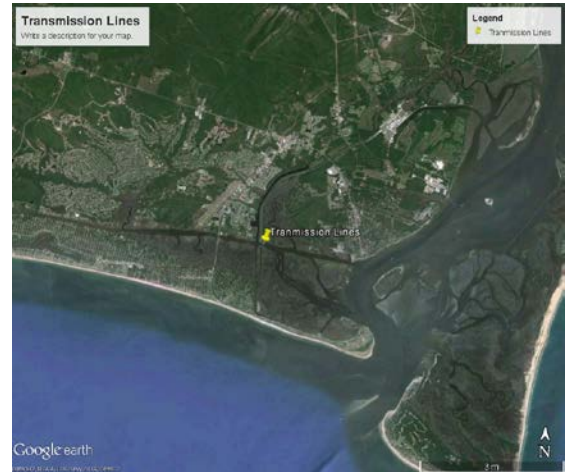




US Army Corps
of Engineers
Wilmington District

Duke Energy Aerial Transmission Lines Southport to Caswell Beach, NC (Regulatory)

- **Regulatory Action: Issuance of a Notice of Non-Compliance (NNC) on January 26, 2015 for failure to comply with the conditions of the 1980 Department of Army (DA) permit authorizing the installation of the lines above navigable waters**
- **Current concerns: The current height of the transmission lines is 20 feet lower than the permitted and mapped height of 96 feet. This creates a potential safety and navigation hazard**



CONGRESSIONAL DISTRICT: NC - 7

DATE: 23 February 2015

1. PURPOSE.

To provide information regarding the current status of the aerial power transmission lines owned by Duke Energy spanning the Atlantic Intracoastal Waterway (AIWW) between Southport, NC and Caswell Beach, NC. ORM Action ID: SAW-2015-00173.

2. BACKGROUND.

a. On January 4, 2015 a barge struck the aerial transmission lines causing damage to the infrastructure supporting the power transmission lines. A Department of the Army (DA) permit for the aerial lines was issued in 1980 under authority of Section 10, Rivers and Harbors Act.

b. Duke Energy conducted repairs to the utility line infrastructure to allow for continued transmission of power to Caswell Beach. These repairs involved the installation of a new power pole and modification to the supporting infrastructure which, resulted in lowering the height of the lines to 76 feet above the mean high water (MHW) of the lines. The 1980 DA permit authorized the power lines to be installed and maintained at 96 feet above MHW. Additionally, NOAA navigational maps have the lines mapped at their permitted height of 96-feet.

PROJECT INFORMATION – Duke Energy, Aerial Transmission Lines, Southport to Caswell Beach, NC (Regulatory), Continued

c. By email sent January 16, 2015, the Corps informed representatives from Duke that the project may not be compliant with the conditions of the 1980 DA authorization, and requested surveyed data of the height of the transmission lines.

d. The Corps met with Duke Energy on January 20, 2015 to discuss plans to have the lines replaced to their originally permitted height. Duke explained that returning the lines to their originally permitted height would require materials that are not readily available. In addition, a substrate survey would be required to determine the necessary specification of materials that would be needed. Duke explained that under favorable soil conditions, two existing poles located out of state could be modified, delivered and installed by May 2015. Otherwise, new poles would have to be fabricated and installation would be delayed until August 2015. A soil survey was scheduled for the week of January 25, 2015.

e. In correspondence/communication sent on January 22, 2015, the Corps notified Duke that an official 'non-compliance' letter would be issued shortly. In this letter, the Corps informed Duke that signage to notify mariners of the potential safety hazard in the area would be required (an appropriate location for the signage was identified via e-mail sent on January 22, 2015).

f. By letter dated January 26, 2015, the Corps issued a Notice of Non-Compliance (NNC) to Duke Energy containing mandatory remedial actions including the installation of signage no later than February 11, 2015. Also, they were requested to coordinate with the United States Coast Guard to determine any additional requirements in their purview, and submit project plans and timelines to bring the project into compliance, also by February 11, 2015.

g. The Corps received a certified mail receipt that the NNC was signed for and received by Duke Energy on January 27, 2015.

h. By letter dated Feb 11, 2015, Duke Energy notified the Corps that they installed signage notifying mariners in the area of a potential hazard due to power line sag height. Additionally, the Corps was notified regarding timeframes for installing replacement poles to bring the structure into compliance.

3. **CURRENT STATUS.**

Installation of the signs will be field verified by the Corps. A compliance inspection will be completed to ensure sag height is no less than 96 feet following construction to replace current poles by end of May 2015.