25	PSS	1015	912	0	0	0	0	0	0
	WL26	PEM	1114	9617	0	5	0	0	0	0
	WL27	PEM	385	3061	0	0	0	0	0	0
	WL28 (Headwaters of Transquaking River)	PEM	0	1155	0	0	0	0	0	0
50	WL28 (Headwaters of Transquaking River)	PEM	0	77	0	0	0	0	0	0
	WL28 (Headwaters of Transquaking River)	PFO	0	0	0	0	0	0	0	0
51	DIST. LINE WL1	PEM	1937	1737	0	3	0	0	0	0
	DIST. LINE WL1	PFO	199	603	0	0	0	0	0	0
	DIST. LINE WL2	PFO	1164	8887	3	3	0	0	0	0
	DIST. LINE WC1	INT	0	0	0	0	0	0	0	0
52	DIST. LINE WL2	PFO	0	1542	0	6	0	0	0	0
Totals		S.F.	211,723	212,707	351	318	0	0	1,201	6
		Acres	4.86	4.88	0.01	0.01	0.00	0.00	0.03	0.00

NOTE - THERE ARE NO PROPOSED IMPACTS TO TIDAL WETLANDS OR WETLANDS OF SPECIAL STATE CONCERN (WSSCs)

Revisions

DORCHESTER COUNTY

EAST NEW MARKET TO CAMBRIDGE TRANSMISSION REBUILD PROJECT

NOTES AND DETAILS

SCALE: N/A

DATE: April 2020

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