



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
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200 Chestnut Street
Philadelphia, PA 19106

**US Army Corps of
Engineers
Norfolk District
Regulatory Office
Received by: RLS
Date: December 9, 2016**

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December 9, 2016

William T. (Tom) Walker
Chief, Regulatory Branch
US Army Corps of Engineers, Norfolk District
803 Front Street
Norfolk, VA 23510-1096

Subject: Dominion Surry-Skiffes Creek-Wheaton Transmission Line; Response to National Park Service Inquiries and MOA Review Date Extension

Dear Mr. Walker:

Over the past twelve months, the National Park Service (NPS) has written to the US Army Corps of Engineers (USACE) Norfolk District eleven times regarding the proposed Surry-Skiffes Creek-Wheaton project. In this correspondence we have provided detailed and extensive comments, raised very specific issues regarding impacts to NPS resources, contributed new information and analysis and posed specific questions and requests. To date, we have not received written responses to these communications. We find this extraordinary, given the extent to which nationally significant resources administered by or associated with the NPS will be impacted. Please advise the NPS of how the USACE plans to respond to these concerns.

This letter summarizes just some of the major questions we have raised in prior correspondence but remain unanswered:

- *Energy Analysis:* In our extensive letter of October 1, 2016, we provided detailed information and asked multiple questions regarding how this information has been or will be incorporated into evaluation of the project's purpose and need and alternatives analysis.
- *Tribal Consultation:* We have previously asked about the extent and plans for nation to nation tribal consultation regarding this project. We understand the federally recognized Pamunkey Indian Tribe has expressed written opposition to the project as proposed. As NPS administers units and resources in and around the project APE which are important to the Pamunkey and other Virginia tribes we need to understand how consultation is proceeding. What steps has the USACE taken to officially consult with tribes and what steps are planned to continue that consultation and address tribal concerns?

- *Cumulative effects*: We have raised substantial concerns in writing (e.g. July 5, 2016) and in consulting party meetings over inadequate analysis of cumulative effects of the proposed project. What steps is the USACE taken to address these concerns?
- *Socioeconomic impacts*: Similarly, we have also noted insufficiencies in the assessment of socioeconomic impacts. What steps is the USACE taking to address these concerns?
- *Visual and Scenic impacts*: In at least two letters this year (March 25 and July 27) we have provided extensive comments and guidance on assessing visual and scenic impacts, both in the context of Section 106 of the National Historic Preservation Act and the National Environmental Policy Act (NEPA). What steps is the USACE taking to address these concerns?
- *Draft Memorandum of Agreement (MOA)*: Over four months ago (July 27, 2016), we provided a very detailed response to the proposed draft MOA. We have not seen a response to our concerns. On December 7, 2016 we received an email from Randy Steffey forwarding a revised draft MOA for review by December 21. The email also states that USACE is still awaiting Dominion's submission of a revised MOA context document and responses to consulting party comments. The email suggests these are not necessary for review of the revised draft MOA. The NPS notes that: (1) an understanding of the MOA context and basis, as well as knowing how prior consulting party comments have been addressed, is crucial to an efficient and useful review of the MOA; and (2) given the extensive time and effort NPS put into comments on the earlier draft MOA, and the four months the USACE has had since for crafting revisions, the 15 days provided for review of a complex document is insufficient. **We respectfully request at least 30 days for review of the MOA commencing upon receipt of the associated materials referenced in the email.**
- *NEPA and an Environmental Impact Statement (EIS)*: In repeated letters for well over a year (June 29, 2015, July 24, 2015, October 22, 2015, November 12, 2015, December 11, 2015, January 29, 2016, March 15, 2016, June 7, 2016, July 27, 2016), we have made clear that the high degree of **public controversy and major impacts to nationally significant resources** raised by this project must trigger preparation of an EIS. Moreover, we have also expressed deep concern over having no visibility at all on any draft documents USACE may be preparing under NEPA. How is the USACE addressing the clear and certain need for an EIS and when may we view draft NEPA documents?

The NPS remains committed to working with the USACE to resolution of this difficult issue. Please let us know if you have any questions.

Sincerely,



Frank R. Hays
Associate Regional Director
Resource Stewardship and Science

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