



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

January 19, 2017

**US Army Corps of
Engineers
Norfolk District Regulatory
Office
Received by: RLS
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The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army (Civil Works)
108 Army Pentagon
Washington, DC 20310

Dear Ms. Darcy:

This letter is to provide the Department of the Army with the views of the Council on Environmental Quality (CEQ) regarding the pending proposal by Dominion Virginia Power to construct a Surry-Skiffes Creek 500 kilovolt transmission line across the James River within the viewshed of Jamestown National Historic Site and Colonial Parkway of Colonial National Historic Park, the open water route of the Captain John Smith Chesapeake National Historic Trail, and other historic resources in the Commonwealth of Virginia. CEQ was established by the National Environmental Policy Act, 42 U.S.C. §§ 4321 *et seq.* (NEPA), to review and appraise the various programs of the Federal government in light of the nation's environmental policy. CEQ also serves as a member of the Advisory Council on Historic Preservation established by the National Historic Preservation Act.

The U.S. Army Corps of Engineers (USACE) is currently considering Dominion Virginia Power permit applications to construct the Surry-Skiffes Creek transmission line and reasonable alternatives to that proposal in accordance with NEPA and the NHPA. Under NEPA, the USACE is assessing whether the proposal would "significantly" affect the quality of the human environment based on the context and intensity of the effects of the proposed action. 40 CFR 1508.27. The USACE evaluation of the environmental effects of this proposal for Federal agency action necessarily includes analysis of historic, aesthetic, cultural, and related socio-economic effects on Virginia's "historic triangle." The proposed power line would intrude on an area that remains relatively natural in appearance, with viewsheds that are nationally significant and warrant protection. The National Park Service maintains that construction of the proposed power line would significantly degrade the visitor experience at Jamestown, Colonial Parkway, and the adjacent waters of the Captain John Smith National Historic Trail.

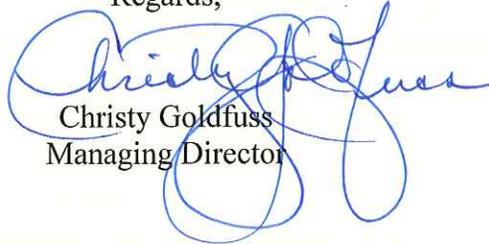
Therefore, CEQ agrees with the Secretary of the Interior's January 17, 2017 recommendation that the USACE should evaluate the impacts of the Dominion Virginia Power proposal, and alternatives, in an environmental impact statement. Even if the USACE does not evaluate these environmental impacts through publication of an environmental impact statement, USACE is still required to consider alternatives to resolve conflicts over the use of these historic and cultural resources in an environmental assessment. 42 U.S.C. § 4332(2)(E); 40 CFR 1508.9. The USACE must involve environmental agencies (including the National Park Service), the applicant, and the public in the preparation of such an environmental assessment. 40 CFR 1501.4(b). The USACE must not only identify and study reasonable alternatives on its own

initiative, but also analyze and consider alternatives that are called to its attention by other agencies, organizations, and communities. Credible alternatives that have been proposed by experts in the field of electricity transmission warrant independent evaluation by the USACE and other expert Federal agencies.

CEQ understands that USACE has been preparing an environmental assessment, which could be used to expedite the development of an environmental impact statement if USACE finds that its environmental assessment does not support a finding of no significant impact. At a minimum, USACE should provide for increased public participation in the development of an environmental assessment that takes a hard look at the environmental consequences of all reasonable alternatives. Based on the information provided to CEQ to date, it appears that avoidance is the only way to mitigate the direct impacts. Mitigation should have a nexus to the impacts of an action, be proportional to the impacts, and be durable for the duration of the impacts of the action. USACE should consider the relative durability of State conservation easements and other preservation instruments that Dominion Virginia Power may use for other purposes at some point in the future. For example, mitigation should be based upon a considerations necessary to recognize and respond to the growth-inducing effects of development of the proposed power line and its substation.

CEQ remains committed to assisting the Army in expediting its evaluation and finalizing its decision-making regarding the Dominion Virginia Power. Thank you for your consideration of CEQ views.

Regards,



Christy Goldfuss
Managing Director