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ATTN: CENAP-OPR

# **Public Notice**

16 Dec 2024 File Number: Comment Period Begins: NAP-2016-00542-46 **Comment Period Ends:** 15 Jan 2024 Philadelphia District File Name: SILVER RUN EXPANSION PROJECT 1650 Arch Street, Fifth Floor Contact Name: David J. Caplan Philadelphia, PA 19103-2004 Contact E-mail: david.j.caplan@usace.army.mil

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

<b>APPLICANT:</b>	Mr. Robert Colozza
	Silver Run Electric, LLC
	16150 Main Circle Drive, Suite 310
	Chesterfield, Missouri 63017

AGENT: Mr. Payson R. Whitney TRC Engineers, Inc. 404 Wyman Street, Suite 375 Waltham, Massachusetts 02451

# **WATERWAY:** Delaware River

**LOCATION:** The proposed electric transmission project is located between the PSEG Services Corporation (PSEG) property on Artificial Island in Lower Alloways Creek Township, Salem County, New Jersey and an existing in-river transition structure facility located in the Delaware River, in Delaware State waters. [Latitude: 39.45961° North; Longitude: 75.58653° West (NAD 83)]

**PROJECT DESCRIPTION:** On October 1, 2018, this office issued an individual permit to Silver Run Electric, LLC (permittee) to construct (1) a 7-cable 230-kilovolt (kV) alternating current (AC) electric transmission line connecting the then proposed Silver Run Substation and PSEG Hope Creek Substation expansion and (2) the new Silver Run Substation, which would interconnect the Hope Creek-Silver Run transmission line with two Delmarva Power and Light (DP&L) 230-kV overhead lines. The project involved overhead, underground, and submarine infrastructure, including overhead lines supported by monopoles across tidal wetlands and creeks on the Delaware side of the Delaware River, including a crossing of the Appoquinimink River, then leading to a proposed transition structure in the Delaware River (DE-15), then a three-mile submarine crossing of the river, and then overhead lines from the New Jersey shoreline to the PSEG Hope Creek substation on Artificial Island in Lower Alloways Creek Township, Salem County, New Jersey.

The permittee now requests Department of the Army approval to add four new electric transmission cables adjacent to the existing seven cables between DE-15 and the PSEG property on Artificial Island, within a cable corridor approximately 2.6 miles long. The existing and proposed electric utility facilities are part of the regional electric grid managed by PJM Interconnection, LLC.

The project can be broken into 5 parts: Delaware transition structure (DE-15) modifications (structural and submarine), submarine cable placement, New Jersey river bank/near-shore excavation, and New Jersey transition structure construction and attachment as described below.

# **DE-15 Modifications (Structural):**

The Delaware transition structure facility is located on the western side of the Delaware River in Delaware State waters. The purpose of this existing in-river transition structure facility is to terminate the submarine cables, to support appurtenant equipment, and to transition the conductors from submarine cables to overhead wires. The proposed modifications to the in-river transition structure facility would take place on four (4) new driven piles within the bounds of the existing vessel allision protection system. The modification to the existing in-river transition structure facility would consist of a new standalone single tubular steel structure located within the bounds of the existing vessel allision protection system. The structure would have a galvanized steel finish and be approximately 130 feet in height (relative to mean high water, elevation 2.5 feet NAVD88). The structure would be placed on top of a new driven pile foundation, including four approximately 24-inch diameter steel piles containing concrete pile plugs topped with a slab with anchor bolts to which the structure would be secured. The submarine cables would extend upward from the riverbed to the above-water portion of the transition structure facility with protection provided by a rigid J-tube system, potentially in combination with a short length of cable protection system conduit extending from the bottom of the J-tube to provide additional protection. Each cable would terminate at an arm on the new transition structure (above the mean high-water line). Overhead conductors and jumpers would be installed between the new and existing aerial lines on the transition structure facility.

# **DE-15 Modifications (Submarine):**

Barge-mounted equipment would be used in the Delaware River for the required modifications to the existing in-water transition structure facility. The foundations for the transition structure would be driven steel piles. After pile driving is complete, cast-in-place ("CIP") concrete pile plugs would be installed within the piles. The four proposed piles would take up a total of 13 square feet of river bottom below the high tide line through the discharge of 5 cubic yards total of poured concrete below the high tide line. Additionally, the proposed pile cap would take up 345 square feet of waterway and require placement of 17.9 cubic yards of concrete below the high tide line. The entire pile cap would be situated above the mean high-water line. Temporary forms would be constructed around these piles and a CIP slab poured to complete the foundation. The transition structure would not require concrete installation below the mean high-water line, with the exception of a concrete plug within each steel foundation pile. The transition structure base would be bolted onto the foundation, and the remainder of the transition structure would be erected with

a barge-mounted crane. Rigid J-tubes and potentially a short length of cable protection system, that would serve as conduits for the submarine cables as they transition from the riverbed to the base of the new transition structure, would be attached to the transition structure foundation.

One or more of the existing wave screen panels attached to the perimeter of the allision protection structure may be temporarily removed to provide access during modification of the transition structure facility and cable installation. There would be no permanent modifications made to the existing vessel allision protection system at the DE-15 structure.

Three of the seven existing private aids to navigation buoys near the in-river transition structure facility that provide notice of the existing submerged power cables will be shifted south to accommodate the proposed submarine cables.

## Cable Placement (River):

The four proposed submarine cables would be installed beneath the riverbed using a combination of excavation, water jetting (i.e., vertical injector and jet plow), and possibly trenching. At the DE-15 structure, limited excavation of approximately 5,742 square feet of the riverbed to a depth of approximately 6 feet (800± cubic yards) is proposed to install the J-tubes and cables at a target burial depth of 6 feet beneath the riverbed. Following installation of the J-tubes and cables, this area of temporary excavation would be backfilled with the same riverbed sediments. Cable installation to a depth of approximately 6 feet from the transition structure facility to the start of vertical injector installation would proceed via diver-assisted water jetting lances or jet plow. A barge-mounted vertical injector (water jetting) would be used to install each cable a distance of approximately 13,200 linear feet (approximately 90 percent of the submarine cable length) between the excavation area at DE-15 and a point approximately 450 feet waterward of the New Jersey shoreline. To complete the installation of each submarine cable, a jet plow would be used to install the submarine cables eastwardly across the New Jersey shoreline. Limited trenching may be required to install the cables across the New Jersey shoreline if subsurface conditions are not suitable for use of the jet plow. Any area of temporary trenching at the New Jersey shoreline would be restored to pre-construction conditions after cable installation. The proposed submarine cable installation activities would temporarily disturb up to approximately 2.9 acres of riverbed below the mean high-water line. The four proposed submarine cables would be installed beneath the 1166 linear foot wide Delaware River Federal Navigation Channel (including two 50-foot channel buffers) via vertical injector. Transmission cables would be placed to depths of 6' to 15' below present bottom outside of the Federal channel and 25' below authorized channel depth or 15' below present bottom (whichever is deeper) within the Federal channel (and its two 50-foot buffers).

## Cable Placement (NJ River Bank/Near-Shore Trenching):

The permittee plans to install the cables across the New Jersey shoreline using a jet plow. However, limited trenching with an excavator may be required to install the cables across the New Jersey shoreline if subsurface conditions are not suitable for use of the jet plow. If trenching is required, up to 0.25 acre of shoreline below the mean high-water line would be excavated and backfilled (temporary disturbance) for cable installation. The existing rip-rap would be removed for later replacement. Following installation, concrete mattresses may be placed where additional cable protection is needed, e.g., at the shoreline riprap location. Additionally, a maximum of 830 square feet of a wetland ditch may be temporarily disturbed and restored for cable trenching.

## NJ Transition Structure Construction and Attachment:

After crossing the Delaware River bank and associated wetland ditch described above, the cables would be installed via trenching through uplands and then connected to a new onshore transition structure located in uplands just east of the existing Silver Run transition structure. The proposed trenching activity in uplands would cause temporary disturbance to approximately 0.5 acre of mostly developed land at the PSEG property. The proposed conductors would be interconnected to the existing Silver Run overhead conductors, approved under the earlier USACE permit, at the proposed onshore transition structure.

All access to the sites in question would be either from uplands on the New Jersey side or possibly from the Delaware City Marina located along the Delaware City Branch Canal, in Delaware City, New Castle County, DE for vessel access. Additionally, there will be some minor upgrades to the existing Silver Run substation in Delaware which would not involve regulated activities.

**PURPOSE:** The applicant's stated purpose is to reliably and economically construct, interconnect, and commission upgrades to the existing electric transmission line between the permittee's existing Silver Run substation east of Odessa, Delaware and PSEG's existing Hope Creek substation in Lower Alloways Creek Township, New Jersey.

# **CORPS EVALUATION FACTORS:**

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work 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, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

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 are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency if the project includes a discharge of dredge or fill material pursuant to Section 404 of the Clean Water Act.

Evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, (40 CFR part 230) or of the criteria established under authority of section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972.

In cases involving construction of artificial islands, installation and other devices on the outer continental shelf lands, the decision as to whether a permit will be issued will be based on evaluation of the impact of the proposed work on navigation and national security.

#### **ENDANGERED SPECIES ACT:**

A preliminary review of this application indicates that species listed under the Endangered Species Act (ESA) or their critical habitat pursuant to Section 7 of the ESA, as amended, may be present in the action area. This District will forward this Public Notice to the United States Fish and Wildlife Service and the National Marine Fisheries Service with a request for technical assistance on whether any ESA listed species or their critical habitat may be present in the area which would be affected by the proposed activity. This District will evaluate the potential effects of the proposed actions on ESA listed species or their critical habitat and will consult with the United States Fish and Wildlife Service and the National Marine Fisheries Service, as appropriate. ESA Section 7 consultation will be concluded prior to the final decision on this permit application.

#### **CULTURAL RESOURCES AND TRIBAL TRUST:**

Review of the National Register of Historic Places indicates that no historic resources are located within the permit area of the work. Internal historic resource review is on-going at this time.

#### **ESSENTIAL FISH HABITAT:**

The Magnuson-Stevens Fishery Conservation and Management Act, as amended, requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). A preliminary review of this application indicates that EFH is present within the project area. The applicant is planning to conduct all in-water activities outside of the restricted period for anadromous fish and federally managed fish species (i.e., March 1 to June 30). This District will evaluate the potential effects of the proposed actions on EFH and will consult with the National Marine Fisheries Service as appropriate. Consultation will be concluded prior to the final decision on this permit application.

#### **MITIGATION:**

Federal regulations contained in 33 CFR 325.1(d)(7) require applicants to include a statement describing how impacts to waters of the United States are to be avoided and minimized. Furthermore, the application must also contain a statement describing how impacts to waters of the United States are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts.

To avoid and minimize impacts associated with underwater noise, "soft start" procedures will be implemented for any impact pile driving activities to enable finfish to leave the area before Project-related noise levels increase.

To avoid and minimize impacts to the Delaware River due to the submarine cable installation, the applicant has chosen the submarine cable route to minimize the temporary riverbed disturbance. Geotechnical survey data has been collected to avoid impacts to navigation, in-stream habitat and recreation. Pre-lay grapnel runs prior to cable installation will ensure the cable paths are free of surface obstructions on the riverbed. The proposed waterjetting installation techniques minimize impacts, as the vertical injector's and jet plow's hydrodynamic forces do not produce any significant upward movement of sediment into the water column, which minimizes riverbed disturbance to two feet in width and which results in the majority of the fluidized sediment settling back into the cable furrow. No discharge of dredged or fill material into waters of the United States is proposed for the submarine cable installation.

To prevent impingement or entrainment of any ESA-listed fish species, temporary water intakes for the water jetting activities would be equipped with appropriately sized mesh screening and would be set to minimize intake velocities at the screen to the extent operationally feasible.

Two temporary walls of sheet piling would be used and silt curtains may be used, as operationally feasible, during excavation at the DE-15 transition structure to reduce impacts to sediment, water quality, and aquatic species.

The number of project vessels would be limited to the extent possible, and the number and distance of vessel trips between port and the project area would be limited. During construction, cable installation vessels (barges and tugs) would not exceed a speed of 10 knots.

The discharge of dredged and fill material is proposed for the internal concrete plugs and cap associated with the proposed in-river transition structure facility (358 square feet), which is considered a permanent loss of the Delaware River. All other impacts are either temporary in nature or involve impacts regulated under Section 10 of the Rivers and Harbors Act of 1899. As such, compensatory mitigation is neither proposed nor required, as compensation or mitigation for the 358 square feet (0.008 acre) of permanent loss of river is neither feasible nor practicable.

#### **COASTAL ZONE MANAGEMENT:**

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a States' coastal zone must provide certification that the activity complies with the States' Coastal Zone Management Programs. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Programs. No permit will be issued until the States have concurred with the applicant's certification or have waived their rights to do so. Comments concerning the impact of the proposed and/or existing activity on the States' coastal zone should be sent to this office, with a copy to the States' Offices of Coastal Zone Management.

### WATER QUALITY CERTIFICATE:

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State governments in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the States.

## SUBMISSION OF COMMENTS AND PUBLIC HEARING REQUEST:

Any comments received will be considered by this office to determine whether to issue, modify, condition, or deny a permit for this proposed project. To make this decision, comments are used to assess the probable impact on the public interest. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work must be submitted, in writing, within the comment period indicated in the header above. Any person may request, within the comment period specified in this notice, that a public hearing be held to consider this application. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Requests for a public hearing must be in writing and state the reasons for holding a public hearing.

Please provide any comments, request for a public hearing, or requests for additional information to the Regulatory Project Manager indicated above. All Public Notices are posted on our website at: <u>https://www.nap.usace.army.mil/Missions/Regulatory/Public-Notices/</u>.

FOR Todd Schaible Chief, Regulatory Branch