



**US Army Corps
of Engineers®**
Wilmington District

408-SAW-2025-0015

**PUBLIC NOTICE
REQUEST FOR PERMISSION
TO MODIFY A**

U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408

TITLE: Dominion Energy, Electric Line 246 Replacement, Ellis Swamp Flood Control Project, Gates County, North Carolina.

PUBLIC NOTICE COMMENT PERIOD:

Begins: July 2, 2025

Expires: July 16, 2025

Interested parties are hereby notified that a request has been received for Department of the Army Section 408 (Section 14 of the Rivers and Harbors Act of 1899; 33 U.S.C. 408; hereinafter Section 408) approval to replace an aerial electric line over the Ellis Swamp Flood Control Project which is a federal project subject to Section 14 of the Rivers and Harbors Act of 1899, 33 USC 408 (Section 408), as described below. Written comments are being solicited from anyone having an interest in the requested alteration. Comments received will become part of the U.S. Army Corps of Engineers' (USACE) administrative record and will be considered in determining whether to approve the request. Comments supporting, opposing, or identifying concerns that should be considered by the USACE in its decision process are welcome. Comments providing substantive information and/or a rationale for the commenter's position are the most helpful. Comments regarding the proposed work should reference the USACE public notice number (408-SAW-2025-0015) and must reach the USACE via email no later than **June 16, 2025**, to become part of the public record and be considered in the USACE's decision. Please send comments to the Wilmington District Section 408 Coordinator at: ronnie.d.smith@usace.army.mil.

REQUESTER: Dominion Energy

LOCATION: The proposed action is located along electric line 246 over Jady Branch (Ellis Swamp Flood Control Project), southwest of the intersection of NC Highway 137 and Taylor Mill Road, east of the community of Eure, Gates County, North Carolina. (36.417823, -76.830273).

PROPOSED ACTION: The requester proposes to replace an aerial 240kV electric line over Jady Branch (Ellis Swamp Flood Control Project). The new electric line will be installed 30 feet above Jady Creek, which is the same height as the existing electric line. Machinery would operate within the existing cleared utility line ROW.

REGULATORY AUTHORITY: This request will be reviewed according to the provisions of Section 408. A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations. An approval under Section 408 does not grant any property rights or exclusive privileges, nor does it authorize any injury to the property or rights of others.

EVALUATION: The decision whether to grant the requested permission for federal project modification under Section 408 will be based on several factors and 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. Review of the request for modification will be reviewed by a USACE technical review team and will consider, but not necessarily be limited to, the following factors:

1. Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the projects to function as authorized, or would compromise or change any authorized project's conditions, purposes, or outputs. The decision whether to approve a request for modification would be based on a determination of no impairments.

2. Injurious to the Public Interest Determination. Proposed alterations will be reviewed by the District to determine the probable impacts, including cumulative impacts, on the public interest.

SUMMARY: It should be noted that materials submitted as part of Section 408 requests become part of the public record and will be available to the general public under the provisions of the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under the FOIA or make an appointment to view the project file at the USACE Wilmington District's Office of Counsel.

Interested parties wishing to comment on the proposed action must do so in writing no later than **July 16, 2025**. It is presumed that all parties viewing this notice will wish to respond; therefore, a lack of response will be interpreted as meaning there is no objection to the proposed action as described.

Ronnie Smith

Ronnie Smith
Wilmington District
U.S. Army Corps of Engineers



Figure 2: Federal Project Map

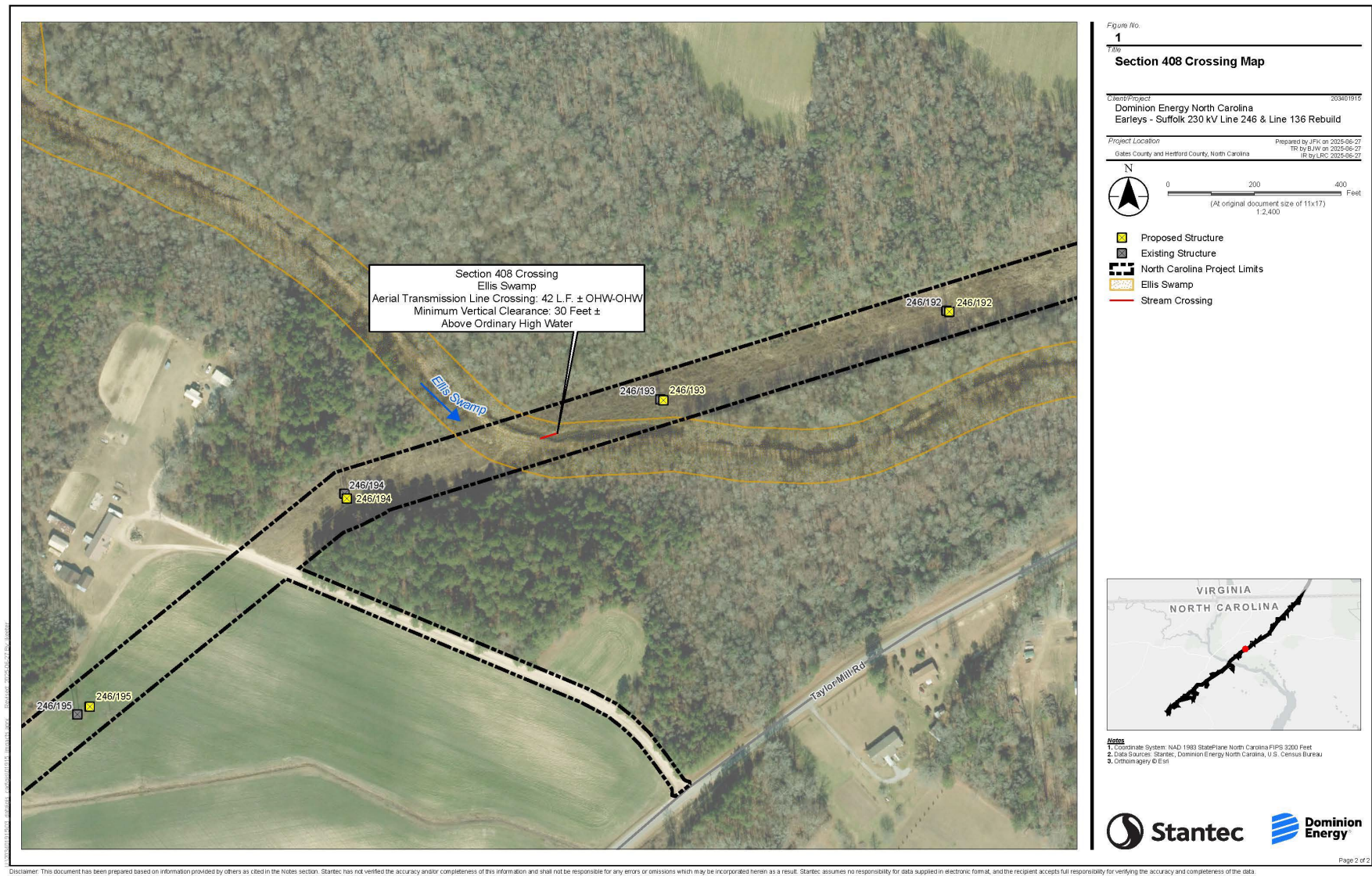


Figure 3; Project Drawings Plan View

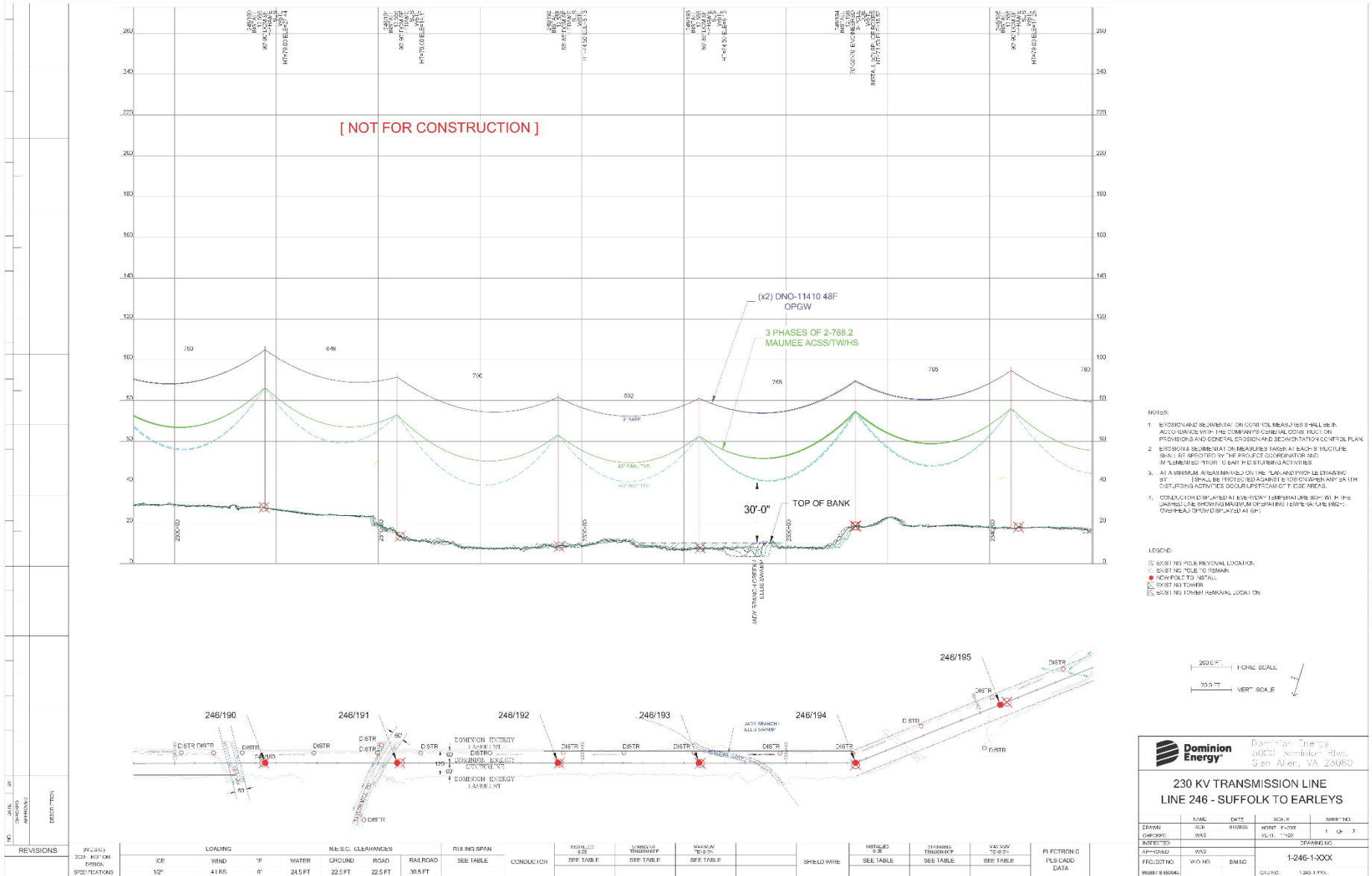


Figure 4: Project Drawings Profile View