



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: December 21, 2015
Comment Deadline: January 20, 2016
Corps Action ID Number: SAW-2015-01994

The Wilmington District, Corps of Engineers (Corps) received an application from the Virginia Electric and Power Company seeking Department of the Army authorization to discharge fill material into waters of the United States, associated with the construction of a new 115kV and 230kV switching station. The proposed project is located adjacent to an existing overhead electrical transmission line easement and would permanently impact 1.035 acres of jurisdictional wetlands, temporarily impact 0.052 acre of jurisdictional wetlands and will involve the relocation of 471.97 linear feet of perennial stream channel, permanently impact 39.8 linear feet of perennial stream channel for a total of 511.77 linear feet of jurisdictional streams. The switching station would be approximately 5.5 acres in size, near Battleboro, in Nash County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

Applicant: Virginia Electric and Power Company
Ms. Amanda M. Mayhew
701 East Cary Street, 12th Floor
Richmond, Virginia 23219

Agent: Angler Environmental
Ms. Anna Keith Reusche
613 Poole Drive
Garner, North Carolina 27529

Authority

The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of the following Statutory Authorities:

Section 404 of the Clean Water Act (33 U.S.C. 1344)

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

Location: The proposed project area (Site) is located approximately 0.3 mile south of the town of Battleboro, in Nash County, North Carolina. A railroad easement serves as the eastern boundary of the site with Etheridge Street and Crepe Myrtle Street being the northern and western boundary, respectively, which are populated with several single family residences. In addition, a tributary to Beech Branch serves as the southern boundary. Property Identification Numbers: 020042, 037306, 040250, 018274, 022200, and 040252.

Directions to Site: The proposed activity is located southeast of North Wesleyan Boulevard (NC Highway 301) and north of Morning Star Church Road and can be accessed via Burrows Street in the town of Battleboro, in Nash County, North Carolina.

Project Area (acres): 37.01 +/- Nearest Town: Battleboro
Nearest Waterway: Beech Branch River Basin: Upper Tar
Latitude and Longitude: 36.044939N, -77.75236W

Existing Site Conditions

The proposed project site consists primarily of wooded areas along the eastern boundary to the middle of the tract, where cleared areas extend westward to the single family residences along the western and northern perimeter. In addition, there is an existing electrical transmission line that enters the property from the southeast corner near the intersection of the rail line and Red Oak Battleboro Road, that runs in a northerly direction for approximately 300 feet then turns northwest along an existing dirt path for approximately 200 feet and then turns in a northeasterly direction to exit the property. In addition, there is also an existing sewerline that runs parallel to the woodline on its northwestern boundary, paralleling the unnamed tributary to Beech Branch that dissects the property along the northeastern edge and then flows into another sewerline at the southern end of the property.

The project would impact a total of 11 wetlands, involving three Cowardin classifications, which include: palustrine scrub-shrub impacting 0.002 acre (Wetland 10), palustrine emergent wetlands (Wetland 1, 5, 7, 9 and 10) for a total of 0.241 acre, and palustrine forested, impacting 0.792 acre of wetlands (Wetlands 2, 3, 4, 6, and 8). One of the wetlands (W10) proposed to be impacted (0.002 acre) under the existing electrical transmission line at the intersection of Red Oak Battleboro Road can be classified as a palustrine scrub-shrub wetland. This area is vegetated by sapling species of sweetgum (*Liquidambar styraciflua*), bushy bluestem (*Andropogon glomeratus*), fireworks goldenrod (*Solidago rugosa*), narrowleaf cattail (*Typha latifolia*), bristly cattail sedge (*Carex frankii*), arrow-leaved tearthumb (*Persicaria sagittata*), and highbush blackberry (*Rubus argutus*). This area is underlain by frequently flooded Bibb soils and with a matrix color of 10 YR 5/6 with 2.5 YR 4/2 redox concentrations in the upper 10 inches, with 2.5 Y with 4/1 concentrations between 10-18 inches and has a clay loam texture.

Hydrology in this area was evidenced by the primary indicators of saturation within the upper 12 inches of the surface, oxidized rhizospheres along living roots and the FAC Neutral test. The palustrine emergent wetlands on the site are vegetated by jewelweed (*Impatiens capensis*), Japanese stiltgrass (*Microstegium vimineum*), Lady Bird Johnson wildflower (*Elymus virginicus*), marsh dayflower (*Murdannia keisak*), sallow sedge (*Carex lurida*), false nettle (*Boehmeria cylindrical*), and climbing hempvine (*Mikania scandens*). The forested wetlands on the site are vegetated by red maple (*Acer rubrum*) and tulip poplar (*Liriodendron tulipifera*) in the tree stratum, red maple, American elm (*Ulmus americana*), elderberry (*Sambucus nigra*), and green ash (*Fraxinus pennsylvanica*) in the sapling/shrub stratum and netted chain fern (*Woodwardia areolata*), Lizard's tail (*Saururus cernuus*), and jewelweed (*Impatiens capensis*) in the herbaceous layer. The soils are mapped as Bibb and are characterized as being a sandy loam with a matrix of 10 YR2/1 in the upper 6 inches underlain by soils having a 10YR 4/1 matrix with 7.5 YR 4/4 redox concentrations from 6-18 inches. Hydrology in these systems was evidenced by a high water table, saturation in the upper 12 inches, water stained leaves, along with the geomorphic position and the FAC-Neutral test. The upland forest canopy layer consists largely of loblolly pine (*Pinus taeda*), red maple, sweetgum, with willow oak (*Quercus phellos*), black cherry (*Prunus serotina*) and northern red oak dominating the sapling/shrub layer and Lady Bird Johnson wildflower dominating the herbaceous layer.

Applicant's Stated Purpose

The purpose of the project, as stated by the applicant, is to provide a new electrical switching station that would connect to the existing single 115 kV circuit and two 230 kV electrical circuits and would provide additional reliability to the electrical grid in the event of power outage or additional electrical needs in the region.

Project Description

The proposed project would involve the construction of a new 115kV and 230kV switching station located adjacent to an existing overhead electrical transmission line easement. The switching station would be approximately 5.5 acres in size and would require a new entrance for ingress/egress and a storm water detention management facility to control runoff. The project would likely entail the use of several different sized excavators, skid steers, and dump trucks.

The construction of the switching station would result in approximately 0.596 acres of permanent fill in jurisdictional wetlands including AASHTO #57 stone underlain by compacted earthen fill. Relocation of the UT to Beech Branch would result in 471.97 linear feet of temporary impact. In addition, a substation security fence would be installed around the immediate perimeter of the substation.

The new entrance for ingress/egress would be constructed with 21A compacted base course underlain by compacted earthen fill resulting in approximately 0.003 acres of permanent fill in jurisdictional wetlands. In addition, 39.80 linear feet of temporary

impacts to the UT to Beech Branch would also occur for the installation of double 24 inch culverts where the road crosses the stream.

The proposed storm water detention management facility would result in approximately 0.46 acres of permanent impacts to jurisdictional wetlands.

In total the project would yield 1.035 acres of permanent impacts to jurisdictional wetlands, 39.8 linear feet of permanent impacts to jurisdictional streams, and the filling and relocation of 471.97 linear feet of perennial stream channel to facilitate construction of the fill pad for the transmission facility and its associated storm water detention facility. The channel relocation would involve use of natural channel design.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Given the nature and need for the project, the siting of switching station is limited to the southeast corner of subject property where the intersection of the transmission lines exist. The applicant through this process has identified all environmental constraints including wetlands and streams and has taking steps to avoid and minimize including proposing to relocate and restore the stream channel that would be impacted by the proposed lot fill ; however the size of the station and required storm water management facility would unfortunately result in permanent impacts to wetlands.

Compensatory Mitigation

In order to compensate for the loss of jurisdictional wetlands and streams, the applicant is proposing to purchase mitigation credits at an approved mitigation bank to offset unavoidable functional loss to the aquatic environment due to the proposed impacts.

Essential Fish Habitat

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, this Public Notice initiates the Essential Fish Habitat (EFH) consultation requirements. The Corps' initial determination is that the proposed project would have no affect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act of 1966, Appendix C of 33 CFR Part 325, and the 2005 Revised Interim Guidance for Implementing Appendix C, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

- Should historic properties, or properties eligible for inclusion in the National Register, be present within the Corps' permit area; the proposed activity requiring the DA permit (the undertaking) is a type of activity that will have no potential to cause an effect to an historic properties.
- No historic properties, nor properties eligible for inclusion in the National Register, are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. The Corps subsequently initiates consultation with the SHPO (or THPO).
- The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, 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.

Endangered Species

Pursuant to the Endangered Species Act of 1973, the Corps reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information:

- The Corps determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.

- The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat. The Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
- The Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. The Corps will make a final determination on the effects of the proposed project upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

Other Required Authorizations

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

North Carolina Division of Water Resources (NCDWR): The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice, combined with the appropriate application fee, at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. A waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of receipt of a complete application. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for a 401 Certification should do so, in writing, by January 12, 2016, to:

NCDWR Central Office
Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit (USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

Or,

(physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDCM):

- The application did not include a certification that the proposed work complies with and would be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2 (b)(2) the Corps cannot issue a Department of Army (DA) permit for the proposed work until the applicant submits such a certification to the Corps and the NCDCM, and the NCDCM notifies the Corps that it concurs with the

applicant's consistency certification. As the application did not include the consistency certification, the Corps will request, upon receipt, concurrence or objection from the NCDCM.

- Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

Evaluation

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 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, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; 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 (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a

public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, January 20, 2016. Comments should be submitted to Jean Gibby, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina at (919) 554-4884, Ext 24.