Carroll County Environmental Advisory Council

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MPRP Environmental Impact Summary and Mitigation Requested

"PSEG Renewable Transmission LLC (PSEG) is applying to the Maryland Public Service Commission (PSC) for a Certificate of Public Convenience and Necessity (CPCN) to construct the Maryland Piedmont Reliability Project (MPRP), an approximately 67-mile, 500-kilovolt (kV) transmission line through portions of Baltimore County, Carroll County, and Frederick County in northcentral Maryland (MD). The MPRP is a greenfield transmission line project with a proposed 150-foot-wide right-of-way (ROW) within a corridor on primarily private land previously undeveloped for energy transmission purposes. The MPRP has been selected by PJM Interconnection, LLC (PJM), which serves as the Regional Transmission Organization (RTO), as necessary to provide continued reliability of the electric transmission system serving Maryland and the surrounding region." (ERD, Executive Summary Dec 2024)

In accordance with regulations set forth by Code of Maryland Regulations (COMAR) Section 20.79.04 and the PSC CPCN application process, PSEG prepared and submitted Environmental Review Documents (ERD) for both the ROW (Dec. 2024) and off-ROW impacts (Feb. 2025) to the PSC. (Off ROW generally refers to access roads that are outside of the ROW). The Power Plant Research Program (PPRP) is responsible for ensuring Maryland's electricity demands are met at reasonable costs while the State's valuable natural resources are protected, and for managing a consolidated review of all issues related to power generation and transmission in Maryland. PPRP staff reviewed these documents for completeness and compliance with requirements.

PPRP comments pointed out the lack of critical field studies to evaluate alternatives and minimize impacts as a concerning omission from the application. As this project will have significant environmental and socioeconomic effects, a complete evaluation must be performed to effectively minimize those impacts as well as determine adequate mitigation for those impacts that are unavoidable.

Summary of Impacts in Carroll County

The proposed Maryland Piedmont Reliability Project would unquestionably have a permanent, detrimental impact on Carroll County's residents, wildlife, and environment.

Carroll County prides itself on the preservation of its natural resources and the protection of its agricultural heritage. Both of those priorities are compromised by the proposed 67-mile, 500-kilovolt transmission line that would slice through Carroll and adjoining counties.

As proposed, the 479.1 acres of MPRP ROW in Carroll County would damage the county's waterways, wetlands, forests, and agricultural areas, cutting a 150-foot-wide swath through some of Carroll's most treasured areas.

The construction and development of these 145-foot-tall H-frame structures would mostly impact private landowners, from residents to farmers to businesses across the county. Farmers would lose land that would otherwise be used for crops or livestock production. Residents would see the value of their properties diminish as well as face the health risks posed by living near high-voltage electric lines.

All of which would bring little benefit to Carroll residents, as some studies have indicated that the driving reason behind the transmission lines are the increased energy needs from new data centers.

While PSEG, the New Jersey-based company overseeing the construction of the transmission lines, claims it will make every effort to mitigate the impact of the project it admits that damage to the environment will be "unavoidable."

At a time when there are increasing threats to our natural resources, the MPRP project would leave a tornado-like scar of destruction that would permanently alter wildlife habitat, water quality, prime agricultural land, and the residential properties of many citizens.

Degradation, Loss, and Fragmentation of Habitat and Ecosystem

The Habitat Connectivity Network, a data set developed by Maryland Department of Natural Resources (DNR), is a system of "hubs," large intact areas of natural forest, wetland, and aquatic habitat, and "corridors," the pathways that connect hubs. PSEG indicates that impacts to the Habitat Connectivity Network would be unavoidable. Reforestation would compensate only partially for the loss of hub and corridor habitats. (ERD, Pg. 88)

Biodiversity & Wildlife Impacts

"The construction and operation of transmission lines can affect biodiversity in many ways, including habitat conversion and fragmentation, changes in hydrology, soil compaction and erosion, pesticide use, introduced species, and hunting and harvesting enabled by rights-of-way and construction roads. Species in small, rare, sensitive, and otherwise critical habitats may be especially affected." (Nautilus Institute, Pg. 3)

"The wildlife impacts of transmission line construction and operation include bird electrocutions and collisions, changes in predator-prey relations in and along the edges of rights-of-way, destruction or alteration of wetland and aquatic environments, and increases in hunting and fishing enabled by rights-of-way and construction/maintenance roads." (Nautilus Institute, Pg. 3)

- According to Habitat Connectivity Network, there are 3 acres of wildlife hubs, 2 acres of habitat gaps, and .37 acres of wildlife corridors that will be affected by roadwork. PSEG indicates the impact is unavoidable. (ERD, Pg. 28)

- Forest Interior Dwelling Species (FIDS) would lose 113 acres of area, which are critical for bird species dependent upon large contiguous forests to breed and sustain populations. (ERD, Pg. 87)
- The US Forest Service reports that "collisions with power transmission and distribution lines may kill anywhere from hundreds of thousands to 175 million birds annually."
- Approximately 156 acres of Targeted Ecological Areas, mostly in the northeastern portion of the county, are in the right-of-way and bog turtles are likely present. PSEG is aware that wetlands with known bog turtle populations will be crossed within Carroll County portions of the proposed MPRP ROW. (ERD, Pgs. 88-89)
- Transmission line construction creates pathways for the spread of invasive species during construction due to disturbance of ROW soils and vegetation as people and vehicles move through these areas. Spread of invasive species can also occur during maintenance activities after construction, such as mowing and clearing of vegetation. (PSC of Wisconsin, *Environmental Impacts of Transmission Lines*, 2013, Pg. 16)
- Approximately 395 acres of forested deciduous, evergreen, mixed forest, and woody wetlands habitat would need to be cleared for the proposed MPRP ROW. After construction is complete, forested wildlife and avian species habitat availability would be altered to herbaceous and shrub/scrub habitat and may result in forest fragmentation. However, most displaced species would be able to return to the area, and wildlife would be able to utilize the newly established meadow habitats within the proposed MPRP ROW. (ERD, Pg. 92)
- The federally listed bog turtle, Indiana bat, tricolored bat (proposed for listing), and the monarch butterfly (newly listed proposed threatened species) may occur in the vicinity of the MPRP ROW. (ERD, Pg. 101)

Biodiversity and Wildlife Impacts
of Proposed Alignment and/or Off-ROW in Carroll County

Resource Impacted	Impacted Within Proposed MPRP ROW		Impacted by Access Roads Off-ROW	
	Total # Impacted	Measurement	Total # Impacted	Measurement
• FIDS	-	116.7 acres	-	5.2 acres
• Maryland Habitat Connectivity Network: Hubs, Gaps, & Corridors	13 Hubs 3 Gaps 7 Corridors	41.9 acres 11.7 acres 8.4 acres	5 Hubs 4 Gaps 1 Corridors	0.77 acres 0.76 acres 0.06 acres
• Targeted Ecological Areas	-	155.6 acres	-	7.5 acres

Forest Impacts

"Transmission line construction and maintenance can lead to the permanent removal of woody vegetation and in some cases to the complete conversion of strips of forest ecosystem into bare land or land covered by completely different vegetation communities. Fragmentation, pesticide use, and invasive plant species within the right-of-way can also affect surrounding forest areas." (Nautilus Institute, Pgs. 2-3)

- Removal of trees, topsoil, and brush during and for road construction for the MPRP could damage and degrade the ecosystem in multiple ways:
  - About 5.7 acres of tree clearing is predicted for Carroll County. (ERD, Pg. 37)

  - Disturbance to herbaceous and scrub/shrub may occur from road clearing. (ERD, Pg. 27)
- The right-of-way (ROW) for the MPRP would result in clearing of 122 acres of trees. (ERD Pg. 86)
- Based on publicly available land coverage data, approximately 398 acres of the proposed 1,221-acre MPRP ROW consist of natural communities of herbaceous, shrub/scrub, and forest vegetation, (*not specific to just Carroll County*). (ERD, Pg. 85) PSEG will mitigate for forest impacts through reforestation and/or tree plantings coordinated with each county as part of Forest Conservation Plan review and approval. (ERD, Pg. 86)

Forest Impacts
of Proposed Alignment and/or Off-ROW in Carroll County

Resource Impacted	Impacted Within Proposed MPRP ROW		Impacted by Access Roads Off-ROW	
	Total # Impacted	Measurement	Total # Impacted	Measurement
• Forest Conservation Easement	4	0.86 acres	1	0.0005 acres
• Forest Clearing	-	122 acres		

Wetland and Riparian Impacts

"Transmission line construction and maintenance can convert areas of wetland or riparian ecosystem outright, destroy or disturb plant and animal communities, and introduce invasive species. Soil compaction and soil erosion in wetlands and riparian areas can alter hydrology, changing the timing and magnitude of water and nutrient flows essential to ecosystem functions." (Nautilus Institute, Pg. 3)

- The extent of required wetland and waterway mitigation will be determined after field studies are completed. (ERD, Pg. 23)
- While in-stream work to build access roads is not anticipated, impacts to wetlands and waterways appears unavoidable. Both temporary and permanent impacts can be expected. The environmental review states that degradation to wetlands and water sources by the installation of ROW access roads would be returned to preconstruction conditions "to the extent possible." Mitigation actions approved by the EPA as compensation for permanent impacts include the purchase of credits from an approved mitigation bank. (ERD, Pg. 22)
- Restoration of wetland areas temporarily impacted by MPRP activities would be returned to preconstruction conditions, using agreed upon methods, to the extent possible once work in the area has been completed. Compensation for unavoidable permanent impacts to surface waters, including streams and wetlands, would be achieved through creation, restoration, enhancement, and/or preservation of streams and wetlands. (ERD, Pg. 71)
- The ROW crosses several floodplains in Carroll County that are officially mapped by FEMA for purposes of identifying areas at risk of flooding and to provide information for floodplain management, mitigation, and flood insurance purposes: Bear Branch, Big Pipe Creek, Dickenson Run, Gunpowder Falls, Little Pipe Creek, Meadow Branch, Muddy Creek, South Branch Gunpowder, Turkeyfoot Run (ERD, Pg. 82)

Wetland and Riparian Impacts
of Proposed Alignment and/or Off-ROW in Carroll County

Resource Impacted	Impacted Within Proposed MPRP ROW		Impacted by Access Roads Off-ROW	
	Total # Impacted	Measurement	Total # Impacted	Measurement
• MDNR Wetlands	39	17.9 acres	6	0.58 acres
• NWI Wetlands	67	17.4 acres	14	0.5 acres
• FEMA Floodplain	13	25 acres	3	0.5 acres

Hydrologic and Water Quality Impacts

"Transmission line construction can alter hydrology by compacting soil, removing plant cover, and altering existing drainages or creating new ones. Altered hydrology can affect aquatic, wetland, and riparian habitats and species, flood risk and can affect soil moisture and surface water availability in other kinds of ecosystems." (Nautilus Institute, Pg. 3)

"Toxic pollution from transmission lines can result from pesticide use in rights-of-way, and from the leakage of PCBs from equipment that contains them. Water pollution can result from inadequate wastewater treatment for construction camps, workshops, and staff quarters." (Nautilus Institute, Pg. 3)

"Transmission line construction can lead to soil erosion by removing vegetation cover, compacting soils, and cutting into banks. Erosion can reduce soil fertility and lead to siltation, which affects water quality and productivity in aquatic and wetland ecosystems." (Nautilus Institute, Pg. 3)

- There are currently 21 Use III, cold water streams totaling 5,278 linear feet within the MPRP ROW where there may be potential thermal impacts due to the removal of riparian vegetation (*not specific to just Carroll County*). (ERD, Pg. 79) This could be an issue as Carroll County anticipates MDE establishing a Total Maximum Daily Load(s) (TMDL) for temperature in the northeastern portion of the county in the near future.
- In Carroll County there are no Maryland Biological Stream Survey (MBSS) sites within the proposed MPRP ROW, but there are eight within 0.5 miles downstream. (ERD, Pg. 84)

Hydrologic and Water Quality Impacts
of Proposed Alignment and/or Off-ROW in Carroll County

Resource Impacted	Impacted Within Proposed MPRP ROW		Impacted by Access Roads Off-ROW	
	Total # Impacted	Measurement	Total # Impacted	Measurement
• Tier II Watersheds: Gunpowder Falls 1, S Branch Gunpowder Falls UT 1	2	*GF*: 139.7 acres *SBGF*: 11 acres	2	*GF*: 5.6 acres *SBGF*: 0.0009 acres
• Tier II Stream Segments: S Branch Gunpowder Falls UT 1	1	153 linear feet	0	-

Agriculture, Aesthetics, Land Use, & Cultural Impacts

"The construction and operation of transmission lines can lead to significant land use changes in the transmission rights-of-way and on the grounds of associated facilities. Many industrial, commercial, and residential uses are incompatible with the requirement to keep transmission rights-of-way clear of obstacles and structures, and for reasons of safety and public health. Agriculture can be affected, by the elimination of cropland, the temporary loss of crop production due to construction, and the incompatibility of certain crops and agricultural activities with transmission facilities. Transportation can be affected by the placement of transmission lines and towers near airports, roads, and waterways." (Nautilus Institute, Pg. 2)

"The construction and operation of transmission lines and associated facilities can affect local economies by disrupting agriculture, by producing or eliminating local jobs in construction or maintenance, and by affecting property values for reasons such as aesthetic changes, perceptions of hazard, and road access… Transmission lines and towers are unattractive to many people, especially when located near their homes or near scenic sites such as parks and river crossings." (Nautilus Institute, Pgs. 4-5)

- The New Windsor Quarry is located within the MPRP ROW. PSEG was in discussions with the Quarry regarding how the MPRP ROW may affect future operations [at the time the ERD was drafted] and potential avoidance and minimization measures. The MPRP ROW would be located outside of the active mining area. Impacts to topography would be negligible, as only localized alterations from grading would occur at the concrete pier foundations or to install access roads. (ERD, Pg. 54)
- There are 347 acres considered prime farmland and 483 acres considered farmland of statewide importance, although it is assumed that some of these soils are not actively used for agricultural purposes (*not specific to just Carroll County*). (ERD, Pg. 65)
- Approximately 522.65 acres of cultivated crops and 232.97 acres of hay/pasture would be impacted by the MPRP ROW in total (*not specific to just Carroll County*). (ERD, Pg. 43)
- In Carroll County, within 1 mile of the proposed MPRP ROW, there are 4 nursing homes, 1 elder care facility, 1 library, 8 churches, and 1 daycare facility. There are no hospitals, funeral homes, or special population schools within 1 mile of the proposed MPRP ROW. (ERD, Pg. 107)
- The MPRP crosses Route 30 (First Public Road in County; CARR-27) approximately 0.35 miles south of its intersection with Wentz Road and cuts through the Charles Repp Farm (CARR-1720) northeast of the intersection of Wakefield Valley Road and Route 31. CARR-27 has not been formally evaluated for the NRHP and may require formal DOE as part of this undertaking. CARR-1720 has been evaluated and determined not eligible for listing. (ERD, Pg 109)
- MIHP properties within 1 mile of the MPRP ROW were considered for potential indirect visual effects. In all, there are 232 MIHP properties in Carroll County within 1 mile of the proposed MPRP ROW. (ERD. Pg. 110)
- The MPRP ROW crosses the Heart of the Civil War Heritage Area, which encompasses portions of Carroll County. (ERD, Pg. 113)
- The MPRP ROW crosses 3 Maryland Scenic Byways in Carroll County – Hanover Pike, Bachman Valley Road, and Littletown Pike. (ERD, Pg. 114)
- Cemeteries in Maryland are legally protected from disturbance and destruction under the Annotated Code of Maryland Section 10-401. In Carroll County, the cemeteries from east to west include the Zimmermans Mennonite Cemetery near the Grave Run Road Church (CARR-

95); the Alesia Free Methodist Cemetery near the Alesia Church (CARR-1089); the Lazarus Cemetery within the Lineboro Historic District (CARR-1029); the Miller Memorial Cemetery (CARR-1159) and Jerusalem Cemetery inside the Bachman's Mills Historic District (CARR-1150); the Bixler Cemetery near Bixler United Methodist Church (CARR-1091); the Cassell Family Cemetery (CARR-409), also known as the Warehime Cemetery, near Wakefield Mill (CARR-280); Strawbridge Shrine Cemetery south of Strawbridge UM Church (CARR-86); and the cemetery at the Bethel Church (CARR-286) near Sams Creek. (ERD, Pg. 115)

- The Bixler Cemetery is located less than 100 feet east of the ROW, south of its intersection with Bixler Church Road. Bixler is not a historic cemetery according to MHT. Nevertheless, due to its proximity, there may be increased risk of impacting potentially unmarked graves in the area. (ERD, Pg. 115)

Agricultural, Aesthetic, Land Use, and Cultural Impacts of Proposed Alignment and/or Off-ROW in Carroll County

Resource Impacted	Impacted Within Proposed MPRP ROW		Impacted by Access Roads Off-ROW	
	Total # Impacted	Measurement	Total # Impacted	Measurement
• Carroll's Priority Preservation Area (PPA)	1	160 acres	1	11.2 acres
• Rural Legacy Areas (RLA): Upper Patapsco RLA, Little Pipe Creek RLA	2	*UP*: 117.8 acres *LPC*: 129.2 acres	2	*UP*: 5.6 acres *LPC*: 10.6 acres
• Maryland Agricultural Land Preservation Foundation (MALPF) easement properties	18	100.9 acres	7	2.04 acres
• Maryland Environmental Trust (MET) easement	3	4.65 acres	1	0.04 acres
• Forest Conservation Easement	4	0.86 acres	1	0.0005 acres
• National Register of Historic Places (NRHP) Sites	16	16 w/i 1 mile	13	13 w/i 1 mile
• Maryland Inventory of Historic Properties (MIHP) sites	185	2 w/i ROW 225 w/i 1 mile		183 w/i 1 mile
• Known Archeological Sites	1	1	0	0
• Priority Funding Areas (PFAs)	2	5.74 acres	1	0.28 acres
• Parks – Gunpowder Falls State Park (State) and Sulphur Springs Park (Municipal)	2	2 w/i 1 mile	2	2 w/i 1 mile

Public Health & Safety

"Transmission lines present a risk of electrocution to the public, by direct contact with high-voltage equipment and lines, and also by induced voltages, especially in the case of vehicles and farm machinery that transit beneath transmission lines. Humans and farm animals can also risk

electrocution or nuisance shock when inadequate grounding at substations energizes metal objects, such as stock tanks, outside substation grounds. Other safety threats include the collapse of transmission towers during storms." (Nautilus Institute, Pgs. 3-4)

"The effects of power-line frequency electromagnetic fields (EMF) on humans are scientifically uncertain at this point, but some studies indicate that chronic exposure to relatively high-level EMFs from overhead high-voltage AC transmission lines (and other AC equipment) can lead to an increased incidence of adverse health effects, including childhood leukemia and miscarriage." (Nautilus Institute, Pg. 4)

- Electromagnetic interference (EMI) can interfere were proper function of pacemakers and implantable cardioverter defibrillators (ICDs). (PSC of Wisconsin, *Environmental Impacts of Transmission Lines*, 2013, Pg. 15)

Public Health and Safety Impacts of Proposed Alignment and/or Off-ROW

Resource Impacted	Impacted Within Proposed MPRP ROW		Impacted by Access Roads Off-ROW	
	Total # Impacted	Measurement	Total # Impacted	Measurement
• Schools	2	Montessori School of Westminster, Carroll Lutheran School	3	Montessori School of Westminster, Carroll Lutheran School, and Ebb Valley Elementary (CCPS)

Coronal Impacts

Noise is defined as an unwanted sound and becomes an adverse impact when it interferes with normal habits or activities of fish, wildlife, or people. Noise is described based on its loudness, quality, tonality, duration, and intensity. Airborne noise can impact people through effects such as speech or sleep interference, annoyance, and/or physiological effects, such as anxiety, tinnitus (i.e., ringing in the ears), pain, or hearing loss. (ERD, Pg. 105)

"Corona from the operation of high voltage transmission lines can make audible noises, often described as "hissing," in the vicinity of the right-of-way. Transformers also produce noises often described as "humming," which are frequently audible outside substation borders. People often consider such noises to be a nuisance." (Nautilus Institute, Pg. 4)

- Construction of the proposed MPRP would produce temporary sources of noise. Noise impacts would vary depending on the type of operation and equipment utilized, and the location of noise-generating activities would change as construction progresses into new areas within the ROW. (ERD, Pg. 107) Average maximum noise levels from heavy equipment typically ranges from about 73 dBA to 101 dBA for nonimpact equipment, such as excavating machinery like backhoes and excavators, as well as materials-handling equipment like rollers and dump trucks. Noise levels at 50 feet from impact equipment, such as pile drivers and jackhammers, can range from 79 dBA to 110 dBA (ERD, Pg. 107 (from NRC 2012)).

- The MPRP would add 500 kV transmission lines to the existing acoustical environment once in operation. Transmission line noise is highest during light rain, dense fog, snow, and other times when there is moisture in the air and is usually described as a faint buzzing or crackling sound. During dry weather conditions, transmission line noise is typically barely perceptible (ERD, Pg. 107 (from Minnesota Power 2024)).
- The design of the transmission lines will limit operating noise levels to less than 55 dBA at the edge of the ROW (commensurate with noise levels in a suburban area). By limiting noise levels to below 55 dBA, operation of the transmission line would not violate local noise ordinances. (ERD, Pgs. 107-108)

"Corona and induced electromagnetic fields from the operation of high voltage transmission lines can produce electromagnetic interference (EMI), or electrical noise, that affects the functioning of electronic and telecommunications equipment. "Jitter" in television screens and computer monitors can result from EMI." (Nautilus Institute, Pg. 4)

Additional Mitigation Measures Needed & Requested

Mr. Kelley, with PPRP, notes the field-based studies that are lacking from the application, specifically Wetland Delineations, Forest Stand Delineations, Geotechnical surveys, Sensitive Species Project Review Areas, and areas related to the Maryland Historic Trust. Enforcement of the applicable regulations related to these topics are from a mixture of State and Local authority.

Forest Conservation

The ERD lacks the Forest Stand Delineation information and the enforcement which falls under the purview of the County as delegated by the Maryland State Forest Conservation Act.

Impacts. The ERD identifies that approximately 395 acres of forest clearing will be required along the selected alignment. The supplemental ERD regarding outside of right-of-way impacts documents an additional 18.7 acres of impacts. Impacts total to more than 400 acres, of which approximately 128 acres are in Carroll County.

Concern. A specific concern for Carroll County lies with the nuances of the code. Unavoidable impacts need to be adequately mitigated, which is a requirement of COMAR 20.79.04.04(8).

The ERD makes several statements regarding forest impact mitigation. Section 3.3.20.2 of the ERD states "PSEG will adhere to the Maryland Forest Conservation Act (FCA) regulations … " "PSEG will coordinate with the State to determine reforestation and afforestation requirements." Section 3.3.20.3 then states "PSEG will mitigate for forest impacts through reforestation and/or tree plantings coordinated with each county as part of Forest Conservation Plan review and approval." These statements speak to addressing forest mitigation per existing state and local codes rather than committing to specific actions.

Regulations.
Title 5 of the Maryland Natural Resources Article, Subtitle 16, Section 5- 1602 states the following:

(b) The provisions of this subtitle do not apply to:
(5) The cutting or clearing of public utility rights-of-way for electric generating stations licensed pursuant to § 7-204, § 7-205, § 7-207, or § 7-208 of the Public Utilities Article, provided that:
(i) Any required certificates of public convenience and necessity have been issued in accordance with§ 5-1603(f) of this subtitle; and
(ii) The cutting or clearing of the forest is conducted so as to minimize the loss of forest;

Correspondingly, the *Carroll County Forest Conservation Code Chapter 150* states the following:

§ 150.02 APPLICABILITY.
(B) Exemptions. This chapter does not apply to:
(4) The cutting or clearing of public utility rights-of-way licensed under Md. Code, Public Utility Companies, §§ 7-207 and 7-208 or 7-205, or land for electric generating stations licensed under Md. Code, Public Utility Companies, §§ 7-207 and 7-208 or 7-205, if:
(a) Required certificates of public convenience and necessity have been issued in accordance with Md. Code, Natural Resources Article, § 5-1603(f); and
(b) Cutting or clearing of the forest is conducted to minimize the loss of forest.

It is, therefore, arguable that following issuance of the CPCN, when the County is then enforcing applicable codes, that this project could be determined to be exempt from forest conservation requirements.

It is, however, important to point out that the referenced *Title 5 of the Maryland Natural Resources Article, Subtitle 16, Section 5-1603(f)* states:

(f) After December 31, 1992, the Public Service Commission shall give due consideration to the need to minimize the loss of forest and the provisions for afforestation and reforestation set forth in this subtitle together with all applicable electrical safety codes, when reviewing applications for a certificate of public convenience and necessity issued pursuant to § 7-204, § 7-205, § 7-207, or§ 7-208 of the Public Utilities Article.

It is, therefore, within the authority of the Public Service Commission (PSC) to require mitigation of impacts as part of the issuance of the CPCN, beyond the requirements or exemptions outlined in the State and County Forest Conservation Codes.

Request. We request that the PPRP and the PSC require specific mitigation be documented in the ERD and not simply rely on future conformance with State and local requirements. This is critically important to mitigate the significant impact this project will have to our natural resources. It also speaks directly to the lack of field identification information from the application not only as it relates to total acreage of forest impacts, but also specific impacts to specimen trees, priority forests, and nontidal wetlands which require special protections.

FEMA Floodplain

The ERD lacks detailed information regarding floodplain impacts and mitigation and the enforcement which falls under the purview of the County as delegated by 44 CFR 60.3.

Impacts. The ERD identifies that 25 acres of regulated FEMA floodplain will be impacted in Carroll County. The supplemental ERD regarding outside of right-of-way impacts documents an additional 0.5 acres of impacts.

Concern. A specific concern for Carroll County lies with the nuances of the code. Unavoidable impacts need to be adequately mitigated, which is a requirement of § 153.007, subsections (C) and (H). Chapter 153.035 requires easements be granted to the County any time development occurs within the floodplain or any time the floodplain is required to be delineated on plans.

The ERD makes several statements regarding floodplain impacts. Section 3.3.2.1 of the ERD states "the MPRP would be designed to be resilient to climate impacts, such as increased storm intensity and frequency, *by avoiding placing structures in regulated floodplains, as much as possible*, so as not to affect flood storage and conveyance capacity and other floodplain functions." The ERD primarily addresses impacts due to tree removal and construction. However, the ERD indicates that 13 of the structures would be within the floodplain. There is no mention how PSEG will address the requirements of Carroll County Code, Chapter 153, Floodplain Management.

Regulations.

§ 153.002 APPLICABILITY.

Any person proposing to conduct development within the floodplain regulated by this chapter shall obtain approval for that development from the county, and shall comply with all provisions of this chapter prior to conducting the development.

§ 153.007 GENERAL REGULATIONS.

(A) The reduction of the hydraulic cross-section of any stream or body of water, including reduction of the floodplain, is contrary to the public interest.

(B) Floodplain impacts shall be avoided and minimized.

(C) Fill in the floodplain is prohibited unless compensatory storage is provided at a ratio of 1.5:1 for the material in a hydraulically equivalent location. A variance cannot be requested for relief from this requirement.

(H) If the 100-year floodplain is increased, then:

(1) A CLOMR/LOMR shall be obtained from FEMA, where applicable;

(2) A variance shall be obtained from the county, where applicable;

(3) Appropriate easements shall be obtained from all affected property owners; and

(4) The design shall be approved by the county, and where necessary, by the Maryland Department of the Environment, Water Management Administration, FEMA and the U.S. Army Corps of Engineers.

§ 153.008 DELINEATIONS.

(A) All floodplains.

(1) Except as provided in divisions (A)(2) and (A)(3) below, the floodplain shall be shown on the subdivision or site plan for all on site and adjacent streams and bodies of water where the floodplain may extend onto the property.

(2) Floodplains within remainders or remaining portions are exempt provided no disturbance or construction are proposed within the floodplain, as determined by FEMA or 153.008(A)(3). If any drainage from the development passes through the remainder, remaining portion or tracts, a note shall be added to the plat.

(3) Non-FEMA floodplains determined to have a drainage area of less than one square mile are exempt, provided that no disturbance or construction is proposed within ten vertical feet of the stream bank.

§ 153.035 FLOODPLAIN SETBACKS.

(A) The property owner shall grant to the county an easement in perpetuity to preserve the natural vegetation and to prevent alteration of floodplains and the setbacks wherever floodplains are delineated.

(B) The floodplain setback shall be the maximum of:

(1) The floodplain width;

(2) The stream buffer; or

(1) One hundred feet from the top of the stream bank on any mapped FEMA stream.

(C) Existing impervious areas are excluded from the easement area.

It is, therefore, arguable that following issuance of the CPCN, when the County is then enforcing applicable codes, that the impacts from this development could be fully analyzed. Filling in the floodplain, whether FEMA or non-FEMA, will have an impact on the water surface elevation and could have insurance implications.

It is, therefore, within the authority of the Public Service Commission (PSC) to require mitigation of impacts as part of the issuance of the CPCN, beyond the requirements or exemptions outlined in the County Floodplain Management Code.

Request. We request that the PPRP and the PSC require specific mitigation be documented in the ERD and not simply rely on future conformance with local requirements. This is critically important to mitigate the significant impact this project will have to our natural resources. It also speaks directly to the lack of field identification information from the application not only as it relates to total acreage of floodplain impacts, but also specific impacts to changes in the limits of the floodplain, changes in water surface elevation to off-site properties, and flood insurance implications.

Sources:

Williams, James A. Nautilus Institute. *International Best Practices for Assessing and Reducing the Environmental Impacts of High-Voltage Transmission Lines*. 2003. Pgs. 2, 3, 4. Accessed June 2025.

Maryland Department of Natural Resources (DNR). Maryland *Habitat Connectivity Network*. Accessed July 2025.

Minnesota Power. *Great Northern Transmission Line Noise Factsheet*. Noise Factsheet v5. Accessed September 2025.

Nuclear Regulatory Commission (NRC). *Environmental Impacts of Transmission Systems*. Pages 5.6-1 to 5.6-7. Accessed September 2025.

Public Service Commission (PSC) of Wisconsin. *Environmental Impacts of Transmission Lines*, 2013. Pgs. 15-16. Accessed June 2025.