



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

28 FEB 2011

Ms. Danielle Lange, Natural Resources Planner
Nontidal Wetlands Division
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230

RE: Nontidal Wetlands and Waterways Application #: 09-NT-0036
Tidal Wetlands Application #: 09-WL-0762
Permit Tracking#: 200960462
Project: Pepco/Possum Point to Chalk Point/MAPP Utility Line
County: Charles & Prince George's

Dear Ms. Lange:

As you are aware, Pepco Holdings, Inc, Potomac Electric Power Company and the Delmarva Power & Light Company (Subsequently referred to as PHI) has submitted a joint application for regulated activities requiring a Nontidal Wetlands and Waterways Permit and a Tidal Wetlands license issued from the Maryland Department of the Environment (MDE). PHI submitted the joint application for a 52 mile portion of the MAPP project, starting from Possum Point, Virginia, through Pepco Burches Hill Substation and continuing on to Chalk Point substation in Prince Georges County, Maryland. The entire MAPP project includes the construction of a 152 mile transmission line from Possum Point, Virginia to Indian River, Delaware.

PHI has estimated that 90% of the 52 mile portion of the MAPP project will run along an uncleared existing right of way and the 500kV transmission line would be installed on existing towers with the exception of the Potomac River crossing. This portion of the MAPP project proposes to cross 247 wetland areas and 123 areas of waterways, including several state sensitive Tier II waters. The project will have temporary construction impacts to approximately 60 acres of emergent, scrub/shrub and forested nontidal wetlands. This project will also have permanent impacts associated with the construction of six transmission structures crossing the Potomac River. Further, the project will have permanent wetland impacts from the conversion of approximately 118 acres of forested nontidal wetlands to emergent wetland

The Environmental Protection Agency (EPA) has reviewed relevant information related to the above referenced project and has the following concerns:

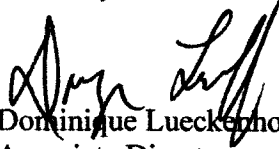
1. **Purpose and Need for this Project** – PHI has requested that the Maryland Public Service Commission (PSC) accept this portion of MAPP as within the scope of a 1972 PSC Order (Order No 59888, Case No. 6526). This Order was for the construction of a fourth generating unit at Chalk Point including two 500kV circuits from Chalk Point to Possum Point, Virginia. It appears the current project's Purpose and Need is based on the findings of the PSC Order referenced above. EPA questions the relevancy of the Purpose and Need conditions from a 39 year old outstanding PSC Order. According to the US Army Corps of Engineer's (Corps) Public Notice announcement (PN-11-08) regarding the 52 mile portion of the MAPP project, the purpose of the project is to provide a reliable regional electric distribution system to reduce congestion and increase import capability; and to facilitate the delivery of renewable wind generation resources with associated and flexible electric distribution". This purpose connects the need for this project to the construction of the complete alignment of the MAPP project. The notice is less clear of a distinct purpose of the 52-mile section under consideration.
2. **Potomac River Crossing** - PHI has requested the PSC to act on a Certificate of Public Convenience and Necessity (CPCN) modification to construct six new single-circuit structures in the tidal portion of the Potomac River, and two new single-circuit structures on the Maryland shore of the Potomac River in order to accommodate the second 500kV transmission line (PSC Case No. 9179) and to determine the need of the entire MAPP project. The PSC ruling is scheduled for January 2012. Since the Potomac River crossing is an integral part of this phase of the MAPP project, EPA has concerns should the MDE go forward with the Nontidal Wetlands and Waterways Permits and Tidal license determinations prior to this PSC ruling.
3. **Independent Utility** – PHI has segmented the western portion of the MAPP project including the instillation of a second 52 mile 500kV transmission line within the existing right of way, varying in width from 187-foot to 400-foot wide, beginning at possum Point Virginia through the Pepco Burches Hill substation and terminating at the Pepco Chalk point Power Plant. EPA requests the criteria used for the determination of Independent Utility be clarified. It is understood that the power units at the Chalk Point Power may be near the end of its functional life; and alternative power in the eastern end of the MAPP project will use the transmission lines, as stated in the Corps public notice's description of the project purpose (see above). It is unclear if the project would be needed if not for the additional sources of power generation east of this segment.
4. **The need for a thorough assessment under National Environmental Policy Act (NEPA)** – EPA believes the temporary and permanent wetland conversions for this section of MAPP to be significant. It is also understood that comments received on the Corps' public notice will be used in preparation of an Environmental Assessment of Environmental Impact Statement in compliance with NEPA. Since an assessment was not performed for the impacts of the

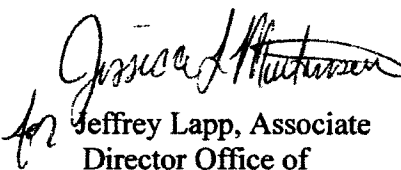
existing 52-mile transmission line, and as modification and impacts are anticipated with the proposed project and the additional 100-mile segment that will rely on this upgrade, it seems prudent to complete an environmental impact evaluation of the complete project. Therefore, EPA suggests the entire 150-mile MAPP project be assessed under NEPA as a single and complete project.

5. **Alternative Analysis** – It is unclear whether the project's assessment included an alternatives analysis that estimates the direct, secondary, and cumulative impacts to jurisdictional waters in considering least environmentally damaging practicable alternative.
6. **Avoidance and Minimization** – It is unclear whether the project review analysis included avoidance and minimization of impacts.
7. **Essential Fish Habitat** – The project includes a significant number of stream crossings, however it is unclear whether there is a potential to impact Essential Fish Habitat. If there are impacts, EPA believes that PHI should provide measures to avoid minimize and mitigate to MDE permits and license decisions.
8. **Environmental Justice** – EPA believes that the 52 mile project should consider the potential impacts to environmental justice communities.
9. **Compensatory Mitigation** – Due to significant acreage of wetland conversion associated with this project, EPA believes that a compensatory mitigation package should be developed and reviewed prior to issuance of a permit.

Thank you for the opportunity to comment on this public notice. We look forward to working with you in addressing these issues in the future. If you have any questions regarding these comments please contact Kevin Magerr at (215) 814-5724 (magerr.kevin@epa.gov) or Ralph Spagnolo at (215) 814-2718 (spagnolo.ralph@epa.gov).

Sincerely,


Dominique Lueckerhoff,
Associate Director
Office of State and Watershed Partnerships


for Jeffrey Lapp, Associate
Director Office of
Environmental Programs