



U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
NAB-2018-61397 (DP&L Lynch Substation to Massey
Substation - Rebuild)

PN 19-17

Comment Period: March 14, 2019 to April 4, 2019

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 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: Delmarva Power & Light Company (DP&L)
A subsidiary of Exelon Corporation
C/o Mr. Church Reed
P.O. Box 9239
Newark, Delaware 19714-9239

WATERWAY AND LOCATION OF THE PROPOSED WORK: In nontidal wetlands draining to the Morgan Creek from Lynch to Massey, Kent County, Maryland.

PROPOSED WORK AND PURPOSE: To rebuild approximately 13.2 miles of existing 69kV overhead electrical transmission line, entirely within the existing maintained utility line right-of-way (ROW), beginning at the Lynch Substation located off Lynch Road, in Lynch, Kent County, Maryland and ending at the Massey REA Substation located off Massey Road, in Massey, Kent County, Maryland (Circuit No. 6827) as follows: to emplace temporary construction matting for construction utility line access to upgrade and replace 213 existing wooden pole structures with steel monopoles. The project would result in total permanent impacts to approximately 755 square feet (0.017 acres) of nontidal wetlands for installing 9 steel monopoles and temporary impacts to approximately 342,979 square feet (7.87 acres) of nontidal wetlands for emplacing temporary interlocking composite matting and approximately 783 square feet (0.018 acres) of intermittent stream channel for temporarily bank-to-bank spanning. All pole structures removed would be hauled off-site to an upland (non-wetland) disposal site.

The purpose of the project is to rebuild the existing electrical utility line infrastructure for line integrity and to prevent power outages for improved regional reliability. The work would be achieved by removing and replacing older existing wooden pole structures with new steel monopole structures within the existing transmission line ROW.

AVOIDANCE AND MINIMIZATION STATEMENT: 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 impacts are temporary in duration and are a result of emplacing temporary interlocking composite matting for construction vehicle access within the existing maintained utility line ROW easement. The permanent impacts are due to placing new steel monopole structures in close proximity to the original pole structure positions within nontidal wetlands to keep the centerline of the transmission line from deviating from the existing ROW. 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 the 213 proposed replacement pole structures, only 9 poles are proposed in nontidal wetlands. 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 two bank-to-bank intermittent stream channel crossings are proposed for temporary construction access and would result in no permanent impacts to the intermittent channel or flow. Banks would be restored to pre-existing conditions. All of the poles located within nontidal wetlands would be 3.5-feet in diameter and are designed to be self-supporting to withstand forces necessary to pull wire when new wire is installed through the rebuild circuit.

MITIGATION STATEMENT: The applicant has proposed to remediate all temporary construction access impacts following completion of the work. Compensatory mitigation is not being proposed by the applicant for the permanent loss of approximately 755 square feet (0.017 acres) of nontidal wetlands at this time. The permanent impacts are under 1/10th of an acre of loss. All temporary matting would be removed in accordance with the best management practices for temporary construction access and those areas impacted returned to preconstruction conditions.

All work is proposed to be completed in accordance with the attached plan(s) and work description. If you have any questions concerning this matter, or would like to submit written comments, please contact: Mr. Jason R. Peters, Baltimore District, Corps of Engineers, Regulatory Branch, Easton Field Office, Talbottown Shopping Center 218 N. Washington Street, Suite 51, (410) 820-8550, Jason.R.Peters@usace.army.mil.

The decision whether to authorize this project will be based on an evaluation of 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 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, Regulatory Branch, Easton Field Office, Talbottown Shopping Center 218 N. Washington Street, Suite 51, Easton, Maryland, 21601, within the comment period specified above.

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 affect Essential Fish Habitat (EFH). This project does not lie in or adjacent to EFH as described under the MSFCMA.

WATER QUALITY CERTIFICATION: The applicant is required to obtain individual water quality certification for this project 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 (1) year to make its decision.

COASTAL ZONE MANAGEMENT PROGRAMS: The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the State's federally-approved Coastal Zone Management Program (CZMP). By this public notice, we are requesting the State's concurrence or objection to the applicant's consistency certification statement. Public comments relating to consistency must be received by the Coastal Zone Division, MDE, Montgomery Park

Business Center, 1800 Washington Blvd., Suite 430, Baltimore, Maryland, 21230-1708, within the comment period as specified above. It should be noted that Maryland's CZMP has a statutory limit of six (6) months from the date of this public notice in which to make its consistency determination.

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

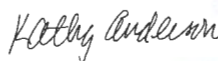
ENDANGERED SPECIES ACT: A preliminary review of this application using the U.S. Fish and Wildlife Service IPaC online screening tool indicates that the proposed work will not affect any Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act (ESA), as amended. The project location and vicinity is not mapped as critical habitat for any known Federally-listed threatened or endangered species under USFWS' jurisdiction. 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. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit. As the evaluation of this proposal continues, additional information may become available which could modify this preliminary determination.

The evaluation of the impact of this project 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 request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, District Engineer, U.S. Army Corps of Engineers, Baltimore District, Regulatory Branch, Easton Field Office, Talbottown Shopping Center, 218 N. Washington Street, Suite 51, Easton, Maryland, 21601, 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.

FOR THE DISTRICT ENGINEER:



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KATHY B. ANDERSON
Chief, Maryland Section Southern