



**US Army Corps
of Engineers®**

Pittsburgh District

Planning and Environmental Branch
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Public Notice Date: 03 April 2018

Expiration Date: 18 April 2018

NOTICE OF AVAILABILITY

Draft Environmental Assessment

Section 408 Request to Alter the Big Run Local Protection Project for Penelec Electric Distribution Line Relocation in Jefferson County, PA

The U.S. Army Corps of Engineers, Pittsburgh District (USACE) is evaluating a proposed alteration to the Big Run Local Protection Project.

The USACE invites submission of comments on the environmental impact of the approval of the Section 408 request. The USACE will consider all submissions received before the expiration date of the public comment period. The nature or scope of the proposal may be changed upon consideration of the comments received.

The draft Environmental Assessment and draft Finding of No Significant Impact are available electronically at:

<http://www.lrp.usace.army.mil/Missions/Planning-Programs-Project-Management/>

Comments can be submitted to the address posted at the top of this notice or to Erin.Stuart@usace.army.mil. Comments must be received by 18 April 2018 to ensure consideration.

Draft ENVIRONMENTAL ASSESSMENT

Section 408 Request to Alter the Big Run Local Protection Project for Penelec Electric Distribution Line Relocation in Jefferson County, PA April 3, 2018

Prepared By: Environmental and Cultural Resources Section, Planning and Environmental Branch,
U.S. Army Corps of Engineers Pittsburgh District

- 1. Name of Requestor:** Pennsylvania Electric Company (Penelec)
- 2. Authority:** Proposed alterations to U.S. Army Corps of Engineers (USACE) federally-authorized civil works projects require USACE permission. USACE authority to grant permission for temporary or permanent alterations is contained in Section 14 of the Rivers and Harbors Act of 1899 (Taking possession of, use of, or injury to harbor or river improvements), which states: *“It shall not be lawful for any person or persons to take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States, or any piece of plant, floating or otherwise, used in the construction of such work under the control of the United States, in whole or in part, for the preservation and improvement of any of its navigable waters or to prevent floods, or as boundary marks, tide gauges, surveying stations, buoys, or other established marks, nor remove for ballast or other purposes any stone or other material composing such works: Provided, That the Secretary of the Army may, on the recommendation of the Chief of Engineers, grant permission for the temporary occupation or use of any of the aforementioned public works when in his judgment such occupation or use will not be injurious to the public interest: Provided further, That the Secretary may, on the recommendation of the Chief of Engineers, grant permission for the alteration or permanent occupation or use of any of the aforementioned public works when in the judgment of the Secretary such occupation or use will not be injurious to the public interest and will not impair the usefulness of such work.”* 33USC 408.
- 3. Location of the Proposed Alteration:** State Route 2003 (SR-2003, aka Mill Road) Bridge crossing Mahoning Creek in Big Run, PA.
- 4. Federal Project Proposed to be Altered:** The Big Run Local Protection Project (LPP) was authorized by Section 205 of the Flood Control Act of 1948, as amended. It was constructed between 1963 and 1964 and consisted of widening, deepening, realigning, and stabilizing the channel of Mahoning Creek. Total project length was 13,460 ft.
- 5. Requested Alteration:** Penelec proposes to relocate an existing aerial electric distribution line to accommodate the proposed replacement of the SR-2003, Section P50 (Mill Road) PennDOT bridge over Mahoning Creek. The project entails the relocation of the two existing wooden utility poles and aerial utility line over Mahoning Creek (Figure 1). The poles will be accessed from Mill Street and no temporary access roads are necessary. Permanent alterations to the LPP are the relocation of two existing utility poles, which are each approximately 3 square feet in area.

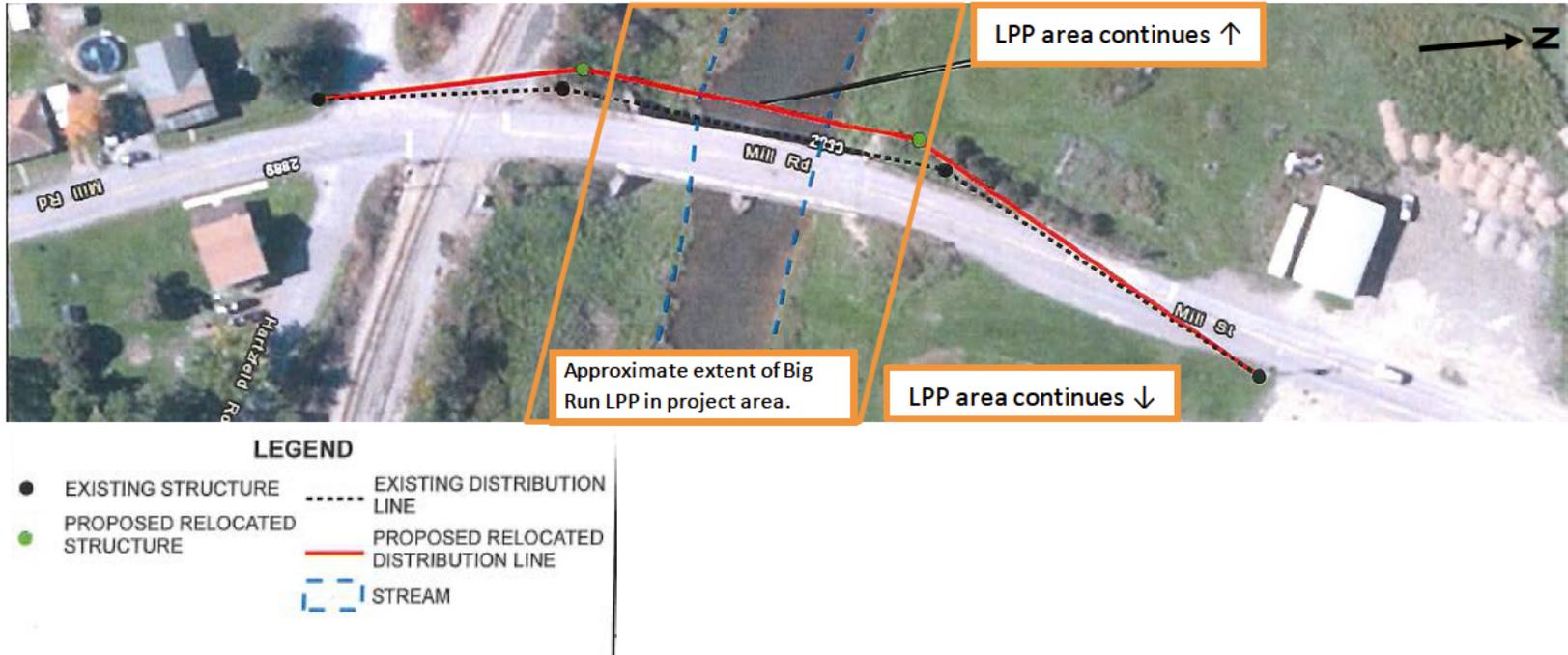


Figure 1. Penelec utility line existing and proposed relocation aerial map with approximate LPP extent in the project area shown.

6. Alternatives:

- a. No Action: Denial of the Section 408 request. Denial of the request would not permit modifications to the Big Run LPP.
- b. Action Alternative: Requester’s Preferred Alternative Approval of the Section 408 request allowing the alteration of the Big Run LPP for utility line relocation.

7. Environmental Setting: The Big Run LPP is located along Mahoning Creek in the borough of Big Run within Jefferson County, Pennsylvania. The project area is located adjacent to an existing roadway and bridge on an arterial roadway into Big Run on the western side of the SR-2003 roadway and bridge.

The stream bed material is assumed to be sand. One small Palustrine Emergent (PEM) wetland and two waterways exist within the project area, Mahoning Creek and an unnamed tributary (UNT-1 to Mahoning Creek). Mahoning Creek is classified as Warm Water Fishes waterway. The unnamed tributary to Mahoning Creek is classified as Cold Water Fishes waterway. No impacts are proposed to the wetland or waterways.



Figure 2. Northern Structure Looking North (photo provided by GAI Consultants)



Figure 3. Southern Structure Looking South (photo provided by GAI Consultants)

8. Environmental Effects of the Proposed Action: Per EC1165-2-216, *Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects*, the U.S. Army Corps of Engineers (USACE) has jurisdiction under Section 408 only over the specific activities or portions of activities that have the potential to alter the USACE project. Therefore, if a proposed alteration is part of a larger project (and/or its associated features) that extends beyond the USACE project boundaries, only those portions or features of the larger project over which USACE has sufficient control and responsibility over are to be included in the USACE environmental review. The scope of analysis for the NEPA and environmental compliance evaluations for the subject request are limited to the area of the alteration and those adjacent areas that are directly or indirectly affected by the alteration.

Penelec must acquire all other necessary permissions or authorizations required by federal, state, and local laws or regulations, including required permits from the USACE Regulatory Program (Section 10/404 permits). These permits will consider impacts beyond the LPP footprint commensurate with their scope. In addition, an approval under Section 408 does not grant any property rights or exclusive privileges.

Table 1. Anticipated impacts of the proposed Section 408 activity.

Environmental Parameter	No-Action Alternative	Action Alternative
Land Use & Socio-Economic Conditions	No Effect. Denial of the request would maintain the status quo.	No Effect. The current land use patterns would not be affected by this project. Socio-Economic Conditions would not be affected by this project.
Vegetation and Wildlife Habitat	No Effect. Denial of the request would maintain the status quo.	Minor Effect. The site is predominantly herbaceous vegetation which would recolonize quickly after construction. Permanent impacts from the two poles total approximately 6 square feet.
Water Quality and Fisheries	No Effect. Denial of the request would maintain the status quo.	No Effect. Relocation of the poles will not impact water quality or fisheries.
Floodplains	No Effect. Denial of the request would maintain the status quo.	No Effect. The project is located within the floodplain. The poles are being relocated approximately 10 feet from their existing locations so the floodplain effects should not change.
Noise	No Effect. Denial of the request would maintain the status quo.	Minor Effect. Utility line relocation work would temporarily increase noise in the area during relocation. The relocation would not have a permanent impact on noise in the area.
Aesthetics	No Effect. Denial of the request would maintain the status quo.	Minor Effect. The presence of construction equipment and supplies during relocation will have a temporary impact on aesthetics. The aesthetics of the relocated poles and aerial line are expected to be equivalent to the existing poles and aerial line.
Recreation	No Effect. Denial of the request would maintain the status quo.	No Effect. No impact to recreation would occur.
Endangered Species	No Effect. Denial of the request would maintain the status quo.	No Effect. A PNDI search showed that there are no effects to threatened or endangered species.
Historic and Archaeological Resources	No Effect. Denial of the request would maintain the status quo.	No Effect. The area has been previously disturbed by the construction of the LPP. No effects to cultural resources is expected.
Traffic	No Effect. Denial of the request would maintain the status quo.	Minor Effect. Temporary impacts to traffic could occur during utility line relocation as work will be done from Mill Road.
Utilities	No Effect. Denial of the request would maintain the status quo.	No Effect. The utility line poles and aerial electric line are being relocated

		approximately 10 feet from their existing location. Temporary disruptions in electrical service may occur during the relocation. No permanent effect is anticipated.
Public Safety	No Effect. Denial of the request would maintain the status quo.	No Effect. The Section 408 engineering review will ensure the continued stability of the LPP; no change to the level of protection of the LPP is anticipated.
Hazardous Wastes	No Effect. Denial of the request would maintain the status quo.	No Effect. Relocation of the utility line would not cause an effect.

9. Cumulative Effects: No significant cumulative effects of the proposed alteration within the Section 408 authority are anticipated. Temporary impacts, including noise and traffic pattern changes, would not be significant. The utility line relocation is similar to the existing structure and is not anticipated to change overall traffic use of the area. The utility line relocation is being proposed to accommodate the replacement of the structurally deficient PennDOT bridge on SR 2003 over the Mahoning River. If the 408 request is denied, PennDOT may not be able to replace the bridge which could lead to eventual road closure. Cumulative effects to land use & socio economic conditions (loss of income to local economy, increased travel distance to each bridge user) could occur if a road closure is enacted.

10. Coordination: USACE will provide a copy of this report to the appropriate agencies during the public comment period. **A 15-day public comment period will occur from 03 April 2018 to 18 April 2018.**

11. Principal Environmental Laws and Executive Orders considered, where applicable, in conjunction with NEPA.

Public Laws:

- American Indian Religious Freedom Act, 42 U.S.C. 1996 et seq.
- Archeological and Historic Preservation Act, 16 U.S.C. 469 et seq.
- Archeological Resources Protection Act, 16 U.S.C. 470aa-11, et seq.
- Bald and Golden Eagle Protection Act, 16 U.S.C. 668, et seq
- Clean Air Act, as amended, 42 U.S.C. 1857h-7, et seq.
- Clean Water Act, 33 U.S.C 1251 et seq.
- Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 – 9675.
- Endangered Species Act, 16 U.S.C. 1531 et seq.
- Farmland Protection Policy Act, 7 U.S.C. 4201, et seq.
- Fish and Wildlife Conservation Act, 16 U.S.C. 2901-2911, et seq.
- Fish and Wildlife Coordination Act, 16 U.S.C. 661, et seq.
- Historic Sites Act, 16 U.S.C. 461-467, et seq.
- Land and Water Conservation Fund Act, 16 U.S.C. 460/-460/-11, et seq.
- National Environmental Policy Act, 42 U.S.C. 4321, et seq.
- National Historic Preservation Act, 16 U.S.C. 470a, et seq.
- Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 et seq.
- Noise Control Act of 1972, 42 U.S.C. 4901-4918.
- Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.
- Rivers and Harbors Act 33, U.S.C. 401 et seq.
- Safe Drinking Water Act 42 U.S.C. 300 et seq.

Toxic Substances Control Act, 15 U.S.C. 2601 – 2671.

Wild and Scenic Rivers Act, 16 U.S.C. 1271, et seq.

Executive Orders (EO):

11514 Protection and Enhancement of Environmental Quality

11593 Protection and Enhancement of the Cultural Environment

11988 Floodplain Management

11990 Protection of Wetlands

12088 Federal Compliance with Pollution Control Standards

12114, Environmental Effects Abroad of Major Federal Actions

12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Regulations:

Advisory Council on Historic Properties, Protection of Historic and Cultural Properties (36 CFR Part 800 et seq.).

Council on Environmental Quality, Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Parts 1500-1508).

U.S. Department of Agriculture, Regulations for Implementing the Farmland Protection Policy Act (7 CFR 658).

U.S. Army Corps of Engineers, Procedures for Implementing NEPA (33 CFR 230).

U.S. Army Corps of Engineers, EC 1165-2-216, Water Resources Policies and Authorities, Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects, Pursuant to 33 USC 408.

U.S. Environmental Protection Agency, Clean Air Act Implementing Regulations (40 CFR Part 50 et seq.).

U.S. Environmental Protection Agency, Criteria and Standards for the National Pollutant Discharge Elimination System (40 CFR Part 125).

U.S. Environmental Protection Agency, National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61).

U.S. Environmental Protection Agency, National Interim Primary Drinking Water Regulations (Safe Drinking Water Act) (40 CFR Part 141).

U.S. Environmental Protection Agency, National Secondary Drinking Water Regulations (Safe Drinking Water Act) (40 CFR Part 143).

U.S. Environmental Protection Agency, Prevention of Significant Deterioration for Particulate Matter (40 CFR Parts 51 and 52).

12. Summary/Conclusion: Based on the above analysis, USACE permission for Penelec to alter the Big Run LPP, in the manner described above, is not a major Federal action significantly affecting the quality of the human or natural environment, and therefore does not require preparation of an environmental impact statement.

The Corps invites submission of comments of the environmental impact of the approval the Section 408 request. Comments will be considered in determining whether it would be in the best public interest to proceed with the approval. The Corps will consider all submissions received before the expiration date of the public comment period. The nature or scope of the proposal may be changed upon consideration of the comments received. If significant effects on the quality of the human environment are identified, which cannot be mitigated, the Corps will initiate an Environmental Impact Statement, and afford all of the appropriate public participation opportunities attendant to an EIS.

DRAFT FINDING OF NO SIGNIFICANT IMPACT

Section 408 Request to Alter the Big Run Local Protection Project for Penelec Electric Distribution Line Relocation Jefferson County, Pennsylvania

In accordance with the National Environmental Policy Act (NEPA) and its implementing regulations, a **draft** Environmental Assessment (EA) was developed to evaluate potential impacts associated with issuing permission to alter the federal Big Run Local Protection Project (LPP) along Mahoning Creek in Big Run, Pennsylvania (Proposed Action). The Big Run LPP was authorized by Section 205 of the Flood Control Act of 1948, as amended. It was constructed by the U.S. Army Corps of Engineers (Corps) between 1963 and 1964, and consisted of widening, deepening, realigning, and stabilizing the channel of Mahoning Creek to reduce the risk of flood damage to the local community.

Penelec proposes to relocate an existing aerial electric distribution line and two utility poles to accommodate the proposed replacement of the SR-2003, Section P50 (Mill Road) PennDOT bridge over Mahoning Creek. Relocation of the poles requires an alteration of the Big Run LPP as they are located within the floodplain of Mahoning Creek. The authority to grant permission for temporary or permanent alterations to a federal project is set forth at Section 14 of the Rivers & Harbors Act of 1899 and codified in 33 USC 408 (Section 408). Corps' review ensures that proposed alterations are neither injurious to the public interest nor would they affect the federal project's ability to meet its authorized purpose.

Per Corps guidance, the agency analyzed two alternatives including a "No Action" alternative (denial of the Section 408 request) and Alternative 1, the Requester's Preferred Alternative (granting of the Section 408 request). Outside of the 408 process, Penelec must acquire all other necessary permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the Corps' Regulatory Program.

This draft EA has determined that the Proposed Action (granting of the Section 408 request) will not result in significant impacts to the natural or human environment, and does not require the preparation of an Environmental Impact Statement (EIS). All environmental, social, and economic factors that are relevant to the proposal were considered in this assessment. These include, but are not limited to, water quality, noise, wetlands, wildlife, threatened and endangered species, and cultural resources. Anticipated impacts include temporary construction-related increases in noise and emissions, and temporary impacts to local traffic. Best management practices would be used to minimize effects. No effects to either public safety or to threatened or endangered species are expected. Overall, effects are expected to be non-significant.

A 15-day public comment period will occur from 03 April 2018 to 18 April 2018. The Corps will consider all submissions received before the expiration date of the public comment period. The nature or scope of the proposal may be changed upon consideration of the comments received. If significant effects on the quality of the human environment are identified during public comment which cannot be mitigated,

the Corps will initiate an Environmental Impact Statement, and afford all of the appropriate public participation opportunities attendant to an EIS.

After having carefully evaluated all aspects of the Proposed Action and based on the draft EA, I have reasonably concluded that the Proposed Action does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required and will not be prepared.

John P. Lloyd
Colonel, Corps of Engineers
Pittsburgh District Commander

Date