



United States Department of the Interior

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IN REPLY REFER TO:

A.1.2(NER-RSS)

March 15, 2016

William T. (Tom) Walker
Chief, Regulatory Branch
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Norfolk, VA 23510

**US Army Corps of
Engineers
Norfolk District
Regulatory Office
Received by: RLS
Date: Mar 16, 2016**

Dear Mr. Walker:

Thanks to you and Randy Steffey for meeting with our National Park Service team on February 18, as well as speaking with us by phone on March 4. We appreciate the opportunity for candid conversations about next steps in evaluating impacts associated with alternatives for providing reliable power to the peninsula in the context of the proposed Dominion Surry-Skiffes Creek-Wheaton Transmission Line project. This follow-up letter specifically addresses long-expressed views of the NPS regarding the level of assessment required for this proposal.

A portion of our conversations focused on specific areas of further analysis that we believe is required. In particular, we discussed: (a) visual impact assessment; (b) socio-economic impact assessment; (c) cumulative impact assessment; (d) alternatives analysis and (e) NEPA process. The need for additional work in each of these areas has been addressed by the NPS in written correspondence over the past year.

NPS review of this proposed project has led us to the conclusion that: 1) substantial dispute exists as to the nature of the environmental consequences of the proposed action; 2) the Corps analysis currently being carried out will not resolve this dispute; and 3) the project, as currently formulated, is contrary to the public interest. We address each of these components below. Absent thorough visual impact assessment, socio-economic impact assessment, cumulative effects assessment, and consideration of a reasonable range of alternatives, a thoroughly informed decision on the proposal cannot be made.

Regarding visual impact assessment:

Our requests for additional visual impact assessment are based on the need for documenting the extent, severity and value of impacts to (a) historic properties and (b) scenic resources; this then also informs other impact analyses such as socio-economic impacts discussed below.

As you know, we provided one methodology (and its analyzed results) for quantifying the geographic extent of visual impacts in September 2015. We believe that this analysis is an accurate representation of the geographic extent of the Surry-Skiffes Creek project's visibility.

We have consistently found the visual simulation analysis provided by Dominion to be lacking, and have pointed this out in previous correspondence. In particular, we have pointed to the inadequate selection of key viewpoints and the complete lack of viewpoints in close proximity to the proposed corridor where it crosses the Captain John Smith Chesapeake National Historic Trail. Further, we have noted the lack of

reasoning in drawing connections between simulations and any severity of impact analysis, to the extent it has been performed at all.

As we discussed during our March 4 call, the NPS Air Resources Division, in collaboration with Argonne National Laboratory, has developed a publication that sets out guidelines for NPS use in evaluating visual impact assessments (*Guide To Evaluating Visual Impact Assessments for Renewable Energy Projects* available at: <https://irma.nps.gov/DataStore/Reference/Profile/2214258>). While this publication was written to address renewable projects, the methodology also specifically addresses transmission structures. As such, these guidelines provide the basis for our expectations and review of visual impact assessment associated with providing power to the peninsula. In addition, we have retained the assistance of the authors of the publication to provide expert advice and guidance on the scope of work for additional analysis and review of both prior and future assessments for the Dominion proposal. Importantly, the guidelines address the full appropriate context for visual impact assessment, including its position within the appropriate NEPA analysis. We will be happy to meet with you to work on how these guidelines should be applied.

Regarding socio-economic impact assessment:

At the February 2 consulting parties meeting there was lengthy discussion regarding missing socio-economic impact analyses; that point previously made in prior correspondence. We touched on this during our February 18 meeting, but did not get into the specific details or methodologies for the work. We did point to the direct relationship between visual impact assessment and socio-economic assessment, however. In particular: visual impacts affect visitors; visitors affect tourism; tourism affects local and regional economies; etc.

The NPS has developed a scope of work for socio-economic impact assessment as a component of an Environmental Impact Statement. To facilitate more comprehensive review of the Surry-Skiffes Creek alternative, the NPS would be happy to share a scope of work as an example for the Corps. Please let us know if you would like to talk further regarding this.

Regarding Cumulative effects assessment:

We did not talk at length about cumulative effects analysis during our recent meeting, but it has been a subject of our correspondence. See, for example, our most recent correspondence on this subject from January 29. We note that the ACHP raises the subject again in its March 2 letter, noting that under section 106 alone the consideration of cumulative effects has been "inadequate." Direct, indirect and cumulative effects must be assessed for each resource value or impact category. For example cumulative visual impacts (e.g. see 4.2.1 in the above mentioned guide) must be assessed.

Regarding the Alternatives Analysis:

The current process has not afforded the NPS or other stakeholders an opportunity to assess the varying impacts of several alternatives. Rather, we are conducting isolated assessments for only Dominion's preferred alternative without information regarding the Corps' own assessment of relevant impacts. The assessments called for above are continuing examples of this. They are essential components for understanding Dominion's proposed project, but they are not the complete set of components for understanding the impacts of that alternative holistically and in light of foreseeable impacts from other alternatives. An EIS would afford the Corps, NPS, other stakeholders, and the public the opportunity to evaluate and compare impacts of a range of alternatives in order to foster informed decision making and public disclosure.

Further, we fully concur with the ACHP's urging of the Corps to reconsider the criteria for a range of reasonable alternatives in the 'White Paper on Alternatives.' This will allow an EIS to "realistically evaluate the feasibility of other, more appropriately scaled alternatives that would better serve the broader public interest."

Regarding the NEPA Process:

A portion of our February 18 conversation also focused on NEPA compliance. In our view, a project of such substantial dispute as to the nature of adverse impacts to nationally significant resources clearly merits--and we believe *requires*--the preparation of an EIS. *See, e.g.,* 40 C.F.R. 1508.27 (3), (4), (8). As the ACHP stated in a March 2 letter:

Such a holistic review would go beyond evaluation of the information already gathered, and provide for greater public participation, and a meaningful analysis of other alternatives which seriously considers the effects to unique and nationally significant historic properties and other issues.

Nevertheless, our understanding is that because Dominion does not wish to voluntarily initiate an EIS, the EA process has continued. This leaves us (and the other consulting parties and the public) in the position of having little, if any insight into the Corps' analysis of the issues beyond statements that an EA is being prepared and no decision has been made regarding a Finding of No Significant Impact. Without a draft NEPA document that is circulated for public review, which would be part of the EIS process, the process for this proposed project has lacked the transparency and clarity needed to best understand the impacts of the proposal and its alternatives.

As NPS Director Jarvis stated in his letter of December 11, 2015, absent preparation of an EIS, we urge you to deny the permit for the project as currently proposed. The applicant has not provided sufficient information to allow the type of analysis that would support a decision to issue the permit and granting a permit would be contrary to the public interest given the severe environmental consequences of this project. The significant impacts to the National Historical Park, the National Historic Trails, the National Historic Landmark, and the economic benefits that arise from the presence of these high-quality areas would be a loss to the public as a whole.

Thank you again for your continuing attention to this vitally important matter -- and for your collegiality in discussing these topics with us.

Sincerely,



Frank Hays
Associate Regional Director
Resource Stewardship and Science

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