

**DOMINION VIRGINIA POWER  
RESPONSE TO COMMENTS SUBMITTED BY CONSULTING PARTIES  
CONCERNING THE SURRY-SKIFFES CREEK-WHEALTON PROJECT**

On November 13, 2015, the public comment period ended on the U.S. Army Corps of Engineers’ (“USACE”) notice regarding its decision of which historic properties were adversely effected by the Project, as set forth in the Cultural Resources Effects Assessment, Surry-Skiffes Creek-Whealton Transmission Line Project, Surry, James City, and York Counties, Cities of Newport News and Hampton, Virginia (September 15, 2015), also known as the Consolidated Effects Report (“CREA”), which was prepared by Stantec on behalf of Dominion Virginia Power. The CREA was adopted by USACE for purposes of public notice and comment. In response to that public notice, the consulting parties provided over one hundred individual comments.<sup>1</sup> Those comments fall into one of eight categories. For each of the categories, the following chart provides Dominion’s general response to the Consulting Parties’ common comments in that category. After Dominion’s general responses, the principle points made in the comment letters are summarized and paraphrased and specifically responded to. The first column contains a comment number for reference purposes. The second column identifies which consulting party made the specific comment. The third column identifies the page from the comment letter where the specific comment was made. The fourth column provides the summarized/paraphrased comment. Finally, the fifth column provides Dominion’s substantive response and/or citations to record information that provides a response to each comment.

<b>Issue Category 1 – Which Historic Properties Were Adversely Affected?</b>
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General Response:
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There were 31 comments filed on which historic properties will be adversely affected by the Project. Most advocated for adding additional facilities to the list of adversely affected historic properties recommended in the CREA.
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As recognized by the Keeper of the National Register (“Keeper”) and the consulting parties, the entire river crossing project area of potential effect (APE) direct and indirect, is located within a historic district, which is cultural landscape of national historic significance. As a cultural landscape, this area illustrates the specific local response of American Indian, European, and African cultures, land use, and activities to the inherent qualities of the underlying environment. The landscape reflects these aspects of our country’s origins and development through its relatively unaltered form and features evoking the ways it was used by the early
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<sup>1</sup> The following consulting parties submitted comments: James City County, Chesapeake Conservancy, Chickahominy Tribe, Commonwealth of Virginia, Dept. of Historic Resources, First California Company, Jamestowne Society, National Parks Conservation Assoc, U.S. Dept. of the Interior, National Park Service, National Trust for Historic Preservation, National Parks Conservation Association, Preservation Virginia, Scenic Virginia, and Save the James Alliance. Over 16,000 other comments were received from the public and they will be addressed under separate cover.

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inhabitants and continuing to reveal much about our current evolving relationship with the natural world. As such, and as recognized by the National Park Service (“NPS”), assessing effects to historic properties for this Project is especially challenging given the nature of the Project and the presence of a substantial amount of visual effects, which are difficult to quantify in an objective manner that reflects individual perceptions and interests.

While many of the individual historic properties located within this cultural landscape historic district are distinct and significant enough to be either listed or considered eligible for inclusion in the National Register of Historic Places (“NRHP”), by themselves it is their thematic connections that make them significant contributing elements to the broader cultural landscape eligible for designation as a historic district, which documents from both a cultural and natural perspective a continuum of American history up through today. Similarly, the cultural landscape contributes historic context to each element.

There is 95% agreement between the lists of historic properties adversely affected by the Project prepared by Virginia Department of Historic Resources (“VDHR”) and in the CREA. See VDHR letter dated November 13, 2015 and attached chart showing concurrence between CREA. Each evaluated the effects on each of the 39 architectural resources (including one landscape) and 19 archaeological resources identified by USACE and the VDHR.

The VDHR list identified the following eight historic properties as adversely affected by the undertaking: Carter’s Grove, Colonial National Historic Park, Jamestown National Historic Site, Hog Island Wildlife Management Area, the Battle of Yorktown, Fort Crafford, Captain John Smith Trail Historic District (“Eligible Historic District”) (including the contributing section of the Captain John Smith Chesapeake National Historic Trail (“CAJO Trail”), and Archaeological Site 44JC0662. VDHR recommended no adverse effect for the remaining historic properties.

The Keeper letter of August 14 states, “[p]roperties within and along this segment of the trail are directly associated with the historic patterns of events for which the trail was found to be nationally significant and thus this section of the trail itself is eligible for National Register of Historic Places as a contributing element in the larger historic district defined by the Indirect APE boundary.”

In a follow-up discussion with VDHR regarding its list and conclusions, VDHR clarified that it interpreted the Keeper’s letter to mean that the CAJO Trail is a contributing element to the Eligible Historic District, but it did not consider the CAJO Trail as eligible as a historic property in its own right. This is consistent with National Register regulatory definition of “historic property” which includes “buildings,” “structures,” “objects,” “sites” and “districts.” 36 C.F.R. §60.3. “Sites” do not include natural waterways. *Id.* USACE and Dominion interpret the Keeper’s letter in this same manner, which is represented in the CREA.

In the CREA, Stantec recommended that archaeological site 44JC0662, Carter’s Grove, Hog Island Wildlife Management Area, and

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the newly defined Eligible Historic District (which includes the contributing portion of the CAJO Trail) would be adversely affected by the Project, as well as concurred with the Corps' determinations of adverse effect to the Colonial National Historical Park/Colonial Parkway and the Jamestown National Historic Site/Jamestown Island. Stantec recommended a no adverse effect for the remaining resources.

Thus, the only difference between VDHR and Stantec, is the VDHR listed Fort Crafford and Battle of Yorktown; Stantec did not.

In a follow up discussion with VDHR, it indicated that it only considered the Battle of Yorktown adversely affected based on its conclusion that Fort Crafford was adversely affected. Thus, any adverse effects to these two historic properties are limited to the Fort Crafford area, and do not include impacts to the remainder of the Battle of Yorktown area. Importantly, VDHR went on to note that it did not believe that the riverine portion of the Battle of Yorktown was adversely affected (this is the large area where the battlefield crosses the river to encompass Fort Boykin), and that that the 230kV line provided no additional effects over what was already there.

We anticipate that USACE and VDHR will consider consulting party comments, public comments, the input of Dominion and its consultant, and will consult further during the mitigation process to determine a final list of adversely affected historic properties. Professionals can reach different conclusions. It should be noted thought that the CREA was prepared consistent with USACE regulations codified as 33 C.F.R. Part 325, Appendix C (15), the Advisory Council on Historic Preservation Regulations at 36 C.F.R. 800, and VDHR guidance for visual effects studies published in 2010. The CREA evaluated effects on those resources identified by the USACE and the VDHR as historic, located within the APE, and having the potential to be affected by the proposed Project. Individual properties not listed in the CREA for which comments were received advising adverse effect are evaluated below.

The CREA's recommendations on adverse effects (or the lack thereof) to historic properties took into account VDHR's guidance, as well as assessed the potential effects on the defining characteristics for which a property was eligible or listed on the NRHP. The recommendations of adverse effect took into account a number of factors including distance to the proposed transmission line, potential visibility, key observation points representing, among other things, worst case scenarios and known and regular viewing points, significant characteristics and integrity for each property, cumulative effects, and the potential for the Project to diminish those characteristics which make each resource eligible for listing on the NRHP. Based on these factors, the CREA made the determination of "no adverse effect" for Fort Crafford, Crafford House, Kingsmill Plantation, the Matthew Jones House, the 76 submerged anomalies (underwater archaeology sites), and the Battle of Yorktown. We also note that while the 76 submerged anomalies were evaluated in the CREA, they were not identified by USACE as historic properties, but only as potential historic properties. Each of them is reevaluated below in response to specific public comments.

The CREA does not evaluate Lee Hall Mansion because it is not located within the Indirect APE for the Project and was not identified

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as an historic property for the Project under 800.4. Similarly, the CREA does not evaluate the Washington-Rochambeau Revolutionary Route National Historic Trail because it was not identified as a potentially effected historic property by the CREA or VDHR. The Keeper declined to designate it as eligible, saying it had insufficient information about it.				
1.	NPS	Comment letters, p. 1 (Oct. 22, 2015 and Nov 12, 2015)	The proposed transmission line would cross Virginia’s Historic Triangle and have substantial impacts on several National Historic Properties listed on the National Register of Historic Places.	Stantec’s analysis addressed the effects to Historic Properties located within the area of potential effect
2.	NPS	Comment letter, p. 1 (Oct. 22, 2015)	The proposed transmission line would cross directly over the CAJO Trail and within sight of Jamestown Island, the Colonial Parkway, Carter’s Grove Plantation National Historic Landmark, and several other historic resources.	The visual assessment considered the impacts to these resources. See CREA; see also Letter from S. Miller, Dominion, to L. Rhodes, USACE, at 5-6 and Attachment 2, Response to Comment G (July 2, 2015).
3.	Preservation Virginia	Comment letter, p. 2 (Nov. 12, 2015)	The CREA makes the determination “no adverse effect” for Fort Crafford, Crafford House, Kingsmill Plantation, the Matthew Jones House, the 76 submerged anomalies (underwater archaeology sites), and the Battle of Yorktown. These determinations are not supportable given the magnitude of the visual and cumulative adverse effects on these sites.	The recommendations of no adverse effect for these resource were based on an assessment of adverse effects which took into account a number of factors including distance to the proposed transmission line, potential visibility, significant characteristics and integrity for each property, cumulative effects, and the potential for the Project to diminish those characteristics which make each resource eligible for listing on the NRHP. See response to Comment 8 concerning Fort Crafford and Battle of Yorktown. See Response 17 regarding Kingsmill Plantation and Response 12 regarding Matthew Jones House,
4.	Scenic Virginia	Comment letter, p. 2 (Nov. 12, 2015)		
5.	National Parks Conservation Association (“NPCA”)	Comment letter, p. 2 (Nov. 12, 2015)		
6.	NPCA	Comment letter, p. 3 (Nov. 13, 2015)		
7.	NPCA	Comment letter, p.	The proposed transmission towers and	The visual assessment suggests that

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		2 (Nov. 13, 2015)	line would be directly visible from 17 locations within Colonial National Historic Park and Colonial Parkway.	towers would be visible from the Colonial Parkway and that the Corps has determined that the Project would have an adverse effect on the Colonial Parkway/Colonial National Historical Park. Stantec originally came to a conclusion that the visibility of the towers at that distance would not rise to a level of adverse effect. However, Stantec recognizes that professionals can come to different conclusions and given the importance of setting, and in particular at the overlooks, to the Colonial Parkway’s historical significance, a determination of adverse effect to the Colonial Parkway is certainly reasonable and it was included on the list published for public notice.
8.	VDHR	Comment letter, p. 1 (Nov. 13, 2015)	The Project will result in an adverse effect on the following historic properties: Colonial National Historical Park, Carter’s Grove, Jamestown National Historic Site/Jamestown Island, Hog Island Wildlife Management area, Battle of Yorktown, Fort Crafford, Eligible Historic District (including the contributing CAJO Trail, and archaeological site 44 JC0662.	Recommendations of adverse effect are generally consistent with those made by Stantec in the CREA. The VDHR has found that the Project would also have an adverse effect to Fort Crafford and the Battle of Yorktown. Based on information in the CREA, Stantec and the USACE came to the initial conclusion that the Project would not have an adverse effect on these two resources. The CREA acknowledged that towers would be visible from Fort Crafford but also noted that the existing vegetation screening and other conditions would provide suitable screening of the

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				<p>resource. The VDHR, in follow-up conversation, indicated that in their opinion the Project would adversely affect the integrity of setting and feeling associated with the NRHP-significance of Fort Crafford. In turn, because Fort Crafford is a significant contributing element to the Battle of Yorktown, the VDHR determined that the Project would also adversely affect the battlefield resource at the river crossing but only in the immediate vicinity of Fort Crafford. The portion of the Battle of Yorktown crossed by the proposed 230 kV Skiffes Creek- to-Whealton segment has already been compromised and the proposed Project would not further detract from the battlefield. Additionally, VDHR noted that it did not believe that the riverine portion of the Battle of Yorktown (i.e., where the battlefield crosses the river to encompass Fort Boykin) was adversely affected. As the VDHR recommendations are reasonable, Stantec recommends that the Corps accept these VDHR conclusions in their final determination of adverse effect.</p>
9.	NTHP	Comment letter, p. 25 (undated)	The information provided by the Corps does not consider the impacts that the Project will have on the experience of visitors to CAJO Trail, Hog Island Wildlife Management Area, and Matthew	While a number of factors, noted above in Comment Responses 3-6, were utilized in assessing the potential adverse effects associated with the Project, visitor experience and recreation are outside the

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			Jones House.	scope of the Section 106 process. These elements would be considered under the Corps’ Public Interest Review.
10.	NTHP	Comment letter, p. 3 (undated)	Disagrees with the finding of no adverse effect for Fort Crafford, Crafford House Site/Earthworks, the Matthew Jones House, the Kingsmill Plantation, the 76 submerged anomalies and the Battle of Yorktown. Objects to the absence of any determination for Lee Hall Mansion, The Washington-Rochambeau Revolutionary Route National Historic Trail, and the CAJO Trail.	The recommendations of effects for these resources were made by Stantec utilizing the VDHR-published guidance on the assessment of visual/adverse effects as well as GIS generated line of sight analysis and field inspection. See Comment Responses 3-6, 8, 12, and 17. Lee Hall Mansion is not located within the defined APE for the Project and was not identified by the USACE and the VDHR as a historic property for consideration. The Washington Rochambeau Revolutionary Route Historic Trail was also not identified by the USACE and the VDHR as a historic property for purposes of this Project. Stantec recommended the newly defined Eligible Historic District which includes the portion of the CAJO Trail located within the defined APE for the Project would be adversely affected.
11.	NTHP	Comment letter, p. 4 (Nov. 12, 2015)	At least 7 towers are visible from Ft. Crafford and NTHP believes that it rises to the level of an adverse visual effect.	See Comment Response 8. Stantec concurs with VDHR’s finding of adverse effect.
12.	NTHP	Comment letter, p. 5 (Nov. 12, 2015)	Thirteen of the proposed transmission towers would be visible from the steps of the Matthew Jones House and NTHP disagrees with the Corps’ no adverse effect finding for this site.	Stantec’s line of sight analysis, coupled with site visits to the resource, indicated that while there would be views of the proposed Project from the Matthew Jones House, the views would not detract from

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				<p>or diminish the resource’s significance to a level of adverse effect. Matthew Jones House is listed on the NRHP under Criterion C for its architectural features. The Project will not affect the integrity of location, workmanship, design, and materials. The house is located within the bounds of Fort Eustis and in close proximity to a train yard and cluster of military buildings. These buildings and intrusions on the landscape were present when the resource was listed, indicating that setting and feeling were not integral in the evaluation of the resource for listing on the NRHP. For purposes of the current study, assessment of setting and feeling were considered. Stantec found that these aspects of integrity had already been diminished by the development of Fort Eustis. Stantec concluded that the Project would not adversely affect this resource or diminish its qualifying characteristics to the level of adverse effect. The Corps determined that the Project would have no adverse effect to the Matthew Jones House and the VDHR concurred with this determination.</p>
13.	NTHP	Comment letter, p. 8 (Nov. 12, 2015)	Proposed towers would be built within and visible from the Battle of Yorktown battlefield study area, core areas and proposed boundaries.	See Comment Response 8.
14.	NTHP	Comment letter, p.	The CREA does not discuss Lee Hall	See Comment Response 10.

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		8 (Nov. 12, 2015)	Mansion.	
15.	NTHP	Comment letter, p. 8 (Nov. 12, 2015)	The CREA does not discuss the Washington-Rochambeau Trail.	See Comment Response 10.
16.	NTHP	Comment letter, p. 13 (Nov. 12, 2015)	The CREA fails to address the importance of setting to the significance of Colonial Parkway, and fails to address the degradation of the experience for visitors who drive on the Parkway.	The CREA took into consideration the seven aspects of integrity as related to the NRHP criteria for which the Colonial Parkway was listed on the NRHP. Although Stantec’s conclusions lead to a recommendation of no adverse effect, the USACE and VDHR concluded there would be an adverse effect. See Comment Response 7.
17.	NTHP	Comment letter, p. 6 (Nov. 12, 2015)	The Project will adversely affect Kingsmill Plantation integrity of setting and feeling.	Kingsmill Plantation is documented as an archaeological site with above-ground components and is located within the boundaries of the Kingsmill Resort. The integrity of setting and feeling has been significantly compromised by the construction of the Kingsmill Resort and residential development in the immediate vicinity of the extant components of this resource. The USACE and VDHR came to the conclusion of no adverse effect to Kingsmill Plantation.
18.	NPS	Comment letter, p. 2 (undated)	Disagrees with the methodology utilized and mentions throughout the letter that the methodology was flawed. Feels that classifying resources into archaeological and architectural does not allow the Corps to assess adverse effects on landscape resources. References to the methodology as flawed are throughout the comment	The methodology utilized for the Stantec assessment followed the guidance of the VDHR and utilized the compiled list of resources that may be affected by the Project, which classified them as architectural and archaeological resources. Stantec evaluated impacts to the Eligible Historic District and has

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			<p>letter. Comments repeatedly state that the photographs were inadequate and that the visual effects analyses should have considered all seasons as well as a no-vegetation scenario.</p>	<p>previously established the Jamestown Island-Hog Island Cultural Landscape and determined they would be adversely affected. The landscape associated with individual resources, particularly those where setting and feeling were considered significant to the eligibility of the resource, was considered in the overall assessment of effect. These resources were also considered individually as noted. Photographs were taken for resources during a variety of seasons and environmental conditions. Line of sight analyses took into consideration a “worst case scenario” which would equate to a no vegetation scenario and were calculated from unobstructed key observer points where appropriate. For some resources, it was apparent that the Project would not be visible and viewpoints were utilized to represent potential views from the primary resources.</p>
19.	NPS	<p>Comment letter, p. 5 (undated)</p>	<p>NPS has found multiple projects, research articles and reports that contained a much more objective, thorough and articulate methodology of analysis of visual effects. These reports include the Northern Pass Transmission Line Project EIS, Offshore Wind Turbine Visibility and Visual Impact Threshold Distances, Wind Turbine Visibility and Visual Impact</p>	<p>Two of these examples concern the visibility of wind turbines. Offshore wind turbines have significantly different characteristics than the lattice towers planned for Dominion’s Project. Off-shore wind turbines are enormously tall (350-500 feet (including the 150 foot blade)), wide (264-415 feet (including the 150 foot blade)), and thick structures</p>

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			Threshold Distances in Western Landscapes.	<p>(turbine towers are solid and at least 10 feet in diameter). They have bright colors and geometry that contrast strongly with the natural seascapes. They have moving, synchronized sweeping blades. Off-shore turbines have no other natural background against which to contrast – they stand alone at the flat, static horizon where the sea and sky meet. In contrast, the lattice towers are not solid and are constructed of visibility reducing materials. They do not have moving parts, are only one-fifth the width of a turbine, and even the tallest proposed tower are between one half to two thirds as tall. Land-based wind turbines have similar characteristics. In addition, in the context of the James River, the lattice towers are not set against a flat, unbroken seascape, but rather have a number of different shore-based contrasts with which to mix. Depending on the vantage point of the viewer, this could be the tree line, historic properties, the Surry Nuclear Power Station, Busch Gardens, Department of Defense facilities, <i>etc.</i> The Northern Pass Transmission Line EIS documentation is dated July 2015 and included visual analyses for 192 miles of proposed transmission line. The Northern Pass work included similar methodology consistent to that used by</p>

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				Stantec with respect to viewshed analysis using digitally generated surface models, line of sight analysis utilizing key observation points, and photo simulations for significant views.
20.	NPS	Comment letter, p. 6 (undated)	Does not agree with characterization of the James River.	During the identification of historic resources and assessment of effects, the integrity of the James River with respect to the characteristics of setting and feeling was considered. In the Public Notice issued by USACE in May 2015, the Corps notes “observations made from the river and multiple points on land find many sections of the James River near Jamestown and Hog Island to retain sufficient integrity to convey the appearance of the area during the early 17th century. The maritime approaches to Jamestown and between Jamestown and Hog Island convey the feeling and association with the significant historic event of the establishment of the settlement at Jamestown.” The USACE goes on to note that the “desktop integrity evaluation concluded the presence of large segments of shoreline impacted by modern 20th century intrusions; however many of these areas in vicinity of the Jamestown-Hog Island area, with exception of Kings Mill and Fort Eustis, were found to be low density intrusions that become relatively lost within the overall landscape.” In reference to the assessment of integrity of setting and

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				<p>feeling for specific resources, Stantec notes the modern intrusions along the James River, including development within the Kingsmill Resort, Fort Eustis and in the lower portion of the APE, as the river approaches Newport News. Light pollution was noted resulting from Busch Gardens, the Surry Power station and Kingsmill resort. However, Stantec also notes on page 5.270 that portions of the James River shoreline are protected through land conservation, thus protecting the shoreline from additional development and inferring that these locations do in fact retain integrity of setting and feeling.</p>

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21.	NPS	Comment letter, p. 3, 4 (undated)	Notes that Stantec has not recognized the CAJO Trail as a National Register eligible resource of its own. Takes exception to the assessment of the CAJO as part of the Eligible Historic District	It is Dominion's understanding that the Corps and the VDHR consider the CAJO Trail as a contributing element of the larger, newly defined Eligible Historic District. Stantec complied with the directive of the Corps, the VDHR, and the Keeper of the National Register in its consideration of the CAJO Trail and the Eligible Historic District. This is consistent with the Keeper determination and National Register Regulations. Effects to the Eligible Historic District and consequently the CAJO Trail itself were assessed utilizing not only views from the open water of the James River but also from associated land-based resources including Jamestown Island, the Colonial Parkway, Carter's Grove, Hog Island, and others located within the Keeper defined boundaries of the Eligible Historic District. As a result of ongoing consultation, and as also stated in the CREA, Stantec has recommended an adverse effect finding for the Eligible Historic District including the contributing CAJO Trail.
22.	NPS	Comment letter, p .5 (undated)	Stantec only assesses indirect effects for architectural resources where the CAJO Trail and Eligible Historic District would be directly affected.	Direct effects to resources were assessed where the Project would have the potential to directly impact (i.e. ground disturbance, destruction of property, etc.) a historic resource. In the case of the Eligible Historic District and the Trail,

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				direct effects were considered in the overall assessment of adverse effects (CREA p 3.220). The proposed Project will directly affect the Eligible Historic District and also the Trail by the placement of structures within the boundaries of the district and in the waters of the James River.
23.	NPS	Comment letter, p. 5 (undated)	Finds that effects to Fort Huger would be adverse.	The Corps and VDHR have concluded that the proposed Project would not have an adverse effect to Fort Huger. We acknowledge the NPS’ opinion that the Project would have an adverse effect to Fort Huger. However, as a result of the assessment conducted, Stantec believes that the significant traits associated with the eligibility of Fort Huger would not be diminished to the level of adverse effect. Structures associated with the Project would be visible from Fort Huger. However, given the existing obstructions from this viewpoint, the visibility would not detract significantly from those defining characteristics contributing to the Fort’s eligibility.
24.	NPS	Comment letter, p. 6 (undated)	Finds that Stantec’s assessment of the adverse effects to Hog Island are minimized. The Project would destroy the resource’s integrity of setting and feeling.	VDHR, the Corps and Stantec determined there would be an adverse effect to Hog Island, as well as the Eligible Historic District in which it is located. See Comment Response 22.
25.	NPS	Comment letter, p. 6 (undated)	NPS finds that the Project would have an adverse effect on Fort Crafford. Suggests	See Comment Response 8.

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			eligibility under Criterion C in addition to A and D.	
26.	NPS	Comment letter, p. 8-9 (undated)	Disagrees with Stantec’s assessment of no adverse effect to the Colonial Parkway. States that “No objective analysis could possibly conclude that the visibility of this many towers with the naked eye would not create a noticeably adverse effect”.	See Comment Response 7.
27.	NPS	Comment letter, p. 9-12 (undated)	Disagrees with Stantec’s assessment of no adverse effect to Jamestown Island. States again, similar to the statement made above, that “No objective analysis could possibly conclude that the visibility of this many towers with the naked eye would not create a noticeably adverse effect”.	As reflected in the CREA correspondence dated May 2015, the Corps determined that the Project would adversely affect Jamestown and in turn the Colonial Parkway.
28.	NPS	Comment letter, p. 12 (undated)	Finds that the Project would have an adverse effect on the Battle of Yorktown. Notes that the DHR has recommended the battlefield potentially eligible and that no formal determination of eligibility was conducted.	Please see Comment Response 8.

<b>Issue Category 2 – Severity of Effects</b>
<p>General Response: There were 28 comments on the severity of the adverse effects claiming they were underestimated. The claims involved professional technical judgment suggesting a different methodology or result was more appropriate. The CREA addressed the requirements for the assessment of adverse effects pursuant to 36 C.F.R 800.5. As discussed above, the CREA identified six historic properties that were adversely affected by the Project. VDHR identified two more.</p> <p>The NHPA Section 106 regulations do not expressly require the identification of the severity of impacts, but instead require (and focus on) the identification of adverse effects. Nevertheless, the NHPA Section 106 regulations do require the consideration of mitigating any adverse effects on historic properties that cannot be avoided or minimized. Therefore, depending on the circumstances, the need for determining the severity and/or nature of adverse effects may exist. In those circumstances, agencies often look to their NEPA</p>

### Issue Category 2 – Severity of Effects

evaluations for assistance, and link the two similar analyses. This is because identification of the severity of impacts is more suitably addressed under the NEPA review process. In that evaluation, USACE evaluates the intensity and context of potential impacts to historic properties to determine whether significant impact to the human environment will occur as a result of the Project. NEPA evaluations typically classify the intensity of potential impacts by categorizing the intensity of impacts as negligible, minor, moderate, or major. The NPS recently completed an Environmental Assessment for shoreline stabilization along the Colonial Parkway. Within that document, intensity of impact to cultural resources was defined and compared to Section 106 effects as follows:

- *Negligible*: the impact is at the lowest level with no identifiable positive or negative impact. This category of impact would correlate to an NHPA evaluation of no effect or no adverse effect.
- *Minor*: the impact would alter a defining characteristic of a resource, but would not diminish the integrity of the resource. This category would correlate to an NHPA evaluation of no adverse effect.
- *Moderate*: the impact would alter a defining characteristic of the resource and would diminish the overall integrity of the resource. This category would correlate to an NHPA evaluation of adverse effect.
- *Major*: the impact would result in the actual loss of a character-defining feature and would diminish the overall integrity of the resource. This category of intensity would correlate to an NHPA evaluation of adverse effect.

Using these definitions of intensities, one can develop intensities of impact for each historic property within the APE of the Project using the assessment of effects described in the CREA. [Visual effects are the primary indirect effects relate to the Project.] Historic properties from which there would be no visibility of the proposed Project, and would therefore have no alteration of any defining characteristic of the resource, would have an impact intensity of Negligible (e.g. Bourne-Turner House). Historic properties from which the Property would be visible, but that visibility would not diminish the integrity of the characteristics contributing to the NRHP eligibility of the resource, would have an impact intensity of Minor. Examples are Fort Boykin, which has visibility of the transmission line only at the James River shoreline at a distance of nearly nine miles, and the Ghost Fleet, for which the characteristic of setting and feeling does not contribute to the resource’s NRHP eligibility.

The five historic properties that would experience an adverse effect due to visual impacts would have an impact intensity of Moderate. For these five resources, the visibility of the transmission line would alter the integrity of setting and/or feeling in a way that would diminish the overall integrity of the resource. These resources will still retain historic importance and integrity for other characteristics. While the construction of the Project will introduce elements that are out of historic character for the properties’ setting and feeling, the structures are seen within the mid-ground to background and do not obstruct, sever, or surround historical

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<p>viewsheds for Carter’s Grove, Colonial Parkway, and Jamestown. Hog Island derives its historical significance primarily under Criterion D, for its archaeological potential to yield important information in prehistory and history. The construction of structures east of Hog Island will diminish the setting and feeling of the property but not result in a loss of these characteristics as views from Hog Island to Jamestown are maintained and the setting and feeling within the boundary of the property itself remains. Similarly, the integrity of setting and feeling of the Eligible Historic District will be altered and diminished by the visibility of the transmission line structures, particularly in the immediate vicinity of the river crossing. However, setting and feeling are not lost overall for the resource as important views are maintained (e.g. Hog Island to Jamestown) and visibility of Project is minimal throughout much of this large property due to distance and topographic and vegetative obstructions. For example, more than 75% of the Eligible Historic District is greater than 3.5 miles from the transmission structures, making the structures to appear in the background, if they are even visible at all. Therefore, setting and feeling is not lost for the Eligible Historic District and the intensity of the impact is Moderate.</p>				
1.	Preservation Virginia	Comment letter, p. 2 (Nov. 12, 2015)	The Corps has concluded that a number of resources including the Colonial National Historical Park, Carter’s Grove, Jamestown National Historic Site/Jamestown Island, Hog Island Wildlife Management area and the Eligible Historic District will be adversely effected by this proposed Project to construct 17 transmission towers across the James River. The CREA fails to accurately discuss the magnitude of the adverse effects on these resources.	See general response.
2.	Preservation Virginia	Comment letter, p. 2 (Nov. 12, 2015)	The Consultant’s analysis of views to, from, and within historic properties and cultural landscapes is inadequate, and a systematic and comprehensive identifications of views, vistas, and view sheds has not occurred.	Views from each of the resources toward the proposed Project were considered. Line of sight analysis was prepared for each of the identified resources and based on a “worst case scenario” viewpoint where possible. Key Observer Points were identified in locations that would provide unobstructed views of the proposed Project and utilized LiDAR

<b>Issue Category 2 – Severity of Effects</b>				
				based surface elevation models.
3.	NPCA	Comment letter, p. 2 (Nov. 12, 2015)	Stantec calculations on visual impacts in the CREA ignores changes in vegetation over time and seasons when trees lose their leaves, changing the view shed and impacts to historic resources.	See Comment Response 2. Vegetation in the vicinity of the proposed Project includes a mixed pine/hardwood forest, marshland, and open farm fields/expanses of undeveloped land. Field visits and photographs were taken during a variety of seasons and in most instances resources were documented during the late winter/early spring.
4.	NPCA	Comment letter, p. 2 (Nov. 12, 2015)	The CREA states that towers which are 3.1 miles or more from resources equals a finding of no adverse effect. The National Parks Service visual impact showed that 42 of the 44 towers are visible from Carter’s Grove. Stantec should be able to provide this type of research. When would the Corps provide this research?	This is an incorrect characterization of the analysis. The reference to a distance of 3.1 miles relates to the potential visibility of FAA required lights and at what distance visibility of those lights would be minimized. This reference does not equate the distance of 3.1 miles to a blanket recommendation of no adverse effect. The line of sight analysis does document the number of towers visible for each resource.
5.	NPCA	Comment letter, p. 3 (Nov. 12, 2015)	Additional research is needed to access the impacts of the proposed Project to the 76 submerged anomalies.	The 76 submerged anomalies will be avoided during construction activities. Conditions will be imposed to assess submerged resources in the case of unanticipated discoveries and potential effects. See response to Comment 7.
6.	VDHR	Comment letter, p. 1 (Nov. 13, 2015)	Stantec’s methodology for assessing visual impacts in the CREA did not utilize photo-simulations for every property on the APE. The photographs in the report provided only a geographical reference	Photo simulations were prepared for key resources by Truescapes as part of work associated with this Project. It is not possible to cover the entire APE since it is thousands of acres. Reference points

<b>Issue Category 2 – Severity of Effects</b>				
			looking toward the proposed transmission line and do not accurately depict tower distance or height.	were noted in the photographs to indicate the general location of the line and as noted to provide geographic reference. Use of these key observation points (“KOPs”) is consistent with NPS Guidance. Line of sight analysis was utilized in concert with these photographs to identify the visibility and assess the potential effects of the Project from each of the resources.
7.	VDHR	Comment letter, p. 2 (Nov. 13, 2015)	The 50’ buffer areas around the 76 submerged anomalies is minimal and avoidance during construction will require significant planning. The VDHR requests detailed Project plans showing the location of the potential Project anomalies, boundaries of the 23 buffered areas, all proposed Project elements including coffer dams, tower footers, fenders, and moorings. The VDHR would also like to see detailed plan for the handling of any unanticipated Project activity that may impact the anomalies during construction. Similar plans should be provided that reflect the avoidance of the NRHP eligible or potential eligible archeological sites identified within the direct AEP.	Buffer areas surrounding the submerged anomalies were recommended by the underwater archaeological consultant to assist in the avoidance strategy. Dominion will provide the VDHR with a detailed avoidance plan as well as a plan for handling unanticipated discoveries. It is anticipated that these plans would be included in a negotiated mitigation agreement associated with the Project.
8.	Chesapeake Conservancy.	Comment letter, p. 2 (Nov. 12, 2015)	Stantec only chose four observer points for assessing the impacts to several historical resources including the historic district defined by the Indirect APE	The four observer point locations identified were chosen to provide an overview of the potential views associated with the Eligible Historic

<b>Issue Category 2 – Severity of Effects</b>				
			boundary. These points were also further than two miles of a proposed tower.	District from locations outside the immediate vicinity of the transmission line crossing. Viewpoints in the immediate vicinity of the transmission line crossing were not included because 100 percent visibility was assumed for the portion of the Eligible Historic District in the immediate vicinity of the crossing. Additionally, views from other resources including Carter’s Grove, Colonial Parkway, Black Point, and Hog Island were considered representative of the views from the Eligible Historic District. A recommendation of adverse effect was made using these observer points; therefore, further viewpoints would not add further benefit to determining whether adverse effects occur under 800.5.
9.	NTHP	Comment letter, p. 4 (Nov. 12, 2015)	Stantec’s most recent archeological report lists the Crafford House as eligible under Criterion D. It is NTHP’s belief that the site is also eligible under Criterion A.	The Crafford House site is an archaeological site and was deemed eligible under Criteria A and D.
10.	NTHP	Comment letter, p. 6 (Nov. 12, 2015)	There is insufficient information in the assessment to ensure that the submerged cultural resources can be avoided.	See Comment Response 7
11.	NTHP	Comment letter, p. 11 (Nov. 12, 2015)	The CREA has photos taken at long distances away and filled with conclusory statements that the visual impacts will be minimal.	Photographs were taken from each of the resources and from specific observer locations within the Eligible Historic District. Photograph locations were based on the resource locations.
12.	NTHP	Comment letter, p.	With respect to Jamestown Island, none of	The reference to developments such as

<b>Issue Category 2 – Severity of Effects</b>				
		13 (Nov. 12, 2015)	the development described in the CREA is comparable to the scale of this Project and the existing developments are on land and can be screened.	Kingsmill, the Surry Power Station, and Busch Gardens were made with respect to existing light pollution and not the visibility of the developments from Jamestown. Dominion is not aware of any plans by the Kingsmill Resort to screen their waterfront development or marina.
13.	Chesapeake Conservancy.	Comment letter, p. 2 (Nov. 12, 2015)	The visual affects assessment completed by Stantec should include all seasons.	Line of sight analysis observer points were chosen to best portray an unobstructed worst case scenario which would correlate with a leaf on/leaf off scenario. Many of the resources were visited in the late winter when leaves were absent from the deciduous trees.
14.	NTHP	Comment letter, p. 14 (Nov. 12, 2015)	There should be visual assessments with leaf-off studies for each historic resource within the APE.	
15.	Chesapeake Conservancy.	Comment letter, p. 2 (Nov. 12, 2015)		
16.	NPCA	Comment letter, p. 3 (Nov. 12, 2015)	The report only looked at a ten-year timeline when considering cumulative impacts even though the Project lifecycle is at least 50 years.	The comments on Stantec’s application of timeframe for effects are incorrect. The 10 to 20 year timeframe was used to identify reasonably foreseeable actions. Outside of this timeframe, it is extremely speculative to try to project potential actions and projects unless they are defined or identified in other planning documents. Stantec did not make any arguments that the effects would not last for the life of the Project (i.e. 50 years).
17.	NTHP	Comment letter, p. 17 (Nov. 12, 2015)		
18.	NPS	Comment letter, p. 6 (undated)	Feels that Stantec has severely minimized effect to Hog Island and other adverse effects.	In the CREA, Stantec recommended that the proposed Project would constitute an adverse effect to the setting and feeling of Hog Island (CREA page 3.119). To provide further clarification here, the

<b>Issue Category 2 – Severity of Effects</b>				
				views to the south from Hog Island would be partially obstructed by the towers in some places and would be highly noticeable in the foreground from other locations. However, significant views to the north connecting Hog Island to Jamestown would not be affected by the Project. This view and association with Jamestown would remain intact. USACE and the VDHR have both found that the Project would have an adverse effect to Hog Island.

<b>Issue Category 3 – Treatment of CAJO</b>
<p>General Response:</p> <p>There are eight comments questioning how the Eligible Historic District and CAJO Trail were addressed in the CREA. The comments generally indicated an interest in increasing the adversity of the effects given the size of the CAJO Trail with in the APE and Eligible Historic District.</p> <p>As recognized by the Keeper of the National Register (“Keeper”) and the consulting parties, the entire river crossing project area of potential effect (APE) direct and indirect, is located within a historic district, which is cultural landscape of national historic significance. As a cultural landscape, this area illustrates the specific local response of American Indian, European, and African cultures, land use, and activities to the inherent qualities of the underlying environment. The landscape reflects these aspects of our country’s origins and development through its relatively unaltered form and features evoking the ways it was used by the early inhabitants and continuing to reveal much about our current evolving relationship with the natural world.</p> <p>The CAJO Trail was identified by the Keeper of the National Register as a contributing element to a new eligible Hog Island-Jamestown Island Cultural Landscape District.</p> <p>The Keeper letter of August 14 states, “[p]roperties within and along this segment of the trail are directly associated with the historic patterns of events for which the trail was found to be nationally significant and thus this section of the trail itself is eligible for</p>

### Issue Category 3 – Treatment of CAJO

National Register of Historic Places as a contributing element in the larger historic district defined by the Indirect APE boundary.”

In a follow-up discussion with VDHR regarding its list and conclusions, VDHR clarified that it interpreted the Keeper’s letter to mean that the CAJO Trail is a contributing element to the Eligible Historic District, but it did not consider the CAJO Trail as eligible as a historic property in its own right. This is consistent with National Register regulatory definition of “historic property” which includes “buildings,” “structures,” “objects,” “sites” and “districts.” 36 C.F.R. §60.3. “Sites” do not include natural waterways. *Id.* USACE and Dominion interpret the Keeper’s letter in this same manner, which is represented in the CREA.

As stated in the CREA: with regard to the current undertaking and the newly defined Eligible Historic District, the Keeper’s letter stated that the “entire area encompassed by the (water-based portion of the) Indirect APE is eligible for listing on the National Register of Historic Places as a historic district under National Register Criteria A, B, C, and D, in the areas of significance of Exploration/Settlement, Ethnic Heritage, and Archeology.” The Keeper’s correspondence goes on to note that the Eligible Historic District “forms a significant cultural landscape associated with both the American Indian inhabitants of the area and the later English settlers.” As discussed above, VDHR has clarified that it concurs with USACE’s and Dominion’s reading of the verbatim language of the Keeper’s determination letter that the CAJO Trail itself is not eligible to be treated as a historic property in its own right, but instead is a contributing element of the Eligible Historic District.

The boundary of the Eligible Historic District has been interpreted as including the entire water-based portion of the Indirect APE for the Project which extends from approximately the James River – Scotland Wharf Ferry crossing downstream to the mouth of the Pagan River and includes a portion of the CAJO Trail, which extends from shore to shore of the James River, as well as Jamestown Island and Hog Island because of their locations within the James River. Included in the boundaries of the Eligible Historic District, as noted by the Keeper’s correspondence of August 14, 2015, are significant historic properties including Colonial National Historical Park, Jamestown National Historic Site, Colonial Parkway, Yorktown Battlefield, Kingsmill Plantation, and Carter’s Grove National Historic Landmark, as well as archaeological sites on Hog Island and twelve additional sites located within the Indirect APE that have been listed or determined eligible for listing on the NRHP. A recommendation of adverse effect was made for the Eligible Historic District which includes the CAJO Trail. Thus, the CAJO Trail need not be considered as a historic property separate from the Eligible Historic District. As Dominion commented regarding the NPS’s Visual Impacts Analysis, focusing on the potential number of acres from which the transmission line might be seen to evaluate visual impacts is contrary to standard visual impact assessments, in both VDHR’s and NPS’s guidance. Those sources instruct that the assessment should focus on visual impacts from KOPs that serve as worst case visual impact scenarios, as well as representative observation points known based on the public’s known use of the area. The CREA used KOPs to evaluate effectively visual impacts to the Eligible Historic District (as well as the rest of the historic properties)

<b>Issue Category 3 – Treatment of CAJO</b>				
1.	NPCA	Comment letter, p. 2 (Nov. 13, 2015)	The transmission line would be directly visible from numerous points of the CAJO Trail. It should have been assessed independently of the “Eligible Historic District” in the CREA.	See General Response to Issue Category 3A recommendation of adverse effect was made for the Eligible Historic District which includes the portion of the CAJO trail located within the Project APE. Consistent with National Register regulations, the CAJO Trail has not been identified as an individual historic property for purposes of this Project. There will be a direct adverse effect
2.	Chesapeake Conservancy	Comment letter, p. 1 (Nov. 12, 2015)		
3.	NTHP	Comment letter, p. 10 (Nov. 12, 2015)	The determination of adverse effect for the National Register-Eligible Historic District should also include an individual “adverse effect” determination for the CAJO trail.	



<b>Issue Category 3 – Treatment of CAJO</b>			
5.	Chesapeake Conservancy.	Comment letter, p. 2 (Nov. 12, 2015)	Disagrees with Stantec determination that the transmission line does not adversely affect the CAJO Trail.

<b>Issue Category 4 – Industrialization of the James River</b>
<p>General Response:</p> <p>There were three comments that the river crossing would “industrialize” the James River.</p> <p>As recognized by the Keeper of the National Register (“Keeper”) and the consulting parties, the entire river crossing project area of potential effect (APE) direct and indirect, is located within a historic district, which is cultural landscape of national historic significance. As a cultural landscape, this area illustrates the specific local response of American Indian, European, and African cultures, land use, and activities to the inherent qualities of the underlying environment. The landscape reflects these aspects of our country’s origins and development through its relatively unaltered form and features evoking the ways it was used by the early inhabitants and continuing to reveal much about our current evolving relationship with the natural world. While many of the individual historic properties located within this cultural landscape historic district are distinct and significant enough to be either listed or considered eligible for inclusion in the NRHP by themselves it is their thematic connections that make them significant contributing elements to the broader cultural landscape eligible for designation as a historic district, which documents from both a cultural and natural perspective a continuum of American history up through today.</p> <p>As acknowledged by one of the consulting parties, the area of the river that will be crossed is not “pristine.” NPS letter at 3. Another acknowledged the area of most significant impact is to the south of the Project on the river because the views to the north of the Project are cut off by curvature of the river’s path. Yet, if one were traveling on the water from the south that visitor’s field of vision would first see the James River Bridge, Newport News Shipbuilding and the highly developed shoreline of Newport News. Further up river, Busch Gardens is visible as is the Ghost Fleet located in the water and Surry Nuclear Power Station to the west. Such a view at the point the towers would come into view is not pristine, and the impacts of the visible towers must be evaluated in light of the surroundings and shoreline and river use. The river first became a working river with the establishment of Jamestown and has continued as such to this day. Views of the river are dynamic and have changed over time due to river traffic, including the ferry operations and other modern river traffic.</p> <p>To the extent the comments suggest that building the transmission line crossing will promote other industrial facilities to locate there, there is no evidence in the record to suggest such an outcome. Therefore, such comments are speculation. This is particularly true given the current ownership of the properties in the area, which consists of public or preservation-based ownership in the Jamestown</p>

<b>Issue Category 4 – Industrialization of the James River</b>				
<p>area. See also the requirements under the Chesapeake Bay Preservation Act regarding Resource Protection Areas, and buffers areas and additional development mitigation requirements. Moreover, the transmission line crossing is not like a highway interchange; it does not foster access to an area for purposes of development. Instead, it provides regional power supplies and disperses development.</p> <p>Case law makes clear that an agency does not establish precedent for future actions, or set development in motion that cannot be reversed when it authorizes a unique, independent project, such as the Project. <i>See Presidio Golf Club v. Nat’l Park Serv.</i>, 155 F.3d 1153, 1162-63 (9<sup>th</sup> Cir. 1998).</p>				
1.	NPCA	Comment letter, p. 2 (Nov. 13, 2015)	The transmission line would change the historic character of Jamestown by industrializing a river setting that has been protected. The line would cause a negative impact to this historic resource.	See General Responses. Jamestown will be adversely affected.
2.	NPCA	Comment letter, p. 2 (Nov. 13, 2015)	The proposed transmission line would introduce a major new industrial use to the one-mile riverfront of Carter’s Grove.	See General Responses. Carter’s Grove will be adversely affected by the Project.
3.	NTHP	Comment letter, p. 11 (Nov. 12, 2015)	The construction of the proposed transmission line would introduce new, industrial scale development that would cross the entire span of the river.	See General Responses.

<b>Issue #5 - Tourism</b>
<p>General Response:</p> <p>There were four comments suggesting that building the line across the river would adversely affect historic tourism.</p> <p>The purpose of the towers is to provide electricity to the NHRLA including Williamsburg, the historic triangle, and surrounding area for, among other things, the businesses that rely on and facilitate historic tourism. As stated at the public hearing by Mr. Robert Coleman, Vice Mayor of Newport News City Council (Public Hearing Tr. Pg. 56), and Mr. Ross A Mugler, Commissioner of Revenue for the City of Hampton (see Public Hearing Tr. Pg. 88), the Project is needed to attract and retain businesses in the Peninsula. Not having reliable electricity would damage the economy of the area as a business destination. Businesses that would be affected include military, Federal, civilian, and national security installations. The same logic applies to hotels and restaurants.</p>

<b>Issue #5 - Tourism</b>				
Without them, there would be no tourism. Thus, contrary to the comments, the Project is necessary to maintain tourism.				
While commenters suggest that the placement of the transmission line nearby certain historic properties would negatively impact tourism, they provide nothing but speculation on this point. Common experience regarding the tourists' experience at the historic properties in question, for example Jamestown and Carter's Grove, informs us that there would be little to no impact to tourism. This is because these properties and attractions focus the tourists' interests landward toward the physical manifestations, or replications and explanations thereof, of the historic activities that occurred there, and not the river views that historic inhabitants may have had.				
1.	NPCA	Comment letter, p. 4 (Nov. 12, 2015)	The Project will negatively impact the tourism industry in the Historic Triangle and could threaten Jamestown's eligibility to become a UNESCO World Heritage site.	See General Response to Category 5.
2.	National Parks Conservation Association	Email, <i>re: Economic Data for Historic Triangle, The Economic Impact of Domestic Travel on Virginia Counties 2014</i> attachment (Nov. 4, 2015)	Tourism revenue up 3% from 2013 for the Historic Triangle of Virginia. Do not want this to be jeopardized with the proposed transmission line when viable alternatives exist.	See General Response for Category 5; <i>See</i> Letter from S. Miller, Dominion, to L. Rhodes, USACE, Attachment 1, Response to Comment H (July 2, 2015).
3.	Jamestowne Society	Comment letter, p. 2 (Nov. 4, 2015)	The towers would disturb the unique ambience of the APE features and visitors ability to appreciate the significance and appearance of the vistas 300 to 400 years ago that would be compromised by continually flashing lights and intrusive structures.	<i>See</i> Letter from S. Miller, Dominion, to L. Rhodes, USACE, Attachment 1, Response to Comment F (July 2, 2015).
4.	Jamestowne Society	Comment letter, p. 2 (Nov. 4, 2015)	Concerned that the Project would impact the educational, historical and cultural benefits of the view shed.	See General Response for Category 5; <i>See</i> Letter from S. Miller, Dominion, to L. Rhodes, USACE, Attachment 1,

<b>Issue #5 - Tourism</b>			
			Response to Comment H (July 2, 2015).

<p><b>Issue Category 6- Adequacy of Cumulative Effects Analysis</b></p> <p>General Response:</p> <p>There have been many comments throughout the process about the evaluation of cumulative effects. Under the NHPA Section 106 process, the consideration of cumulative effects is used to determine whether there are adverse effects on the historic properties previously identified in the process as potentially affected by the action at issue. 36 C.F.R. § 800.5. In identifying historic properties that will be adversely impacted, the Corps and Dominion have fully identified cumulative effects, i.e. “the incremental environmental impact or effect of the proposed action, together with impacts of past, present, and reasonably foreseeable future actions”. 40 C.F.R. 1508.7. This analysis appropriately recognizes that this area of the river contains a number of modern (in the sense that they are not historic properties) facilities. The analysis also recognizes that the Project will maintain reliable power to a large region, alleviating the need to locate activities in the Project. Thus, it is not like a highway interchange that fosters and focuses development in nearby areas. Finally, it also appropriately recognizes the numerous land conservation efforts have been undertaken in this area that prohibit or severely limit development in certain portions of this area, or require buffers and set-backs so that land-based projects that go forward are not seen from the river and shoreline. Such conservation effects have been and can be effective at doing what they were created to do—limit development and/or impacts related thereto in the area. And the proposed mitigation will further this goal.</p> <p>There were 34 comments related to the adequacy of the cumulative effects analysis set forth in the CREA that were timely submitted by the November 13, 2015, deadline. As an initial matter, Dominion recognizes that the proposed project will result in direct, indirect, and cumulative adverse effects to historic property listed or considered eligible for inclusion in the National Register of Historic Places (NRHP). Under the NHPA Section 106 process, the consideration of cumulative effects is included in determining whether there are adverse effects to the historic properties previously identified in the process as potentially affected by the action at issue. 36 C.F.R. § 800.5. In identifying historic properties that will be adversely impacted, Dominion has fully identified cumulative effects, i.e. “the incremental environmental impact or effect of the proposed action, together with impacts of past, present, and reasonably foreseeable future actions”. 40 C.F.R. 1508.7. The relevant area of the river contains a number of modern (in the sense that they are not historic properties) facilities. The analyses also recognizes that the proposed transmission line project will maintain reliable power to a large region, and provides no advantage to locating additional new facilities in the immediate project area. Thus, it is not like a highway interchange that brings traffic or fosters and focuses development in nearby areas; instead, it distributes power throughout a large region allowing new facilities to be dispersed. Finally, it also appropriately recognizes the numerous land conservation efforts have been undertaken in this area that prohibit or severely limit development in certain portions of this area, or require buffers and set-backs so that land-based projects that go forward are not seen from the river and shoreline. It recognizes that such conservation</p>
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### **Issue Category 6- Adequacy of Cumulative Effects Analysis**

effects have been and can be effective at doing what they were created to do—limit development and/or impacts related thereto in the area. For example, area local governments are obligated to implement provisions of the Chesapeake Bay Act which require a 100-foot buffer to development, Resource Protection Area (RPA) on lands adjacent to perennial flow water bodies. And the proposed mitigation will further this goal by providing additional land acquisition, conservation and protective measures.

The NPS submitted comments regarding the cumulative effects analysis in the CREA in an undated letter (“NPS Letter”) understood to be received by the USACE November 12, 2015. Nearly all of these comments address the same issues raised in the NPS Letter. As such, below is a response to the NPS Letter, which also will serve as a response to the other comments received, that are noted below this response. To the extent that another comment requires an additional response, that is noted below. As an initial matter, and as recognized in the NPS Letter at 15, the cumulative effects analysis set forth in the CREA focuses on assessing cumulative effects within the NHPA Section 106 process. While that analysis (and its guiding principles) is substantially similar to the cumulative impacts analysis under NEPA, the focus of each analysis is different. Under the NHPA Section 106 process, the context of the cumulative effects analysis renders it more narrow in scope than the cumulative impacts analysis under NEPA. Under the NHPA Section 106 process, the consideration of cumulative effects is used only to determine whether there are adverse effects on the historic properties previously identified in the process as potentially affected by the action at issue. 36 C.F.R. § 800.5. Under NEPA, cumulative impacts are one of three types of potential impacts from an action (the other two being direct and indirect) that on their own or together might be determined to result in a significant impact to the human environment. Thus, the NEPA cumulative impacts analysis is broader. Nevertheless, while the two inquiries scopes are different and they inform different legal questions, as noted, they are conducted in essentially the same way using similar guidelines. The CREA recognizes these similarities and differences. CREA at 5.266. Consequently, the CREA’s cumulative effects analysis under the NHPA Section 106 process need not extend beyond the historic properties at issue.

The term “cumulative effects” under the NHPA regulations is not defined, and both the Center on Environmental Quality (“CEQ”) and Advisory Council on Historic Preservation (“ACHP”) agree that it should be interpreted as that term is defined by the CEQ in its NEPA regulations. *See* CEQ and ACHP, *NEPA and NHPA: A Handbook for Integrating NEPA and Section 106*, at 41 (Mar. 2013). As such, it was appropriate for the CREA’s cumulative effects analysis to be guided by and follow CEQ’s *Considering Cumulative Effects Under [NEPA]* (1997) and *Consideration of Cumulative Impacts in EPA Review of NEPA Documents* (1999). In accordance with this guidance, regarding Step 2 of the CREA methodology the CREA explains that it references different time periods when attempting to determine what reasonably foreseeable future actions may be planned for the area near the Project, because land development projects likely have shorter planning horizons than energy development projects. CREA at 5.267 (“The time period to assess reasonably foreseeable future action is dictated by the timeframes for planning level documentation that can contain information on such reasonably foreseeable future actions.”). This clarifies the uncertainty discussed in the NPS Letter at 15-16. As the CREA makes clear, all potential resources were investigated to determine what actions were reasonably foreseeable and did not

**Issue Category 6- Adequacy of Cumulative Effects Analysis**

artificially limit that review. No reasonably foreseeable actions have been identified that the CREA failed to consider.

Step 4 of the CREA methodology was also conducted appropriately. Per CEQ guidance, Step 4 is to ensure that the condition of the environment and the resources are described. CREA at 5.267. Based on over 200 pages of analysis in Sections 3 and 4 of the CREA assessing thousands of pages of prior investigations regarding the historic properties at issue, it concludes that the conditions of historic properties have been well documented. The CREA addresses the purported lack of documentation about the Eligible Historic District that was only recently recognized as eligible for the National Register. See NPS Letter at 16. The Keeper designated the Eligible Historic District as eligible for the National Register based on the presence of the historic properties the CREA analyzes and references. That is, the prior investigations regarding the historic properties provide the documentation regarding the contents of the Eligible Historic District, and thus, of the Eligible Historic District. In addition, the CREA categorizes historic properties' investigations as "archeological" or "architectural," but this does not mean that the CREA fails to consider them as landscape-based resources. See NPS Letter at 16. The list of historic properties assessed was unquestionably complete. See *id.* at 1. In addition, USACE's and VDHR's categorization of resources as architectural or archaeological was based on whether they were above or below ground, and did not, in any way, limit the consideration of all of the important aspects of each historic property, including landscapes. Dominion agrees that some of the historic properties have landscapes associated with them, and, to the extent they did, the CREA correctly recognized that fact and took it into consideration. For example, as noted and analyzed in the CREA, prior to the Keeper's designation of the Eligible Historic District, both Dominion and USACE recognized the potential eligibility of the Jamestown Island-Hog Island Cultural Landscape. While that landscape ultimately was supplanted by the designation of the Eligible Historic District, it was analyzed by Dominion and USACE prior to the issuance of the CREA, and that analysis was incorporated into the CREA's analysis of the Eligible Historic District. CREA at i, 3.215-.229. That analysis makes clear that landscape consideration of the district was addressed, and the analysis was not limited to only "architectural" considerations. Thus, there is nothing flawed about the CREA's methodology or its analysis—it appropriately assessed landscape considerations.

Before addressing specific issues regarding the CREA's analysis of past, present, and reasonably foreseeable future actions, NPS provides two general comments. NPS Letter at 16. First, while recognizing that the inclusion of land conservation efforts is appropriate and makes for more "holistic evaluations of cumulative effects," NPS raises questions about the CREA's discussion of such conservation efforts, querying whether those efforts, in fact, prevent future activities that could result in potential effects on the historic properties at issue. *Id.* The CREA is correct that this area of the river in fact contains a number of modern (in the sense that they are not historic properties) facilities, such as the BASF facility. The CREA also is correct that numerous land conservation efforts have been undertaken in this area that prohibit or severely limit development in certain portions of this area, as well as efforts that require buffers and set-backs so that land-based projects that go forward are not seen from the river and shoreline. The CREA thus recognizes appropriately that such conservation efforts have been and can be effective at doing what they were created to do—

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limit development and/or impacts related thereto in the area.

NPS also expresses a concern that the CREA (specifically Section 5.2) focuses only on actions that have, or may, adversely affect historic properties in its cumulative effects analysis, instead of considering all potential effects from such actions to consider whether they produce an adverse effect. NPS Letter at 16. The CREA included all the relevant effects. The first sentence of Section 5.2 states: “This section describes past, present, and reasonably foreseeable future actions that have affected or may affect historic properties within the Project APE, both Direct and Indirect, and could interact with the effect of the proposed Project to cumulatively affect the identified historic properties.” CREA at 5.267. Thus, as set forth in the cumulative effects analysis, the CREA appropriately considered all effects from all actions that might potentially have affected historic properties, not just actions that may have adversely affected those properties. *See, e.g.*, CREA Section 5.2.1 (Past actions) at 5.268 (evaluating past actions that may “have affected the integrity of setting and feeling for historic properties either positively (i.e. through protection of land conservation and some recreational type development) or adversely (i.e. through the introduction of visual elements out of character with the expected setting of the properties.”).

Regarding the discussion about the existing utility and power infrastructure nearby, or within the APE in CREA Section 5.2.1.5, NPS comments on the statement that the domes of the Surry Power Station reactors are visible from many vantage points. NPS Letter at 16 (stating that “[p]hotographic evidence and visual tours of the area around Hog Island indicates that the views to the containment domes are largely hidden when on the James River ... [and] only sight lines that follow the water intake/release pipelines or transmission lines allow for a direct view of the domes.”). NPS concludes that from a majority of the locations in the APE, “it is difficult to notice the presence of the power plant” due to efforts to screen it from view when constructed. *Id.* It does not appear that NPS submitted the referenced photographic evidence. Dominion submits that reasonable minds can differ to the extent the domes may or may not be viewable from various vantage points within the APE. Both the CREA and NPS agree that the domes are not 100% shielded from view. It is not surprising that the domes are not visible when actually on the water given the location of the domes set back from the river and the vegetative buffer. Even assuming that the CREA overstates the extent to which the domes are visible from within the APE, that fact would only support the CREA’s conclusions regarding cumulative effects. If the domes were not visible, they would not produce a visual effect on any historic property that could accumulate with visual effects from other past, present, or reasonably foreseeable actions to produce a cumulative effect.

NPS comments on the CREA’s reliance on Dominion’s Integrated Resource Plan (“IRP”), which is Dominion’s ten-year planning document filed with State Corporation Commission (“SCC”), the entity that regulates how Dominion provides utility service in Virginia. The CREA’s discussion of Dominion’s reasonably foreseeable future utility projects in Section 5.2.3.3 is adequate. The IRP states when, how, and to what extent new projects are undertaken. NPS asserts Dominion must look out beyond a ten year span. NPS Letter at 17. The CREA properly addressed the reasonably foreseeable future action inquiry. Courts have made clear that actions that

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are reasonably foreseeable are those that are sufficiently likely to occur. *W. N.C. Alliance v. N.C. DOT*, 312 F. Supp. 2d 765, 771 (E.D.N.C. 2003). In order to determine whether an action is sufficiently likely to occur, it must be far enough along in the planning process to provide the indication to a person of ordinary prudence that the project's completion is more likely than not. Two cases from the same judicial circuit as the Project provide good examples. In *W. N.C. Alliance*, the agency approved a highway expansion project without including two additional projects in its cumulative impact review. One other project "was in the preliminary stages of NCDOT's formal planning process, but the internal documents reflect that the expansion was not only reasonably foreseeable, but in fact, considered inevitable." *Id.* at 771-72. Similarly, another nearby road upgrade project was "planned and proceeding to construction." *Id.* (The Court rejected the agency's argument that because these two projects had not yet finished their environmental review, that their final form was too speculative to allow for the consideration of impacts therefrom). In contrast, in *Route 9 Opposition Legal Fund v. Mineta*, opponents of a highway expansion project from two to four lanes claimed that the NEPA document was deficient because "it did not study the possibility that the project would generate traffic pressures on the connecting two-lane roadway in Virginia, which would place a demand on Virginia to build a multi-lane freeway." 213 F. Supp. 637, 646 (N.D. W. Va. 2002). The court rejected the claims because there was no evidence that it was sufficiently likely that Virginia would build a multi-lane highway. *Id.* Based on these two cases, it is clear that the existence of known and obtainable plans of a future project likely warrants its inclusion as an action in the cumulative effects analysis, while speculation about the potential of the project at issue to spurn future, unknown and unknowable actions by others does not. This distinction holds true even when the project at issue itself has the capability to be expanded in the future, and indeed someday could be. See *Utahns for Better Transportation v. U.S. DOT*, 305 F.3d 1152, 1173-74 (10th Cir. 2002) (agency approving a proposed four-lane highway did not have to consider the cumulative effects of a potential, future expansion of that same highway to six lanes, even though the four-lane highway was built with a median large enough to accommodate two additional lanes in the future). Thus, the CREA was not required to treat the possibility that the Surry Nuclear Plant is capable of holding four reactors as sufficiently likely to occur. Compare NPS Letter at 17

Based on the forgoing, it is clear that the CREA appropriately evaluated Dominion's reasonably foreseeable future utility actions. The IRP is a public document that provides Dominion's currently planned and best estimates regarding further utility needs and projects. Projects contemplated in that document, or otherwise currently along in the planning process far enough to be reasonably likely to be completed, rightly should be considered in the cumulative effects analysis. Any other potential, someday actions that have not been proposed or planned are too speculative to warrant inclusion.

It also is worth noting that the CREA did not use only Dominion's IRP to conduct the cumulative effects analysis. It used a variety of sources including comprehensive plans for the subject counties, known development in the region from professional experience, and existing land cover data. CREA Figure 191 gives a comprehensive overview of the APE and potential development area. Using this map, it is clear that the overwhelming majority of the APE are either in conservation use (Colonial Parkway, Hog Island WMA, Chippokes Plantation State Park, Carters Grove), military installation (Ft. Eustis), or already developed (Surry Power Station,

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Kingsmill, Newport News, low density waterfront development in Surry and Isle of Wight Counties). The few areas that could be developed were discussed in the cumulative effects section. This includes a failed development northeast of Chippokes Plantation State Park, ongoing development at Lawnes Pointe on the James, and attempts to develop the BASF property. The cumulative effects document also discussed how Chesapeake Bay Preservation Act regulations for the Resource Protection Areas would likely screen most potential development. The concept that 100 feet of vegetation would screen development is supported by the National Trust's comment letter (at 6, 13). Therefore, although it might be reasonable to assume that some type of development of the BASF property may someday occur, but even if it did, it also is reasonable to assume that the development would be screened by the RPA. It would be speculative, however, to assume that the BASF property may be developed in a way that buildings or structures (whatever they might be) would be built to a height that could be seen from the river or other historical properties, and thus, could produce a cumulative visual effect. In any event, any development at BASF is hypothetical, and not sufficiently likely to warrant inclusion in a cumulative effects analysis.

Performing cumulative effects analyses is not an exercise in what an action agency can imagine might happen, or in the hypothetical. Including speculative or hypothetical actions in the analysis does not inform whether a historic property is adversely affected under 36 C.F.R. § 800.5. It also does not inform whether there are cumulative impacts under NEPA that rise to level of significance (either alone or when combined with direct and indirect impacts). Thus, it does not serve either of NEPA's twin goals of public participation and informed decision making.

NPS next comments on the cumulative effects analysis for Fort Huger, Fort Boykin and Fort Crafford in CREA Section 5.3.1.1. NPS Letter at 17. The CREA did not conclude that a cumulative effects analysis for these properties was unnecessary because the CREA found that the properties were impacted by other existing intrusions. Consistent with 36 C.F.R. § 800.5, the analysis correctly builds on the CREA's initial effects analysis to determine whether cumulative impacts from the Project would render an adverse effect finding. CREA at 5.277. While the CREA does acknowledge that intrusions in the foreground and nearby Fort Huger would contribute to any adverse effect experienced at the resource, its cumulative effects conclusion is not based on that fact. Instead, the CREA concludes that, based on the physical facts, any view of the Project from Fort Huger is greatly obstructed by vegetative screen and the Ghost Fleet, and the distance of the Project to Fort Huger. In light of these facts, the CREA concludes, "[d]ue to the minimal visibility from Fort Huger, the proposed Project is not expected to contribute to cumulative effects to this historic property." *Id.* Thus, it is the distance and obstructions that render no cumulative effect, not a conclusion that a cumulative effects analysis was unnecessary. The same is true for the CREA's analysis and conclusion regarding Fort Boykin and Fort Crafford. *Id.* at 5.278 and 5.282. In any event, VDHR determined that Fort Crafford will be adversely affected, and Dominion does not challenge it.

NPS next comments on the CREA's cumulative effects analysis of the Colonial National Historical Park/Colonial Parkway Historical District in CREA Section 5.3.1.6, which focuses on the Colonial Parkway. NPS Letter at 17. NPS states that views along the

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Parkway are critical to its historical significance and that the experience of the Parkway is centered on the concept of having no modern intrusions. *Id.* It then concludes: “Any views from the Parkway, and its parking areas, would be greatly affected by the addition of the power line whether ‘in the background’ or not. . . . [T]he power line combined with the few existing intrusions would greatly erode the historic integrity of a resource designed and managed around the importance of its views.” *Id.* NPS does not assert that the CREA’s analysis is faulty, it just comes to a different conclusion based on the facts presented. Professionals can differ regarding whether a project adversely affects a historic property. Indeed, USACE concluded, and VDHR concurred, that this historic property was adversely affected, despite the fact that the CREA did not. As such, in as much as this NPS comment provides any input on the inquiry of whether there is an adverse effect on this historic property due to cumulative effects, the question essentially is moot as USACE has decided and VDHR has concurred.

NPS next comments on the CREA’s cumulative effects analysis of the Jamestown National Historic Site/Jamestown Island Historic District discussed in CREA Section 5.3.1.7. NPS Letter at 17. NPS’s comment here is the same as for the Colonial National Historical Park/Colonial Parkway Historical District. Because USACE determined, and VDHR concurred, that this historic property was adversely impacted, NPS’s comment essentially is moot. We do note that NPS agreed with the CREA’s conclusion that the power line would only be visible from Jamestown Island from Black Point and even there would only be visible in the background. *Id.* This supports the CREA’s conclusion that any cumulative effects are “not expected to be significant.” As noted above, while reasonable minds can differ about such things, NPS has pointed out no faults in the CREA analysis in that regard.

Next, NPS comments on the cumulative effects analysis for the Eligible Historic District set out in CREA Section 5.3.1.21. NPS Letter at 17-18. The CREA determined that the Project would adversely affect this historic property, considering all potential effects. CREA at 3.125-.221, 5.283-.284. Thus, the NPS comments are moot. NPS also suggests that the CREA analysis of this historic property assessed the Projects effects as indirect, as opposed to direct, and that the CREA somehow attempts to minimize the “reality of the project passing directly through the district.” *Id.* Whether effects are categorized as direct or indirect (or cumulative for that matter) has no legal consequence. As the definitions of those terms makes clear, the distinction between the two is temporal and geographical: direct effects are those “which are caused by the action and occur at the same time and place,” while indirect effects are those “which are caused by the action and are later in time or farther removed in distance.” 40- C.F.R. § 1508.8(a)-(b). Thus, direct effects are of no greater consequence than indirect effects when assessing 1) whether a project has an adverse effect on a historic property under 36 C.F.R. § 800.5, or 2) whether a project’s impacts are significant under NEPA. Thus, the CREA’s analysis was appropriate.

NPS also suggests that the CREA analysis should “conclude” that the “addition of the power line centrally through the District would not only add to cumulative adverse effects,” but also should recognize the magnitude of the effect the power line has on the District. NPS Letter at 18. The CREA does reach a conclusion tantamount to NPS’s suggestion. CREA at 5.283-.284. As for the magnitude

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comment, reasonable minds can differ. See General Response to Issue Category 2. In any event, determining the magnitude of the effect is not required under 36 C.F.R. § 800.5, which only requires a determination of whether the effect is adverse. Whether USACE ultimately concludes that the impacts from the Project are significant for NEPA purposes, of course, is premature, as that determination takes into account any mitigation.

In its final paragraph before its conclusion regarding its cumulative effects comments, NPS asserts that, “[a]t a minimum, the cumulative effects analysis should acknowledge the fact that the proposed crossing of the James River could impact the resources to an extent that would make future crossings of the James ‘less impactful’ as the proposed crossing would be looked upon as an existing impact.” NPS Letter at 18. As discussed above, future river crossings are speculative and, as such are beyond the scope of the analysis. See General Response to Issue Category 4. In any event, any future river crossing would undergo the same rigorous NHPA Section 106 and NEPA analyses as this Project, including a cumulative effects analysis of past impacts.

In its cumulative effects summary, NPS suggests that the CREA focused solely on potential future actions by Dominion, and failed to include reasonably foreseeable future projects undertaken by other actors. NPS Letter at 18. Such a suggestion is incorrect. The CREA evaluated all possible reasonably foreseeable future projects in or nearby the APE, regardless of the actor. See, e.g., CREA at 5.283-84 (discussing, among other actions, the current and planned continuing development of Lawnes Point, a residential development).

NPS asserts that Dominion has not acknowledged or responded to NPS’s *Analysis of Visual Impacts to Historic Properties*, which it claims provides a “more robust analysis of visual impacts.” NPS Letter at 19. However, Dominion timely provided comments on NPS’s report to USACE on November 13, 2015.

In its summary, NPS reasserts that only historic properties with adverse effects were considered in the CREA’s cumulative effects analysis. The CREA, however, addresses all the appropriate properties. All properties which may have visibility of the transmission line or that were traversed were included in the analysis (indeed, the CREA also included properties where line of site modeling showed no visibility but field investigations suggested there may be some (e.g., Scotland Wharf properties). No reasonably foreseeable actions either related to the Project or that could interact with the effects of the Project have been identified that could affect any historic property without visibility of the line. That is, for effects of different actions (e.g., projects) to be considered cumulative upon a historic property, they must be of same type to compound or accumulate. Thus, here, aside from the physical impacts of placing the transmission line towers in the river, the only identified effect is visual. Therefore, in order for there to be cumulative effects on historic properties from the Project and some future undertaking, the future undertaking must produce visual effects on the same adversely effected historic properties (or with respect to the Eligible Historic District, a physical impact within the

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river). No such future undertaking has been identified.				
1.	Scenic Virginia	Comment letter, p. 2 (Nov. 12, 2015)	The Corps should undertake a study of cumulative effects that incorporates all the aspects of risk, and provides a fair and honest accounting of the damage that each will incur.	See General Response above.
2.	NTHP	Comment letter, p. 12 (Nov. 12, 2015)	The direct effect to Eligible Historic District has not been adequately identified or considered.	See General Response above.
3.	Preservation Virginia	Comment letter, p. 2 (Nov. 12, 2015)	The CREA understates the adverse cumulative effects on resources and the heritage tourism based economy for the life of the Project.	See General Response above.
4.	NPCA	Comment letter, p. 3 (Nov. 12, 2015)	Historic resources that are not listed as impacted in the CREA should be part of the consideration of cumulative impact.	See General Response above.
5.	NPCA	Comment letter, p. 3 (Nov. 12, 2015)	Stantec found that if Dominion is not planning future development then there is no risk of negative impacts in the landscape. The approach is faulty because Dominion’s Integrated Resource Plan continually changes and development attracts further development. The CREA did not examine long term impacts of development pressures to the landscape.	See General Response above regarding use of IRP in cumulative impact assessment.
6.	NPCA	Comment letter, p. 4 (Nov. 12, 2015)	The CREA did not address cultural landscape impacts as a whole.	See General Response above.
7.	VDHR	Comment letter, p. 2 (Nov. 13, 2015)	VDHR cannot support the CREA’s assessment of cumulative effects. The cumulative effects analysis considers only those properties that will have a view of	With the exception of the Battle of Yorktown and Fort Crafford, which are addressed in the General Response to Category 1, VDHR concurred with

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			the Project; however, cumulative effects may extend to properties that would not have a view of the currently proposed Project and may transcend visibility to include other elements that could diminish the integrity of significant historic properties. The addition of an overhead power line to this largely undeveloped section of river will irreparably alter the character of the area, solidifying its status as an industrial/commercial corridor and opening the door to subsequent development and associated cumulative effects.	USACE's adverse effects determinations, which were based on the CREA. As discussed above, under 36 C.F.R. § 800.5, the consideration of cumulative effects is part of the adverse effects determination. Nevertheless, VDHR seeks a cumulative effects analysis for properties that do not have a view of the Project. As discussed above, aside from the physical impacts to the Eligible Historic District from the placement of the towers, the only identified effect of the Project on historic properties is visual. Applicable guidance, for this Project's potential visual effects to accumulate with other actions' effects, those effects must also be visual.
8.	NTHP	Comment letter, p. 10 (Nov. 12, 2015)	The CREA includes little information that discusses the Eligible Historic District as a whole, but focuses on the impacts of individual resources.	See General Response above.
9.	NTHP	Comment letter, p. 16 (Nov. 12, 2015)	The CREA applies a cumulative effects analysis as outlined by the CEQ and EPA guidance in an improperly narrow fashion.	See General Response above.
10.	NTHP	Comment letter, p. 17 (Nov. 12, 2015)	The CREA improperly limits its consideration to historic resources that are located within the APE for direct and indirect effects and that are already considered to be adversely affected. This	See General Response above.

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			is not supported by CEQ guidance.	
11.	NTHP	Comment letter, p. 18 (Nov. 12, 2015)	The CREA’s consideration of reasonable foreseeable future actions is overly restrictive and fails to include a number of foreseeable effects of the Project. For example, it is foreseeable that the BASF rezoning will be approved, the CREA failed to consider the construction of the switching station, and also failed to consider the cumulative impacts on the CAJO trail.	See General Response above.
12.	NTHP	Comment letter, p. 20 (Nov. 12, 2015)	Step 5 of the cumulative effects analysis approach was too narrow in that it only considered effects of historic resources that are already subject to either direct or indirect adverse effects.	See General Response above.
13.	Chesapeake Conservancy.	Comment letter, p. 3 (Nov. 12, 2015)	Step 5 of the cumulative effects analysis approach was too narrow in that it only considered effects of historic resources that are already subject to either direct or indirect adverse effects.  The cumulative impact effect should consider the scale of past economic investments into the region and determine whether degradation of the landscape will lead to less funding for preservation.	See General Response above. Regarding past preservation investments in the area, the CREA correctly considers the beneficial impact of those investments in eliminating/reducing the ability for future development in certain areas. Dominion has not been made aware of any planned or reasonably foreseeable future preservation investment in the region that was sufficiently likely (or otherwise), so as to be able to include the consummation (or lack of consummation) thereof in the cumulative effects analysis. Any other consideration of this issue would be pure speculation. What can be said, however, is that the CREA has
14.	NTHP	Comment letter, p. 21 (Nov. 12, 2015)		

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				noted various commercial, residential, or industrial uses in or nearby the APE that have taken place over the past decades. This development appears to have compelled and led to such historic preservation investments, and not the other way around, as the current state of preserved lands, and other programs to ensure and aid preservation appears to be robust.
15.	Chesapeake Conservancy.	Comment letter, p. 3 (Nov. 12, 2015)	The cumulative effects analysis completed by Stantec was inadequate, taking a narrow view of the geographic and temporal scope of impacts of the proposed Project.	See General Response above.
16.	Chesapeake Conservancy.	Comment letter, p. 3 (Nov. 12, 2015)Comment letter, p.	The cumulative impacts that were evaluated by Stantec did not include an assessment of economic impacts as part of the cumulative effects. The cumulative effects must include an analysis of overall economic impacts to the historical resources with respect to tourism and funds available to protect these resources.	See response to comments 13 and 14 above in this Category 6; see also responses herein regarding economic impacts related to tourism in Category 5. As discussed therein, the overwhelming economic impact related to the Project is the adverse impact on the economy if the Project is not completed. Regarding economic effects on tourism, initially, it is worth noting that such effects are not within the scope of analysis under the NHPA process, as that process is focused on identifying adverse effects on historic properties. As such, while this comment is contained in a document criticizing the CREA, it is outside of the scope of the analysis performed in the CREA. Even

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				<p>assuming it was not, no cumulative effects analysis on economic effects on tourism need be performed because, as the State Corporation Commission found, the Project will not have any such effects on tourism, and in fact will have a beneficial economic impact. SCC, Order at 52-53 (Nov. 26, 2013). Because the Project will not have negative economic effects, there are no effects from past, present, or reasonably foreseeable future actions with which such effects could accumulate. That is, there are no such cumulative effects. Further, record evidence demonstrates that tourism has not been negatively affected by the current level of development in the area. While these conclusions are not relevant to USACE’s NHPA process, they do inform its NEPA cumulative effects determination and further serve to mitigate any conclusion that the Project might have significant impacts.</p>
17.	Chesapeake Conservancy.	Comment letter, p. 3 (Nov. 12, 2015)	The cumulative effects assessment when determining reasonably foreseeable impacts, and potential cumulative actions needs to be longer and incorporate a broader view of what is “reasonably foreseeable.” Stantec report used a 10 – 20 timeframe and only considered potential cumulative actions that were on record.	See General Response above.

### Issue Category 7 – Need for an EIS and Formal Consultation

#### General Response:

There were 17 comments asking for an EIS or further consultation. The comments claimed that impacts from the Project were significant or could only be evaluated through those procedures.

An EIS is required only when a major federal action will significantly affect the quality of the human environment. Under NEPA, a determination of significance must be based not only on context, but also on the intensity of an impact, which, under CEQ regulations, evaluates impacts based on matters of degree. *Id.* § 1508.27(a)-(b). When evaluating impacts to historic properties under NEPA, federal agencies (including NPS)<sup>2</sup> typically classify the quality of the impacts based on whether there is a direct or indirect physical impact to historic properties, and the extent to which the visual impacts affect the characteristics or diminish the elements of integrity that render the properties historic. This typically is done by categorizing impacts as, for example, negligible, minor, moderate, or major. Unsurprisingly, these categories often are linked to or correlated with agencies' NHPA § 106 evaluation of whether there are adverse impacts under 36 C.F.R. § 800.5, which also focuses on the extent to which impacts diminish the integrity of the historic property. See 36 C.F.R. § 800.5(a)'s 7 integrity factors of location, design, setting, materials, workmanship, feeling, or association). The CREA's evaluation of impacts under 36 C.F.R. § 800.5, the facts surrounding the location of the transmission line and towers, and other record evidence, provide USACE with the information necessary to make significance conclusions regarding visual impacts under NEPA.

Under USACE's NEPA regulations (33 C.F.R. part 325 App. B), the scope of USACE's NEPA review is limited to the areas in which it has direct jurisdiction, and those areas in which it has control and responsibility over the Project. Here, the application of those regulations demonstrates the scope of USACE's NEPA review is limited to impacts related to the placement of the transmission line over the river, and do not include the remainder of the Project.

USACE regulations direct it to proceed with an EA when issuing a permit for an activity such as the Project. 33 C.F.R. § 230.7. Relevant court opinions are consistent with USACE's approach to use an EA. In a case challenging a USACE permit for a barge marina in a rural stretch of the Mississippi River, facts similar to Dominion's Project, the court addressed whether an EA was sufficient or whether an EIS should be required based on potential visual impacts from the barge project. *River Rd. Alliance v. Army Corps of Engineers*, 784 F 2d 445, 449 (7th Cir. 1985). The court articulated the standard of review for that kind of decision: "the

<sup>2</sup> See, e.g., NPS, *Colonial National Historic Park, Repair and Stabilize the York River Shoreline to Protect the Colonial Parkway, Environmental Assessment* at 186 (June 2012), available at <http://parkplanning.nps.gov/document.cfm?parkID=218&projectID=30064&documentID=48865> (last visited Nov. 2, 2015).

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nature of that judgment dictates that it will only be overturned if it is an abuse of discretion.” *Id.* Under that standard of review, the court then articulated the issue:

that the issue for us *is not* whether National Marine Services Barge fleeting facility [is] an unfortunate eyesore, marring one of the remaining spots of unspoiled beauty on the Mississippi River in the general vicinity of St Louis; it is that. . . . [The issue] *is* whether the Corps exceeded the bounds of its decision-making authority in concluding that the fleeting facility would not have so significant an impact on the environment as to require [an EIS].

*Id.* at 450 (emphasis added).

The court explained how the EA process had evolved to allow sufficient consideration of all environmental consequences. Noting that earlier cases suggesting the fixing of the standard for “significant” at the lower end of a scale that runs from “not trivial to momentous” was the

product of a time when environmental impact statements were less formidable than they have grown to be, when federal agencies were less sensitive than they mostly are today to environmental concerns, and, perhaps most important, when environmental assessments involved a less elaborate procedure for determining whether there was so significant an environmental impact as to warrant the preparation of an environmental impact statement. . . . [T]oday, for good or ill, environmental assessments are thorough enough to permit a higher threshold for requiring environmental impact statements.

*Id.* at 450-451.

The court went on to explain the role of visual impacts and public opposition in making this determination, and rejected both as the basis for mandating an EIS:

Aesthetic impacts alone will rarely compel the preparation of an environmental impact statement . . . . The necessary judgments are inherently subjective and normally can be made as reliably on the basis of an environmental assessment as on the basis of a much lengthier and costlier environmental impact statement. The fact that there was public opposition to the [barge project] cannot tip the balance. *See e.g., Town of Orangetown v Gorsuch*, 718 F.2d 28, 39 (2d Cir. 1983). That would

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<p>be the environmental counterpart to the “heckler’s veto” of First Amendment law.</p> <p><i>Id.</i> at 451.<sup>3</sup></p> <p>Thus, as <i>River Road Alliance</i> makes clear, the decision whether to conduct an EA or EIS remains in the sole, and sound discretion of USACE.</p> <p>USACE has not completed its evaluation of potential mitigation for visual impacts. It is well established that the agency is within its prerogative to, and in fact should, evaluate potential mitigation prior to determining whether to issue a FONSI or proceed to an EIS. Indeed, USACE regularly considers the impact of mitigation as a factor on whether impacts will be significant for purposes of NEPA. That approach has long been recognized and accepted. <i>Ohio Valley Env'tl. Coal. v. Aracoma Coal Co.</i>, 556 F.3d 177, 191-92 (4th Cir. 2009) (“Even where an EA determines that a proposed action will have a significant environmental impact, an agency may avoid issuing an EIS where it finds that mitigating measures can be taken to reduce the environmental impact of the project below the level of significance.”) (citing <i>Roanoke River Basin Ass’n v. Hudson</i>, 940 F.2d 58, 62 (4th Cir.1991)). USACE currently is in the middle of the NEPA process.</p> <p>USACE has been fulfilling their responsibilities under 33 C.F.R. Parts 320 through 327. This includes required coordination under the Endangered Species Act, National Historic Preservation Act, and other applicable Federal laws. Many of the issues raised in the comments will be addressed in USACE’s decision document which will include the public interest review (33 C.F.R. 320.4(a)) and assessment under the 404(b)(1) Guidelines for the Specification of Disposal Sites for Dredged or Fill Material (40 C.F.R. Part 230).</p>				
1.	NTHP	Comment letter, p. 24 (Nov. 12, 2015)	An EIS should be prepared to understand the negative impacts on the James River which has been declared a state historic river.	The direct, indirect and cumulative effects on the James River within the APE have been sufficiently evaluated in the CREA and can be fully evaluated in an EA.
2.	Preservation Virginia	Comment letter, p. 2 (Nov. 12, 2015)	The Army Corps must undertake an Environmental Impact Statement.	See General Responses to Category 7. See Letter from S. Miller, Dominion, to L. Rhodes, USACE, Attachment 1,
3.	NPS	Comment letter, p.		

<sup>3</sup> In addition, mere opposition to a project or its impacts does not create controversy for purposes of NEPA so as to suggest a significant impact. *North Carolina v. FAA*, 957 F.2d 1125, 1133-34 (4th Cir. 1992); *Clement v. LaHood*, 2010 WL 1779701, at \*7-8 (E.D. Va. 2010).

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		1 (Oct. 22, 2015)		Response to Comment O (July 2, 2015).
4.	NTHP	Comment letter, p. 14 (Nov. 12, 2015)		
5.	Scenic Virginia	Comment letter, p. 1 (Nov. 12, 2015)		
6.	Save the James Alliance (“STJA”)	Comment letter, p. 1 (Nov. 13, 2015)		
7.	NPCA	Comment letter, p. 5 (Nov. 13, 2015)		
8.	Scenic Virginia	Remarks at Corps Input Meeting (Oct. 30, 2015)		
9.	Jamestowne Society	Comment letter, p. 1 (Nov. 4, 2015)		
10.	NPCA	Comment letter, p. 4 (Nov. 12, 2015)	Financial investments, lowered values to homes and businesses because of the Project, and resources like wildlife and water quality and the economic value they add to the landscape must be evaluated.	See General Responses to Category 5 regarding tourism for response from local businessmen on impact of reliable electricity on economics. See Letter from S. Miller, Dominion, to L. Rhodes, USACE, Attachment 1, Response to Comment Q July 2, 2015) regarding endangered species. Construction in wetlands and water will be conducted in a manner that will protect water quality and wildlife. Structure will improve fishing. A permit will not be issued without a 401 certificate from Virginia industry protection of water quality streams.
11.	NPCA	Comment letter, p. 3 (Nov. 13, 2015)	The Corps must conduct a formal consultation with the National Marines Fisheries Service (“NMFS”) under	See General Responses to Category 7. Formal coordination under the Endangered Species Act is not required if

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			Section 7(a)(2) of the Endangered Species Act on activities that may affect a listed species like the Atlantic Sturgeon.	NMFS concurs with a finding of “Not Likely to Adversely Affect.” Corps Coordination with NMFS has been ongoing concerning effects to the Atlantic sturgeon. In an email to the Corps dated June 23, 2015, NMFS provided several best management practices that if implemented, could allow for the NMFS to concur that effects to the sturgeon would be insignificant or discountable. These included time of year restrictions and use of bubble curtains. Dominion has agreed to implement these measures and communicated this to the Corps. The Corps submitted this information to NMFS and is awaiting their concurrence that the Project is not likely to adversely affect the Atlantic sturgeon.
12.	NPCA	Comment letter, p. 3 (Nov. 13, 2015)	The NMFS is currently drafting proposed rules for the critical habitat of the Atlantic Sturgeon. The Corps should wait until the NMFS completes its critical habitat designation for the sturgeon before making a final determination on a Section 404 permit.	There is no requirement for a Federal agency to take no action while a rule is promulgated for potential critical habitat. The Corps has been coordinating with NMFS, the agency developing the critical habitat rule. The NMFS will use all available data in their determination of whether the Project may adversely affect the Atlantic sturgeon.
13.	NTHP	Comment letter, p. 23 (Nov. 12, 2015)		
14.	NPCA	Comment letter, p. 4 (Nov. 13, 2015)	The proposed transmission line involves tree clearing which could impact the Northern Long-Eared Bat which is a federally threatened species. Bald Eagles	Formal consultation with the USFWS is not required unless a Federal action may adversely affect a federally threatened or endangered species. In an email dated

<b>Issue Category 7 – Need for an EIS and Formal Consultation</b>				
			are also found in the proposed Project site. Therefore, the Corps should enter into formal consultation with the U.S. Fish & Wildlife Service.	May 7, 2015, the USFWS indicated that they could concur with a “Not Likely to Adversely Affect” determination for the northern long-eared bat if no tree clearing occurs between April 15 <sup>th</sup> through September 15 <sup>th</sup> of any year. Dominion has agreed to this time of year restriction and communicated this to the Corps.
15.	NPCA	Comment letter, p. 4 (Nov. 13, 2015)	The Corps should share the result of their consultation and plans to protect the small whorled pogonia.	After multiple years of survey, no small whorled pogonia have been found within suitable habitat in the Project area. Regardless of the absence of this species, Dominion is not clearing suitable habitat at the switching station. A May 7, 2015 email from the Corps to Dominion and Stantec indicated that the USFWS has concurred with a “Not Likely to Adversely Affect” determination for small whorled pogonia, as well as the sensitive joint vetch.
16.	NTHP	Comment letter, p. 14 (Nov. 12, 2015)	The Project will cause significant harm to the Carter’s Grove Plantation, as such, further consultation under Section 106 is needed to identify Project alternatives, minimize harm, and prepare an EIS.	At this time in the Section 106 process, the Corps has proceeded to the step of resolving adverse effects to historic properties, including the indirect visual adverse effect to Carter’s Grove Plantation. Through this step, the Corps will coordinate with the consulting parties to avoid, minimize, and mitigate the adverse effect to this property. Section 110(f) does not apply since the only effects are visual and not direct impacts.

<b>Issue Category 7 – Need for an EIS and Formal Consultation</b>				
17.	NTHP	Comment letter, p. 23 (Nov. 12, 2015)	Any degradation of water quality caused by the Project must be mitigated.	Impacts to water quality are expected to be temporary and minor, resulting from the installation of piles in the river crossing and construction of structure foundations within the land portions of the Project. Impact installation of piles within the substrate in the James River would not be expected to contribute to more than negligible turbidity. Construction work on the land portion of the Project will be performed using Best Management Practices to minimize erosion and sedimentation under Dominion’s General Erosion and Sedimentation Control Specifications for the Construction and Maintenance of Electric Transmission Lines. The Corps will fully consider the effect to water quality in its Public Interest Review.
18.	Chesapeake Conservancy.	Comment letter, p. 4 (Nov. 12, 2015)	Requests further consultation under the Section 106 process.	The Corps is continuing consultation under the Section 106 process to resolve adverse effects (36 C.F.R. § 800.6).

**Issue Category 8 – Alternatives**

General Response:

The remaining 18 comments concerned alternatives, including suggesting many that had already been addressed by USACE and the assumptions used to evaluate them. USACE has considered comments on alternatives which have been submitted in response to past notices of comment periods as well as this one. In its preliminary findings on alternatives, USACE stated:

Therefore, based on information presented to date, our preliminary finding is that two alternatives appear to meet the Project purpose while reasonably complying with the evaluation criteria. These are Surry-Skiffes-Wheaton 500 kV OH (AC)

<b>Issue Category 8 – Alternatives</b>				
<p>(Dominion’s Preferred) and Chickahominy –Skiffes – Whealton 500kV. We have determined that other alternatives are unavailable due to cost, engineering constraints and/or logistics.</p> <p>The comments provided in response to the October 1 notice provide no new information, but rather disagree with the preliminary conclusions of the Corps. A response to the specific comments regarding load projections and similar factors used in the alternatives analysis are addressed under separate cover in a document dated December 15, 2015 titled “NAO-2012-0080113-V0408, Surry-Skiffes-Whealton, Dominion Virginia Power Response to National Parks Conservation Association/Princeton Energy Resources International Comments “Dominion’s Proposed ‘Surry-Skiffes Creek Project – Issues and Alternatives,” dated November 13, 2015 (“DVP Response to NPCA/PERI Comments”).</p>				
1.	Scenic Virginia	Comment letter, p. 1 (Nov. 12, 2015)	A thorough examination of alternatives to the proposed transmission line.	The USACE Preliminary Alternatives Conclusions White Paper (October 1, 2015) [hereinafter “USACE White Paper”]; Letter from S. Miller, Dominion, to L. Rhodes, USACE, at 2-5, Attachment 1, Response to Comments B & C (July 2, 2015), Alternatives Analysis (received by the Corps January 8, 2015) [hereinafter “Alternative Analysis”]; and revised Table 3.1 (received by the Corps January 15, 2015) [hereinafter Revised Table 3.1], provided an in-depth evaluation of alternatives to the proposed transmission line.
2.	STJA	Comment letter, p. 1 (Nov. 13, 2015)	The Applicant has provided no alternative. The so-called Chickahominy route is, and always has been, a straw man, not a true alternative.	The USACE White Paper, Letter from S. Miller, Dominion, to L. Rhodes, USACE, at 2-5, Attachment 1, Response to Comments B & C; Alternatives Analysis, and revised Table 3.1 collectively provided an in depth evaluation of alternatives to the proposed transmission line. The Chickahominy route meets the

<b>Issue Category 8 – Alternatives</b>				
				NERC reliability requirements, but poses far greater adverse impacts.
3.	STJA	Comment letter, p. 2 (Nov. 13, 2015)	The Surry-Skiffes Creek proposal is a business profitable decision. The decision was not made to protect the grid, provide reliable power, or to meet NERC reliability standards.	The USACE White Paper: Letter from S. Miller, Dominion, to L. Rhodes, USACE, at 2-3 (July 2, 2015); and Alternatives Analysis found that the offsite alternatives to the proposed Project did not meet the purpose and need of the Project due to the inability to meet NERC reliability criteria, significant cost restraints, inability to acquire necessary right-of-way, and/or significant constraints on the ability to timely construct the alternative to address MATS Rule compliance.
4.	STJA	Comment letter, p. 5 (Nov. 13, 2015)	Natural gas will provide the solution to avoid the aerial crossing over the James River.	The USACE White Paper, Letter from S. Miller, Dominion, to L. Rhodes, USACE, at 2-3, Attachment 1, Response to Comment E (July 2, 2015), Alternatives Analysis; and Revised Table 3.1, examined the potential to convert Yorktown to natural gas and found that there could not be a reliable source of natural gas in the area until at least 2018, after the time the Project is needed.
5.	STJA	Comment letter, p. 5 (Nov. 13, 2015)	STJA proposes a two-step solution. The first step involves retrofitting Yorktown Unit #2 to burn natural gas, in combination with the build of an underground 230 kV line from Surry. A short term solution which would allow Dominion the time to build new	The 2011 Integrated Resource Plan (“2011 Plan”) did not propose to repower Yorktown Unit 2 by 2015 as an alternative to constructing the proposed Project before the retirement of Yorktown Unit 1. The 2011 Plan’s Figure 7.2.6, Planned Transmission

Issue Category 8 – Alternatives				
			generation capacity in Hampton Roads.	Additions, shows the new 500 kV line to Skiffes Creek (at that time expected to originate from Chickahominy Substation) and new 230 kV Skiffes Creek-Wheaton line as being planned for construction by November 2014. The undisputed evidence in the SCC proceeding approving the proposed Project showed that, without the proposed Project, the retirement of Yorktown Unit 1 by the end of 2014, as announced in the 2011 Plan, would violate the NERC Reliability Standards beginning June 1, 2015 and that the later-announced retirement of Yorktown Unit 2 significantly increases the severity of those violations. See also Alternatives Analysis at 3.15 explaining that combining generation alternatives were neither cost effective nor can they timely be completed.
6.	STJA	Comment letter, p. 6 (Nov. 13, 2015)	Dominion’s preferred plan in its 2011 Integrated Resource Plan submitted to the VA SCC in September 2011 was retrofitting Yorktown Station Unit #2. According to the report, there was sufficient [gas] supply, adequate infrastructure and the ability to meet pending federal environmental standards.	See Letter from C. Fisher, Dominion, to T. Walker, USACE, at 7 (August 14, 2015). The SCC’s independent consultant confirmed that gas supply could not be available by need date and repowering would be uneconomical.
7.	STJA	Comment letter, p. 6 (Nov. 13, 2015)	There is sufficient gas supply to retrofit Yorktown Unit #2 and construct new generation within the Hampton Roads Peninsula. Specifically, Virginia Natural	The USACE White Paper; Letter from S. Miller, Dominion, to L. Rhodes, USACE, at 2-3, Attachment 1, Response to Comment E (July 2, 2015) Alternatives

<b>Issue Category 8 – Alternatives</b>				
			Gas’ Hampton Roads Crossing Pipeline provide access to gas supplies for Dominion. Dominion will only be required to undertake a minor project of constructing distributive pipelines to reach the Yorktown Power Station site. Natural gas is abundant and, as is the necessary pipeline capacity.	Analysis; and Revised Table 3.1, examined the potential to convert Yorktown to natural gas and found that there could not be a reliable source of natural gas in the area until 2018, after the time the Project is needed.
8.	STJA	Comment letter, p. 16 (Nov. 13, 2015)	Dominion must incorporate the cost of the alternative they chose to close Yorktown.	The STJA Comments mistakenly conflate generation planning with transmission planning. For the purposes of assuring that DVP has a sufficient generation reserve margin (total available generation capacity compared to total capacity and energy requirements of its customers), the construction of Brunswick Power Station will replace the loss of generation capacity at Yorktown. However, the NERC Reliability Standards have an entirely different purpose: they test the reliability of each individual element of the transmission system under the stress of a series of specific types of operating contingencies. The SCC’s independent expert consultant verified that the addition of Brunswick Power Station does not obviate the need for the proposed Project under the NERC Reliability Standards.
9.	STJA	Comment letter, p. 22 (Nov. 13, 2015)	Dominion’s claims that the Surry-Skiffes Creek was SCC approved provides no	The Virginia Supreme Court has affirmed the SCC’s determination of need for new

<b>Issue Category 8 – Alternatives</b>				
			confidence that the approval was based upon justifiable and defensible grounds.	transmission facilities based on violations of NERC Reliability Standards identified through the PJM RTEP process, <i>Piedmont Envtl. Council v. Virginia Elec. and Power Co.</i> , 278 Va. 553, 684 S.E.2d 805 (2009). On April 16, 2015, that Court unanimously affirmed the SCC’s determinations that only the proposed Project would meet the identified electrical need and that the 500 kV overhead crossing of the James River approved by the SCC will reasonably minimize adverse impacts on the scenic assets, historic districts and environment of the area affected. <i>River BASF Corp. v. State Corp. Comm’n</i> , ___ Va. ___, 770 S.E.2d 458 (2015).
10.	NTHP	Comment letter, Attached Presentation, Slide 13 (Oct. 26, 2015)	The Surry-Skiffes Creek Route does not take into account the negative impacts of the Project on cultural and environmental resources.	Impacts to cultural and environmental resources are addressed in the CREA, Alternatives Analysis, and Revised Table 3.1.
11.	James City County (“JCC”)	Comment letter (Nov. 13, 2015)	JCC Board of Supervisors resolution adopted on March 13, 2012 opposing the Chickahominy route for the proposed 500 kV transmission line.	This 2012 James City County resolution, which opposed the Chickahominy Alternative to the proposed Project, presents no new information.
12.	JCC	Comment letter (Nov. 13, 2015)	Resolution adopted on April 24, 2012 for the proposed transmission line to be located under the James River.	This 2012 James City County resolution, which opposed the proposed Project, presents no new information.
13.	Chickahominy Tribe	Comment letter, p. 4 (Oct. 27, 2015)	The James-Chickahominy segment of the CAJO must be maintained as a sacred	The Chickahominy Route is not the preferred route because it will have

<b>Issue Category 8 – Alternatives</b>				
			traditional cultural property to the Chickahominy Tribe.	greater adverse impacts on waters of the United States.
14.	Chickahominy Tribe	Comment letter, p. 4 (Oct. 27, 2015)	There has not been an assessment of the impact of the proposed transmission line on the Chickahominy Tribe, its community, on its Pow Wow grounds or Tribal Center despite the fact that the line passes through an area where members live and within half a mile of the Pow Wow grounds and Tribal Center.	The Chickahominy Route is not the preferred route because it will have greater adverse impacts on waters of the United States.
15.	STJA	Comment letter, p. 23 (Nov. 13, 2015)	Dominion load forecast is not accurate. PJM Interconnect, on whose load forecasts Dominion relies, found that their forecasting models overestimated future loads by over three percent. PJM now uses a smart grid approach to electricity load. The data Dominion relied upon for load factors on Surry-Skiffes Creek was seriously erroneous. The Hampton Roads Economic Development announced that the projected growth of the Peninsula has been flat and is expected to remain flat.	The need for the proposed Project was determined using the specific methodologies and computer modeling algorithms required by the NERC Reliability Standards, and the power flow studies used to make that determination were verified by the SCC’s independent expert consultant. That determination is also verified by the current operating circumstances in effect in the NHRLA, where existing system load in the NHRLA already exceeds the capability of the transmission system without Yorktown Units 1 and 2. See Stantec Alternatives Analysis , Section 3.1.3 (January 8, 2015). A prospective change in PJM’s load forecast methodology may have the effect of reducing the forecasted peak load for the Dominion Zone of PJM going forward, but that does not mean the Proposed Project is no longer needed to resolve the massive violations of the

<b>Issue Category 8 – Alternatives</b>				
				NERC Reliability Standards in the critically generation-deficient NHRLA when Yorktown Units 1 and 2 are retired.
16.	STJA	Comment letter, p. 29 (Nov. 13, 2015)	Yorktown does not need to close if Dominion proceeds with their 2011 Integrated Resource Preferred Plan by closing Unit 1, refitting Unit 2 for natural gas and adding environmental equipment to Unit 3, which is already on the way.	See DVP Response to STJA Comment 6.
17.	NPCA	Comment letter, p. 5 (Nov. 13, 2015)	Dominion’s electric load flow studies and assumptions regarding future loads and generations are out-of-date and inaccurate. Dominion’s study overestimated NHRLA load growth, including peak loads, and it underestimates the availability of DSM capacity to reduce peak loads, the growth of distributed generations, and the increasing effectiveness of efficiency-measures and energy reduction programs.	See DVP Response to NPCA/PERI Comments, at 2-3.
18.	NPCA	Comment letter, p. 5 (Nov. 13, 2015)	Future peak loads can be managed with DSM and distributed solar resources.	See DVP Response to NPCA/PERI Comments, at 4-5.
19.	NPCA	Comment letter, p. 5 (Nov. 13, 2015)	There are impacts associated with the 17 tower river crossing that have not been evaluated and the cost estimates used for the proposed Project do not include significant costs related to planning and permitting activities.	Costs associated with funding and permitting of each alternative are in the same order of magnitude. The time required for permitting and construction renders all alternatives other than the proposed Project impracticable. See DVP Response to NPCA/PERI Comments, at 5-6.