



Public Notice

U.S. Army Corps of Engineers, Norfolk District

August 28, 2013

CENAO-WR-R
NAO-2012-00080; 13-V0408

FEDERAL PUBLIC NOTICE

The District Commander has received a joint application for Federal and State permits as described below:

APPLICANT

Virginia Electric & Power Company
Dominion Virginia Power
Liz Harper
701 E. Cary Street; 12th Floor
Richmond, Virginia 23219

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed project will begin in Surry County at the Surry Nuclear Power Plant, cross the James River near Skiffes Creek in James City County, and continue through Newport News, York County, and Hampton to the existing Whealton Substation. The project is located within the Lower James and Lynnhaven-Poquoson watersheds, (Hydrologic Unit Codes 02080206 and 02080108).

PROPOSED WORK AND PURPOSE: Dominion Virginia Power proposes to construct a new electrical transmission powerline and associated infrastructure, known as Surry - Skiffes Creek - Whealton project, consistent with the North American Electric Reliability Corporation (NERC) standards. The proposed project involves construction of a new 7.76-mile 500kV overhead transmission powerline from Surry nuclear power plant to the proposed Skiffes Creek 500kV-230kV-115kV switching station, on 51 acres of private and commercial property in James City County, followed by the construction of 20.2 miles of new 230kV overhead transmission powerline from the switching station to Whealton substation in Hampton.

The proposed Surry – Skiffes Creek 500kV powerline will be a single circuit overhead line requiring the placement of 17 towers and fender protection systems within the James River. This segment of the project will result in 1142 square feet of direct impacts to subaqueous river bottom. Approximately 1.7 miles of right of way will be expanded resulting in conversion of 0.61 acres of palustrine forested wetlands to scrub shrub wetlands. Conversion of the forested wetlands will be performed by selective hand clearing with “no discharge of fill material” and is not a regulated activity. The proposed aerial powerline will cross the Tribell Shoal Federal Navigation channel and neighboring dredge spoil disposal area, a secondary navigational channel and several private oyster lease areas within the James River. At the Tribell Shoal channel, the aerial transmission powerline has been designed with a minimum vertical clearance of 204 feet above mean high water, 191 feet at the secondary channel, and ≥ 60 feet across the remainder of the river.

Construction of the Skiffes Creek switching station will not result in any direct impacts to waters

of the U.S.; including wetlands.

The proposed Skiffes Creek – Whealton 230kV powerline will be double circuited and include replacement of 22 tower structures in wetlands resulting in 220 square feet of structural discharge in non-tidal wetlands. Similar to the Surry – Skiffes Creek segment, 0.10 acres of palustrine forested wetlands will be converted to palustrine scrub shrub wetlands as a result of additional right-of-way selective hand clearing.

The proposed project consists of three distinct project segments which have been designed to avoid and minimize impacts to the greatest extent practicable. The overland portions of the project will minimize clearing and disturbance to forested areas, including wetlands, through the co-location of the proposed line within an existing cleared ROW currently occupied by transmission facilities. Utilizing the existing ROW avoids the need to clear additional forested areas and minimizes the potential for additional environmental impacts. Support structures have been designed outside of wetlands to the maximum extent practicable and all tidal crossings outside of the James River will be spanned. Clearing of wetlands, as well as areas within 100 feet of stream channels will be done by hand rather than with mechanized heavy equipment. Tower placement in the James River has been designed to provide maximum span lengths, thereby minimizing the number of towers within the river. The proposed switching station has been designed entirely in uplands to avoid all impacts to waters of the US; including wetlands.

As proposed, the jurisdictional impacts associated with the overall project will result in the loss of 220 square feet of non-tidal wetlands and 1142 square feet of subaqueous river bottom. Impacts associated with selective hand clearing are not regulated. Direct impacts to aquatic resources are minimal and have been avoided and minimized to the maximum extent practicable; as such the applicant is proposing no compensatory mitigation.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit/401 certification from the Virginia Department of Environmental Quality assuring that applicable laws and regulations pertaining to water quality are not violated and a permit from the Surry County, James City County, Newport News, York County, and Hampton Wetlands Board. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the direct, indirect, and cumulative impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) Bald Eagles (*Haliaeetus leucocephalus*), Atlantic Sturgeon (*Acipenser oxyrinchus*), Small Whorled Pogonia (*Isotria medeoloides*), and Sensitive Joint Vetch (*Aeschynomene virginica*), protected under the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), (as amended) are documented in and/or within close proximity of the proposed corridor. There may be an affect to listed species and their habitat under the Endangered Species Act of 1973; and (3) according to the Virginia Department of Historic Resources' Data Sharing System, numerous archaeological and architectural sites considered eligible or potentially eligible for listing on the National Register of Historic Places fall within and/or are in the vicinity of the proposed transmission line corridor. It is unknown at this time the potential effect the proposed undertaking would have on any of the resources. Coordination with United States Fish and Wildlife Service and Virginia Department of Historic Resources will be initiated following the issuance of this public notice. Additional information might change any of these findings.

For compliance with the Coastal Zone Management Act of 1972, as amended for projects located in Tidewater, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal uses or resources will be conducted in a manner consistent with the Virginia Coastal Zone Management Program (VCP) and obtain concurrence from the Department of Environmental Quality (DEQ), Office of Environmental Impact Review (OEIR). We have not received a certification from the applicant prior to publication of this public notice. It is the applicant's responsibility to submit a consistency certification to the Office of Environmental Impact Review for concurrence or objection and proof of concurrence must be submitted to the Corps prior to final permit issuance. A template federal consistency certification can be found here:

<http://www.deq.state.va.us/Programs/EnvironmentalImpactReview/FederalConsistencyReviews.aspx#cert>. For more information or to obtain a list of the enforceable policies of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: ellie.irons@deq.virginia.gov or john.fisher@deq.virginia.gov.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The James River contains Essential Fish Habitat (EFH) for the egg, larvae, juvenile, and adult life stages of 13 species including windowpane flounder (*Scopthalmus aquosus*), bluefish (*Pomatomus saltatrix*), Atlantic butterflyfish (*Peprilus triacanthus*), summer flounder (*Paralichthys dentatus*),

black sea bass (*Centropristus striata*), king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), cobia (*Rachycentron canadum*), red drum (*Sciaenops ocellatus*), dusky shark (*Charcharinus obscurus*), sandbar shark (*Charcharinus plumbeus*), yellowfin tuna (*Thunnus albacares*), and basking shark (*Cetorhinus maximus*). The habitat which this project may affect in the James River consists of both shallow & deep water subaqueous bottom. The proposed project is described in Proposed Work and Purpose, above. A total of 552 pilings ranging in diameter from 18 inches to 30 inches will be driven into the river bottom for tower foundations and fender protection systems. Impacts as a result of this activity will be limited to the duration of construction and will consist of noise, vibrations, and increases in turbidity. Our assessment of the project leads us to a preliminary determination that it will not have a substantial adverse effect on EFH. Our rationale for this preliminary determination is based on the minimal direct impacts to subaqueous bottom, minimal increases in turbidity caused by the proposed work, the absence of direct impacts to vegetated wetlands and/or submerged aquatic vegetation. The James River is a confirmed anadromous fish use waterway. Instream construction activities are proposed to occur throughout a 12 month period with no Time of Year Restriction due to a strict construction timeline which requires the entire project to be complete and operational by June 2015. Based on comments from the National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-WR-R), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on September 27, 2013.

PRIVACY & CONFIDENTIALITY: Comments and information, including the identity of the submitter, submitted in response to this Public Notice may be disclosed, reproduced, and distributed at the discretion of the U.S. Army Corps of Engineers. Information that is submitted in connection with this Public Notice cannot be maintained as confidential by the U.S. Army Corps of Engineers. Submissions should not include any information that the submitter seeks to preserve as confidential.

If you have any questions about this project or the permit process, contact Randy Steffey at 757-201-7579 or via email at randy.l.steffey@usace.army.mil .

FOR THE DISTRICT COMMANDER:


Lynette R. Rhodes
Chief, Southern Virginia
Regulatory Section

Attachments: Drawings