

**DOMINION VIRGINIA POWER
 RESPONSE TO COMMENTS MADE AT THE
 PUBLIC HEARING HELD ON OCTOBER 30, 2015
 CONCERNING THE SURRY-SKIFFES CREEK-WHEALTON PROJECT**

**US Army Corps of
 Engineers
 Norfolk District
 Regulatory Office
 Received by: RLS
 Date: Mar 30, 2016**

The following chart provides a list of commenters that spoke at USACE’s public hearing held on October 30, 2015. The principle points made by each speaker are summarized and paraphrased in the fourth column. USACE can find a complete transcript of what each speaker said in the hearing transcript, a copy of which is provided herewith. There were 38 speakers in support of the project and 42 speakers opposed to it. Based on the substance of each speaker’s comments, the third column indicates generally whether they support or oppose the project. The comments are grouped together into one or more of 8 Issue Categories, which provides a detailed response to the comments in that category (some comments appear in more than one category if their comment covered multiple topics). If the general response in the Issue Category is not sufficient to address a particular comment, elaboration is provided in the last column for that comment.

| Acknowledged Comments | | | | |
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| General Response: | | | | |
| The majority of these comments support the Surry-Skiffes Creek project while 4 of the commenters are generally opposed to the project. Detailed responses to these comments are not required and a “comment acknowledged” response is sufficient. | | | | |
| 1 | Doug Brown | Support | He drove to Jamestown Island and stopped at two parking areas of the park with the simulations that Dominion has on their website. He was able to visualize the proposed location of the transmission line and was unable to see any negative impact the line would pose to the area. Must protect the James River within reason. Both guest and businesses would be impacted. Guest will not return and business will leave the area if there are multiple power outages and rolling blackouts. Businesses need reliable power. Blackouts aren’t going to happen at our convenience. They will happen when Dominion has its highest | Comment acknowledged. |

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| | | | demands. We can all agree that reliable power on the peninsula is one thing that would be tremendously impacted without this power line. | |
| 2 | Robert Ware | Support | Supports the project for several reasons: SCC has approved it, meets safety standards, needed when Yorktown retires, meets Federal regulations concerning reliability, meets EPA standards, and requirements for reliability, even the reliability standard of the North American Electric reliability standard. | Comment acknowledged. |
| 3 | Dick Thornsberry | Support | Has taken reliable power for granted. Amazed that the power could go out dozens of times a year. Look at California as an example of what happened in the late '90s and early 2000's where the state failed to replace their generation and faced problems. There is a fix before us tonight that is reliable, economical, and capable of being built quickly. That fix is the high voltage line across the James River. We are approaching the time where the line cannot be built in time to avoid some periods of blackouts. The time to act is now. | Comment acknowledged. |
| 4 | Wayne West | Support | Focus on reliable power and importance to defense base. Imagine trying to operate a vital defense base with rolling blackouts. These defense bases must be ready 24/7 with no exceptions. Threat of power going out is unacceptable and could result in agencies and armed services moving elsewhere. Could be devastating to economy, as well as disruptive for our national security. Time is short. Dominion says under no circumstance can they operate the units at Yorktown beyond April 2017, and that's not even certain. | Comment acknowledged. |

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| 5 | Harold Whitley Bohannon, Jr. | Support | We face a crisis on peninsula. If the line is not built within the next two years, reliable electricity will become a thing of the past. The threat is real and so is the solution. Build the Surry to Skiffes Creek power line. While the plants fate may be good for the environment, it is bad for electric reliability in our communities. Even brief blackouts can damage our economy and could be a threat to national security. Will DOD keep the base here if power isn't reliably available. | Comment acknowledged. |
| 6 | Kevin Sweeney, interim president and CEO of the Hampton Roads Economic Development Alliance | Support | Concerned about the potential economic impact of unreliable electric service on the peninsula should the project not happen. Economic reality – our metro area ranks 100 of all metro areas in country. Regional economic development is lagging. Reliable electricity is one of and if not the most important reasons companies choose locations to do business. Reliable energy is a prime consideration, when a business evaluates localities for relocation and expansion. Companies will not come here if they don't have reliable power. Let's not give the companies a reason to relocate. Let's not give them a reason to go elsewhere. | Comment acknowledged. |
| 7 | Bryce Hollingsworth | Support | Urges Colonel not to ignore silent majority including low income and others. Cannot imagine the issues that Dominion Power would face should there be a series of rolling blackouts. The economic effect will be tremendous. The effect on national defense will be felt. And if it occurs in the winter, we will have hundreds of people in low income brackets and the elderly who will face serious health concerns. | Comment acknowledged. |

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| 8 | Judy Ledbetter, Appearing on behalf of Charles City County | Support | There are only two solutions, one that runs over the James and the other that runs over the Chickahominy. SCC found the Chickahominy route was more expensive route and would have the greater impact on scenic assets, historic districts, and the environment. Skiffes crossing of James should be approved. It is the responsibility of the State through the SCC to make sitting decisions. The Corps should respect the responsibilities of the States and should approve Dominion's application. She was confident based on her participation in the SCC proceedings that the negative impact on Carter's Grove and the Captain John Smith Chesapeake National Historic Trail, are unfortunate but relatively minor. Must bow in the interest of national interest in Clean air and National Security. | Comment acknowledged. |
| 9 | Mr. John West | Support | Has firsthand knowledge of what it take to make the system work and it won't work once Yorktown is retired and nothing is done to replace the power loss. Risk of catastrophic damage must be mitigated through blackouts. When power is lost, the area will suffer a loss of safety, health, fire, home security, registration will be negatively impacted. The Surry-Skiffes Creek project is a way to solve the problem. This project is the most technologically feasible solution. Non portable line is not technologically feasible. | Comment acknowledged. |
| 10 | Garrett Nolan | Support | Concerned about power grid reliability in region. Approximately 1/2 electrical reserves on peninsula is reliant on one station – Yorktown. The station's two units produce a total of 300 MW to the peninsula. The 300 MW of power will be eliminated by April 2017 | Comment acknowledged. |

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| | | | according to Federal regulation. The Yorktown closing will follow the recent closing of the units at the Chesapeake Energy Center which provided 638 MW of power as a result of the same regulations. Stability could be in question during times of peak demand. | |
| 11 | Mark Paul | Support | Economy depends on visitors. We depend on visitors. What would happen if we don't have reliable power? Elevators, ATMs, etc., won't work. It seems like the most sensible alternative is a line across the James, the Surry Power Station. The project has already been approved by the SCC. The Virginia Supreme court upheld it and the Court said that it's a workable solution. | Comment acknowledged. |
| 12 | Roy Hallowell | Support | Significant knowledge of system needed to operate reliably. Electrically isn't a luxury. It's a necessity. There are two reasons we've gotten here: growth and environmental regulations. | Comment acknowledged. |
| 13 | Andrew Sullivan | Support | The Virginia Supreme Court supported the SCC decision. Supports project to ensure economic and job growth in Virginia. | Comment acknowledged. |
| 14 | Bob Orlando – GM Patrick Henry Mall and James City County resident | Support | Supports project in name of mall. A reliable power source is a necessity for the mall to provide a safe, comfortable and clean environment for customers. Outages lead to turning away customers which leads to lost sales. Sales hurting enough due to on-line shopping. Don't want to give people one more reason to stay home. The project proposed by Dominion is reasonable. | Comment acknowledged. |
| 15 | David Ledbetter | Support | Attended all 9 days of SCC hearing and read all documents associated with case. One concern is the October 1 st 2015, preliminary alternatives conclusions | Comment acknowledged. |

| Acknowledged Comments | | | | |
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| | | | white paper to the Corps staff, which contains incomplete and erroneous comments and statements comparing Chickahominy and Skiffes. Report of your staff seems to suggest there are more detrimental outcomes with Skiffes than Chickahominy and this isn't the case. Jan. 2013 report from Nat Park (page 25) list areas most of need in protection. 3 of 6 are in area of Chickahominy River, two in site of the alternative that is presented here as a potential feasible one. | |
| 16 | Joe Boggan | Support | Lives along the Chickahominy route. Been involved for years. Only one route makes sense. James route is the best available route for growth, development and employment, and minimizing the impact on cost and natural resources and homes. | Comment acknowledged. |
| 17 | Bill Flewelling | Support | SCC approved project and ruled that the transmission line is critical to providing reliable service. The FCC said that the proposed James River crossing is the lowest, viable alternative for addressing the identified NERC reliability violations and the Chickahominy route is \$85 million more and is 3 miles longer and would have significantly greater impacts to scenic and historic districts and the environment. Approving project supports Corps mission of responsible environmental stewards. | Comment acknowledged. |
| 18 | Valerie Adkins | Support | Opposed to Chickahominy route because she lives nearby on one acre parcel within 100 feet of the right-of-way and concerned about the health effects of living close to a power line, the value of her home, impacts to church and church cemetery. | Comment acknowledged. |

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| 19 | Dick Hubbard | Support | Security of nation and region should not be subjected to danger of uncertain and unreliable power that may lead to base realignment and/or closure. Military cannot risk having unreliable power sources and need to preserve their positive impacts on our overall economic prosperity. | Comment acknowledged. |
| 20 | Cork Powell | Support | Opposed to Chickahominy alternate line. This line would cross 3 major roads and would be within 100 feet of homes. Details impacts to the Yarmouth Creek Watershed. There are two alternatives. James has almost zero impact on conservation land. The second option is within 500 feet of over 1,200 homes and will cause damage to roughly 600 acres of woodland and wetland areas. It impacts nine conservation lands and clears over 400 acres of pristine forest, also has significant historical, wildlife, and cultural areas impacts. | Comment acknowledged. |
| 21 | Gabe Morgan, Sherriff, Newport News | Support | Core function of government to keep citizens safe. Electricity keeps safe because everything from stoplights and street lights to jails. Rotating blackouts very difficult for public safety agencies to manage. Also a problem for the military. Can't live up to our responsibility to host the military, and can't protect our military bases if we have rolling blackouts. We need reliable electricity. | Comment acknowledged. |
| 22 | Lt. Col. Jack Minicier, Corps of Engineers, retired. | Support | Oppose Chickahominy route because of negative impact (crosses 10 county roads) to County. Charles City County already hosts 1 Dominion 500 kV line that runs across the James River, spoiling the view from Lewis Park. The route also crosses the Virginia Capital Trail. Let localities that create the demand for power bear their fair share of the burden. | Comment acknowledged. |

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| 23 | Rob Coleman, served on the Newport News City Council and currently serves as the Vice Mayor. | Support | Newport News is home to the most Nationally important energy users, including the Joint Base Langley-Eustis, the Newport News shipyard, a division of Huntington Ingalls Industries, NASA Langley, and the Jefferson Laboratory. These institutions are economic drivers in Newport News area. Blackouts would result in incalculable damage to city and region as a business destination of choice. We honor the past but live in the present. We rely on electricity for all the modern conveniences. | Comment acknowledged. |
| 24 | Craig Quigley, Executive Director, Hampton Roads Military and Federal Facilities Alliance. | Support | Grow, attract and retain Federal facilities. For all of them reliable power is an expectation and those facilities could choose to go elsewhere. Without reliable power these facilities will be marked for extinction. And that would have a significant, adverse effect on the region's economy. | Comment acknowledged. |
| 25 | Steve Stinton | Support | Based on cost, time, risk and customer impact. We're facing analysis paralysis. If this is least impact to personal property, least cost, etc., this is best option. Already compromised vita of James River with other projects. | Comment acknowledged. |
| 26 | Sherri Bowman | Support | Cedar Grove Church member opposed Chickahominy route due to impact on church and cemetery. My grandmother would roll over in her grave if she thought towers would tower over her. | Comment acknowledged. |
| 27 | Ross A. Mugler, Commissioner of Revenue for the City of | Support | Electrical supply and infrastructure needed for attracting and retaining businesses. The area would not be able to compete globally, nationally, and in Virginia without reliable electricity. Lights are needed to stay on to keep the economy functioning. | Comment acknowledged. |

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| | Hampton. | | When it is determined that a project is needed to maintain the reliability and State regulators concurred, we need to do all we can to complete the remaining regulatory steps. Project is needed to ensure reliability Dominion is known for. | |
| 28 | Dustin Devore, Represents Colonial Heritage | Support | Support Corps in primary route. Acknowledges that power is important for residential, commercial, and military use. Oppose the Chickahominy route. The Chickahominy route directly impacts 1500 lower and middle class homes with many children and military retirees. James impacts are indirect. Environmental impacts of Chickahominy are extreme versus the James route. Four hundred twenty acres of pristine park destroyed versus 20 acres if the James route is selected. Over 100 acres of forests and wetlands destroyed if the Chickahominy route is chosen versus less land 1 acre if the James route is selected. | Comment acknowledged. |
| 29 | Robert Bon Giovanni, Board Director of Colonial Heritage | Support | Opposed to Chick route b/c it's longer and more expansive with more cultural and historical resources and would result in significant environmental damage. Supports James. \$180 million cost versus Chickahominy \$265 million. NERC indicates only the route that will solve reliability issues is James. Environmental impact by the proposed route is less than the Chickahominy route. Additional property, home, other direct impacts. | Comment acknowledged. |
| 30 | Rosanne Reddin | Support | Ire and indignation on federal administration that has waged war on coal. We are being forced to make a painful decision. Federal government is fighting consumer big time. Their green alternative produce minute amounts of electricity and forces us to make these types of decisions. Also detrimental impact on | Comment acknowledged. |

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| | | | jobs. You should lobby against eliminating fossil fuels. Should upgrade Surry or preserve it until coal comes back. Dominion is not the culprit. Federal government is. James river line support. | |
| 31 | Natalie Joshi, CIA Officer | Support | Loves this country. Cape Henry is where settlers first came. There are battleships there. It is not marring, but shows America's strength. Concerned about river – not view. Just concerned about health of river and what is below river. Opposed to Chickahominy route. Cares about river. Power lines are part of America and are our strength. | Comment acknowledged. USACE notes that it addresses, and will address, issues related to impacts to the river primarily under its Clean Water Act and Rivers and Harbor Act reviews prior to issuing a permit. These reviews also include a public interest review regarding whether USACE ought to issue a permit under the circumstances. |
| 32 | Joy Gibson | Support | The propose plan meets the demand with minimum impact. Support project. | Comment acknowledged. |
| 33 | Anna Van Buren, President and CEO of Fanueil | Support | Hopes those children have jobs. Has 400 employees in region. Representing Greater Peninsula now. Very concerned about reliability concerns. Up to 80 blackouts per year will leave businesses facing very difficult decision and the peninsula's economy would be hurt. Business would have to choose to either shut down when power goes or invest in expensive backup generation. Unreliable power will be a deal killer for almost all prospects and the new jobs they bring. Businesses like mine would have to think of other places to go. This option (proposed line) is the best option. The time to act is now. | Comment acknowledged. |
| 34 | Arthur Henderson | Support | It is the most economic, cost effective, practical solution to problem imposed by EPA. Project has been studied for years. Tonight we are hearing we need more studies. When those are done I'm sure | Comment acknowledged. Regarding the underground alternative, see response to Issue |

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| | | | we'll need more studies. Time to act is now. Underwater line is attractive if it doesn't cost anymore. Any additional cash will be passed on to the consumers. Refers to Kepone and if we start digging the bottom of the James we will disturb the Kepone. | Category 3. USACE notes that it addresses, and will address, issues related to impacts to the river primarily under its Clean Water Act and Rivers and Harbor Act reviews prior to issuing a permit. |
| 35 | Beth Tignor | Support | People need the power that will not be available without one of the two options before us. James line is the best solution. | Comment acknowledged. |
| 36 | Joy Trull | Support | Need this project without delay for reliable power. Can't imagine if electricity is not a constant. | Comment acknowledged. |
| 37 | Jim Funk | Support | Passionate about history – volunteers at museums. Portion of the quality of life is a reliable electrical system. Concerns about the effects that rolling blackouts would have on public safety. Supports James River route. | Comment acknowledged. |
| 38 | Daniel Shaye | Support | Support reliable power for businesses, military and homeowners but offended by marketing campaign by Dominion. Dominion sponsored ad on Facebook where public could give feedback to governor and Corps. Wanted to change the text of the [feedback] form but Dominion shut down ability of people to make changes to that form to submit anything but their own perspective. Just wanted you to know that. | Comment acknowledged. As discussed at the public meeting and made clear on USACE's website regarding its review of the project, comments may be submitted directly to USACE. |
| 39 | James Horn, President, Jamestown Rediscovery Foundation | Oppose | Testified before SCC. Disapprove some of the SCC findings. Wrote book about Jamestown. Precious place should be preserved. | Comment acknowledged. |
| 40 | Conor Sokolowsky | Oppose | Many senior citizens here are very short sighted and more concerned with the power outages and not | Comment acknowledged. |

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| | | | thinking about the impacts of this project on future generations. Why should I stay here if there are more beautiful places to live? How can business thrive if there is no one to work. Many parents are too busy or tired on Friday to attend this meeting. We've been taught that it is our duty to protect Jamestown this power line undermines this. My 9 year old sister says she would give up all her money to protect the view. | |
| 41 | Stan Bolding | Oppose | 40 years ago did peak load analysis for Dominion. 1992 bought farm in Shenandoah with easement. Dominion constructed a power line across the right-of-way and did not notify him. Then they refused to clean it up. Cost me \$50,000 of remedial work. They were arrogant and they lied. Began litigation process and doctor said can't travel to Shenandoah to participate in trial. How does Dominion justify \$50 million aircraft in corporate fleet and where do ratepayers factor in? | Comment acknowledged. |
| 42 | Daniel Schmidt | Oppose | Speaking for kids not excited about lines across James. Standing before Goliath. The underdogs in this fight are not yet born. You should watch Ken Burns: National Parks America's Best Idea. Direct quote You are the owner of some of best land in nation – they belong to you – put it in your will that children may have it too. | Comment acknowledged. |

Issue Category 1 – EIS Requested/Needed

General Response:

The USACE, the lead agency for this matter, makes the final determination on whether they require an Environmental Impact Statement (“EIS”) based on an evaluation of all of the resources that may be impacted by the project, the significance of those impacts and whether impacts may be mitigated. Under the Corps’ regulations, most permits require an Environmental Assessment (“EA”) and not an EIS. *See* 33 CFR § 230.7(a). The Corps may decide, based on its experience with similar projects and the facts and circumstances, that proceeding first with an EA is appropriate here. *See* Letter from S. Miller, Dominion, to L. Rhodes, USACE, Attachment 1, Response to Comment O (July 2, 2015), explaining the EIS decision process in further detail.

An EIS is required only when a major federal action will significantly affect the quality of the human environment. Under the National Environmental Policy Act (“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. 40 C.F.R. § 1508.27(a)-(b). When evaluating impacts to historic properties under NEPA, the permitting federal agency typically classifies 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. These categories often are linked to or correlated with the agencies’ National Historic Preservation Act (“NHPA”) § 106 evaluation of whether there are adverse impacts under 36 C.F.R. § 800.5. That evaluation 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 Cultural Resources Effects Assessment’s (“CREA”) 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.

The Corps has jurisdiction based on the Project’s proposed impacts to navigable waters, including those defined as waters of the United States. The limit of its authority over the Project under the RHA and CWA is the areas in which navigable waters are proposed to be impacted. Here, that involves permanently impacting 2,712 square feet (0.06 acres) of river bottom and 281 square feet (0.01 acres) of non-tidal wetlands, and converting 0.56 acres of palustrine forested wetlands to scrub shrub non-tidal wetlands.

The Corps’ scope of analysis under NEPA is governed by the level of federal involvement and control in a project. 33 C.F.R. pt. 325 App. B.7.b(1); 40 C.F.R. § 1508.25. Here, there is minimal federal involvement in and control over the Project. The impacts to jurisdictional waters triggering the need for the RHA and CWA permits are, as noted above, minimal and limited. There is no other federal agency involvement or control with respect to the Project. Thus, the scope of the NEPA review is limited to (a) the impacts of

the specific activity requiring the Corps permit and (b) those portions of the larger project over which USACE has “sufficient [f]ederal control and responsibility.” 33 C.F.R. pt. 325 App. B.7.b(1). Here, with the exception of the river crossing, the origin, destination, and route of Dominion’s transmission lines are not within the control and responsibility of the Corps. It is Dominion’s sources of electricity, placement of substations, destination of electricity, existing utility lines and corridors, and other siting constraints that determines potential transmission routes in uplands, not the authorized activity. Thus, beyond the impacts to the river bottom, the conversion of 0.56 acres palustrine forested wetlands to scrub shrub non-tidal wetlands is driven by the need to remove trees from the line route, the location of which is controlled by the existing right of way and Virginia State Corporation Commission decisions, not the authorized activity. Similarly, the permanent impacts to 0.01 acres of non-tidal wetlands is related to the removal and replacement of existing line towers in long-established utility lines and corridors. The Corps’ degree of control is small in light of the Project’s overall size. There is no federal funding for the Project. In light of the foregoing, among other things in record, the Corps does not have sufficient control and responsibility over any other portion of the Project except the parts for which the permits are needed. *Id.* App B.7.b(3). Thus, the scope of the Corps’ NEPA review is limited to impacts from permanently impacting 2,712 square feet (0.06 acres) of river bottom and the placement of the towers in the river, permanently impacting 281 square feet (0.01 acres) of non-tidal wetlands, and converting 0.56 acres of palustrine forested wetlands to scrub shrub non-tidal wetlands.

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. In this case there has been a thorough review of alternatives to the project as documented by the Corps. The Corps issued a preliminary white paper summarizing its analysis which is firmly supported by the record. The need for the project has been clearly demonstrated by requisite computer models. Only the proposed Surry – Skiffes Creek crossing and the Chickahominy route will meet the project purpose and needs. Dominion has provided an updated analysis showing the continued need after the latest PJM load forecasts and PJM has confirmed the continuing need and that the proposed James River Crossing is the best alternative to meet that need. An EIS will not improve upon that alternatives analysis.

Effects from the project have also been carefully identified, evaluated and documented. These effects include those on identified historic properties on which the Corps and the State Historic Preservation Officer concur. Mitigation is being offered to address these impacts. In addition, the Corps has consulted with the National Marine Fisheries Service and the United States Fish and Wildlife Service and other agencies to develop permit conditions to avoid or minimize impacts on the environment. Because alternatives have been carefully vetted, and direct, indirect and cumulative impacts have been identified, evaluated, and documented; an EIS would offer no additional information necessary for the Corps decision making process required by law. Thus an EIS is unnecessary.

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 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 floating 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 floating 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 be the environmental

counterpart to the “heckler’s veto” of First Amendment law.

Id. at 451.¹

Thus, as *River Road Alliance* makes clear, the decision whether to conduct an EA or EIS remains in the sole, and sound discretion of USACE. If pursuant to an EA an agency determines that no significant environmental impacts will occur, it may issue a finding of no significant impact (“FONSI”) and an EIS is not required. 40 C.F.R. §§ 1501.4(e), 1508.13. In evaluating whether a FONSI is appropriate, an agency may consider the mitigation that an applicant will undertake and determine that the federal action, as mitigated, does not rise to the level of significance. The Corps NEPA regulations expressly provide that section 404 permits “normally require only an EA.” 33 C.F.R. § 230.7(a).

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| 1 | Elizabeth Kostelny, Preservation Virginia CEO | Oppose | Need to protect both the James River and Chickahominy. VDOT abandoned plans for bridge. Property owners dedicated protective easements along the riverfront. Ensured future generations can enjoy history. Have been stewards of Jamestown. \$56 million of Federal, State, local, and private funds were invested in new facilities, interpretive with youth and research. Should conduct environmental impact statement to fully evaluate alternatives that protect the James River. | See response to Issue Category 1. The expenditures to protect the majority of land in the project area have and will serve to limit if not avoid cumulative impacts. |
| 2 | Mike Caldwell, Regional Director, National Parks Service, NE region. | Oppose | Risk to history. A four-mile transmission line across the James River with 17 towers in view of Jamestown, Carter’s Grove, Captain John Smith Chesapeake National Historic Trail should not be constructed. Permanently marring the landscape of a national treasure comes at an enormous cost, and creates an unacceptable result. | See response to Issue Categories 1 and 2. Environmental assessment has resulted in hard look at historical and other impacts. EIS would serve no further purpose. |

¹ 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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| | | | Urge use of environmental impact statement to ensure protecting our heritage. | |
| 3 | Regan Gifford, Chesapeake Conservancy | Oppose | Highlights historical resources, parks, etc. The segment of the James was named America's Founding River by the 110 th session of the U.S. House of Representatives and the portion of the James Smith Trail has been deemed eligible for listing on the National Register of Historic Places. Jamestown, Colonial National Historic Parkway, and Carter's Grove are also found here. The towers would diminish the integrity of these resources and mar the view shed of John Smith Trail. These structures will be visible from each of these sites. Suggests environmental impact statement. | See response to Issue Categories 1 and 2. |
| 4 | Justin Serefin | Oppose | Concerned about the potential negative effects of this alternative. Quotes Governor – 413,000 visitors in 2014, a 7.2 percent increase over 2013. In September the Governor announced that tourism revenue topped \$22.4 billion. In 2014, tourism supported 217,000 jobs, which makes the travel industry the 5 th largest private employer in VA. The tourist industry also provided \$1.5 billion in state and local revenue. Supports finding an alternative for reliable power. Both James and Chickahominy are unacceptable. Suggests undertaking environmental impact statement to assess all options. | See response to Issue Categories 1 and 5. |

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| 5 | Robert Nieweg, National Trust for Historic Preservation. | Oppose | Opposes the Chickahominy and James river routes. Concerned about the permanent harm of the James River route on historic resources. Concerned about the Federal review process. Dominion concluded that 17 towers will have minimal impact on historical place. The scare tactics of rolling blackouts and putting Chickahominy neighbors against James neighbors is not helpful to the decision making. Asks for EIS. | See response to Issue Categories 1 and 6. |
| 6 | Mark Perreault, President of Citizens for Fort Monroe National Park | Oppose | Fort Monroe Park National Monument – key asset is view (wild and unbroken) nearby except for the Thimble Shoal light and the many ships entering the Hampton Roads Harbor. That’s why so many visit. Park will become giant tourism engine and will diversify the economy of region. We need to attract more businesses in the future. Request EIS to be performed very critically of data submitted by Dominion. | See response to Issue Categories 1 and 2. |
| 7 | Leighton Powell, Scenic Virginia | Oppose | Oppose James citing because of irreparable damage it will inflict under the designated Virginia scenic river. Also oppose the Chickahominy route. The proposed project is sited within the boundaries of a historic scenic river. Colonial Parkway was designated a national scenic byway and an all-American road. Wants EIS. | See response to Issue Categories 1 and 2. |
| 8 | Pam Goddard, National Parks | Oppose | Concerned about impacts to parks and ability of people to enjoy them. Can’t believe Dominion can’t find better | See response to Issue Categories 1, 2, and 3. |

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| | Conservation Association | | solution to the energy needs. Wants EIS. Find a route that will not damage national and historic resources, both at Jamestown and Chickahominy. | |
| 9 | Jim Zinn, Save the James Alliance | Oppose | Encourages Corps to trust but verify. Dominion has told all audiences that the EPA regulations will cause it to close Yorktown. The commentator accepts it with the understanding that rules can change. The plan for the proposed line is Dominion's own computer modeling. Encourage EIS, and use outside consultants to figure out what the power needs are. | See response to Issue Category 1. Regarding the comment encouraging study of the power needs, Dominion must meet the reliability standards set forth by NERC. Power flow modeling is necessary to determine whether a particular alternative can meet the required reliability factors. This modeling has been complete, <i>see</i> "Surry-Skiffes Creek-Wheaton Modeling and Alternatives Analysis Review," and the project is necessary to meet the reliability standards. |
| 10 | Victoria Gussman | Oppose | Wants to enter into record a panorama photo into record of beautifully unobstructed view of John Smith Trail where the power line is supposed to cross. The proposal to cross the James causes an irreversible impact. EIS is warranted and the Corps needs to perform an independent analysis of alternatives, including phasing the expansion of the electrical, increase in electrical capacity, to allow for smaller solutions to be constructed initially, underwater. | See response to Issue Categories 1, 2, 3, and 7. |
| 11 | Sharee Williamson, National Trust Preservation | Oppose | An alternate route must be identified. Need a different solution to meet the power needs and preserve landscape around Jamestown and John Smith Trail. Chickahominy route is also unacceptable. | See response to Issue Categories 1, 2, and 3. |

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| | | | A technical solution can be found. The proposed line would change the experience of visitors to the area. Hikers on the John Smith Trail would have to pass under the lines and travelers along the Colonial Parkway would be greeted by a view of transmission towers with blinking lights. The impacts would be permanent. Federal law allows for environmental impact study to find solution, the preparation of an EIS. Dominion should get started immediately and find a solution. | |
| 12 | Ed Chappell | Oppose | Opposes both the James and Chickahominy routes. There are reasonable alternatives to both these routes. Shareholder of Dominion. Wants Dominion to think outside the box. Requests EIS. | See response to Issue Categories 1 and 3. |
| 13 | Jamie Brunkow, James River Association | Oppose | Encouraged Dominion for years to seek other alternatives to these two routes. The proposed line would have vast impacts to these resources. Will permanently scar the most historical section of the most historic river in the country. Dominion has a responsibility to protect the resource for generations to come. The Corps should ensure that the viewscape, endangered species, and historical sites are not sacrificed for the sake of a new power plant. Encourages the Corps to undertake an EIS. | See response to Issue Categories 1, 2, 3, and 4. |

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| 14 | David Trichler | Oppose | Wants EIS – not being able to cross the line is a fumble. We have to push a little further for a better idea. | See response to Issue Category 1. |
| 15 | Gabriel Morey | Oppose | Tourists visit Colonial Williamsburg, Yorktown, and Jamestown for the history. Not just the history anymore, tourist ride their bikes, paddle, fish, kayak and see eagles on river. We're all favor of reliable power. Economy in this area is built on tourism. Line will drive stake throughout the heart of our tourist economy and future generations would not be able to access these valued natural and historic resources. Wants EIS and consideration of all alternatives. | See response to Issue Categories 1 and 5. |
| 16 | James Reinburg, Atlantic Heritage | Oppose | Please don't mess up our stuff. Jamestown is important to the South, the Country, the world. Project is fueled by lack of imagination, planning or patience, or creativity. Here we are having to defend this place. Please do right thing by carrying out EIS. Ask for another hearing on South Side of James in Surry County to get a more diverse opinion, a rural opinion. | See response to Issue Category 1. Regarding an additional public hearing, based on the comments received following the numerous public notices, and numerous consulting party meetings (which also are open to the public), and those received at the public meeting on October 30, 2015, USACE believes that an addition public hearing is not warranted. USACE is not aware that members of the public on the south side of the James River have had difficulty participating in this permitting process, and the commenter has not provided any information suggesting it. |
| 17 | Victoria Wertman | Oppose | Asks for EIS for independent verification. Dominion has so much money. They can run ads. They don't have to be blackouts. Closing Yorktown is a business decision. | See response to Issue Categories 1, 3 and 6. |

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| | | Figure out better solution. | |
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Issue Category 2 – Visual Impacts

General Response:

As summarized in the lists of historic properties in the Area of Potential Effect, most of those properties will not be adversely affected by the Project. Of the properties that will be adversely affected, those adverse effects are the result of visual impacts. Those effects are evaluated in the Cultural Resources Effects Assessment, Surry-Skiffes Creek-Wheaton Transmission Line Project, Surry, James City, and York Counties, Cities of Newport News and Hampton, Virginia (the “CREA”), and simulations of the impacts to historic properties are provided in the Surry Interactive Simulation available on the Corps website (“Visual Effects Assessment”). Thus, the visual impacts to these resources have been considered and documented. Photographs of similar transmission lines near the James river Bridge show the simulations to be representative and accurate. In response to comments, an additional view shed analysis was conducted in an expanded Area of Potential Impact, which is an addendum to the Visual Effects Assessment. These reviews show that, generally, the impacts to the view sheds are minimal or non-existent.

While it is not known exactly what the commenter believes “damage” to the views means, Dominion assumes it means an adverse effect. As set forth in the Visual Effects Assessment, the Corps agrees with the comments that the proposed project would have an adverse visual effect on Jamestown Island, Colonial Parkway, and Carter’s Grove. The Corps also concluded that there will be an adverse visual effect on Hog Island Wildlife Management Area, the Eligible Historic District (including the Captain John Smith Chesapeake National Historic Trail as a contributing element of the district), the Battle of Yorktown, and Fort Crafford. The Corps’s analysis is thorough and based on comprehensive view shed simulations, and consultation with the Virginia State Historic Preservation Officer, the Advisory Council on Historic Preservation, other consulting parties, and the public. A generalized claim of damage does not provide the Corps any reason to change its conclusions. For properties for which there is an unavoidable adverse effect determination, the Corps currently is consulting with the consulting parties on ways to mitigate for those effects. *See* Letter from S. Miller, Dominion, to L. Rhodes, USACE , Attachment 1, Response to Comments F, G (July 2, 2015).

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| 1 | Mike Caldwell, Regional Director, National Parks Service, NE region. | Oppose | Risk to history. A four-mile transmission line across the James River with 17 towers in view of Jamestown, Carter’s Grove, Captain John Smith Chesapeake National Historic Trail should not be constructed. Permanently marring the landscape of a national treasure comes at an enormous cost, and creates an unacceptable result. Urge use of environmental impact statement to ensure | See response to Issue Categories 1 and 2. |
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| Issue Category 2 – Visual Impacts | | | | |
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| | | | protecting our heritage. | |
| 2 | Dr. William Kelso – archeologist | Oppose | Construction ignores and will directly and indirectly damage the national and international historical value of river near Jamestown. Will sever landscape visually. Value of uninterrupted visual landscape. We're dependent on electricity but it does not mean that the impact to the landscape needs not to be done indiscriminately, especially where it would seriously impact one of the few sacred, historical landscapes in the country. | See response to Issue Category 2. <i>See</i> CREA (September 15, 2015). |
| 3 | Regan Gifford, Chesapeake Conservancy | Oppose | Highlights historical resources, parks, etc. The segment of the James was named America's Founding River by the 110 th session of the U.S. House of Representatives and the portion of the John Smith Trail has been deemed eligible for listing on the National Register of Historic Places. Jamestown, Colonial National Historic Parkway, and Carter's Grove are also found here. The towers would diminish the integrity of these resources and mar the view shed of the John Smith Trail. These structures will be visible from each of these sites. Suggests environmental impact statement. | See response to Issue Categories 1 and 2. <i>See</i> CREA regarding review of potential historical and viewshed impacts. |
| 4 | Mark Perreault, President of Citizens for Fort Monroe National Park | Oppose | Fort Monroe Park National Monument – key asset is view (wild and unbroken) nearby except for the Thimble Shoal light and the many ships entering the Hampton Roads Harbor. That's why so many visit. Park will become giant tourism engine and will diversity economy of region. We need to attract more businesses in the future. Request EIS to be performed very critically of data submitted | See response to Issue Categories 1 and 2. Fort Monroe National Monument is located well outside of the Indirect APE, and thus, was not identified as a property, historic or otherwise, that would be directly or indirectly impacted |

| Issue Category 2 – Visual Impacts | | | | |
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| | | | by Dominion. | by the project in any way. Based solely on the commenter’s comments, if anything, a loss or delay of reliable electricity to, or rolling blackouts in, the NHRLA would result in less tourism to the Fort, which could reduce its role as a “giant tourism engine”, as the commenter suggests. |
| 5 | Leighton Powell, Scenic Virginia | Oppose | Oppose James citing because of irreparable damage it will inflict under the designated Virginia scenic river. Also oppose the Chickahominy route. The proposed project is sited within the boundaries of a historic scenic river. Colonial Parkway was designated a national scenic byway and an all-American road. Wants EIS. | See response to Issue Categories 1 and 2. |
| 6 | Pam Goddard, National Parks Conservation Association | Oppose | Concerned about impacts to parks and ability of people to enjoy them. Can’t believe Dominion can’t find better solution to the energy needs. Wants EIS. Find a route that will not damage national and historic resources, both at Jamestown and Chickahominy. | See response to Issue Categories 1, 2, and 3. |
| 7 | Gary Cusack | Oppose | Opposed to Chickahominy and overhead James line. They would be an eye sore. Would like to see the proposed line constructed under the James. Also encourages conversion of Yorktown to natural gas. | See response to Issue Categories 2 and 3. |
| 8 | Peter Armour | Oppose | Fatal flaw in Dominion’s application – error in above versus underground cost calculation. They assume no mitigation costs and that ruining view is free. Dominion should either propose an option that does not harm a public asset or a form that is unavoidable. One that provides mitigation to | See response to Issue Categories 2 and 3. The underground alternative is not technically feasible for a 500 kV line. |

| Issue Category 2 – Visual Impacts | | | | |
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| | | | offset or minimize the visual harm to the river. Dominion could have radically more aesthetic towers or figure out a way to use existing bridges. What is the burden of the highest cost underwater option? \$3.00 per person (customer) per year is not too much burden. | |
| 9 | Victoria Gussman | Oppose | Wants to enter into record a panorama photo into record of beautifully unobstructed view of John Smith Trail where the power line is supposed to cross. The proposal to cross the James causes an irreversible impact. | See response to Issue Categories 1, 2, 3, and 7. |
| 10 | Sharee Williamson, National Trust Preservation | Oppose | An alternate route must be identified. Need a different solution to meet the power needs and preserve landscape around Jamestown and James Smith trail. Chickahominy route is also unacceptable. A technical solution can be found. The proposed line would change the experience of visitors to the area. Hikers on the John Smith Trail would have to pass under the lines and travelers along the Colonial Parkway would be greeted by a view of transmission towers with blinking lights. The impacts would be permanent. Federal law allows for environmental impact study to find solution, the preparation of an EIS. Dominion should get started immediately and find a solution. | See response to Issue Categories 1, 2 and 3. <i>See also</i> CREA regarding potential impacts nearby historic properties, which includes the Colonial National Historic Park. USACE began its review of potential impacts to the landscape and historic properties in the area and potential alternatives over two years ago. |
| 11 | Jamie Brunkow, James River Association | Oppose | Encouraged Dominion for years to seek other alternatives to these two routes. The proposed line would have vast impacts to these resources. Will permanently scar the most historical section of the most historic river in the country. Dominion has a responsibility to protect the resource for generations to come. The Corps should ensure | See response to Issue Categories 1, 2, 3, and 4. <i>See also</i> CREA regarding potential impacts nearby historic properties, which includes the Colonial National Historic Park. |

| Issue Category 2 – Visual Impacts | | | | |
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| | | | that the viewscape, endangered species, and historical sites are not sacrificed for the sake of a new power plant. Encourages the Corps to undertake an EIS. | |
| 12 | Sonja Filipczak | Oppose | New to area from New Jersey must consider degree of service that already exists, uniqueness of resources (hard to do), threat of future disturbances. James River is a unique resource. Implore you to reconsider. This plan is convenient for Dominion Power. Should Dominion's customer's simple pleasures in life be stripped away for a plan that is convenient for Dominion. | See response to Issue Categories 2 and 7. USACE notes that it currently is in the process of reviewing all information related to potential project impacts, both positive and negative, and had not made any final decisions. Therefore, it has no decision it could reconsider. |
| 13 | Alex Kappel | Oppose | Loves James River and goes almost every day to enjoy the vista. It's a magical thing to imagine this is the same exact view the settlers saw. Concerned about environmental impact. If more people my age were here, you would hear very different story. Urges the Corps to find an innovation with a more respectful solution and do not put the lines up. | See response to Issue Categories 2 and 3. |

Issue Category 3 - Alternatives

General Response:

The Alternatives to the Project were summarized in the Corps White Paper (Oct. 1, 2015), Stantec's Alternatives Analysis (received by the Corps Nov. 7, 2014 and additional materials provided Dec. 19, 2014, and Jan. 8, 2015, December 15, 2015, February 1, 2016, and February 10, 2016), and Revised Table 3.1 (received by the Corps Jan. 15, 2015). The Chickahominy – Skiffes Creek 500 kV alternative met the Project's purpose and need, however, the environmental impacts (including impacts to aquatic resources) associated with this alternative were significantly greater than those for the proposed Surry – Skiffes Creek route. The other alternatives to the Project were determined not to meet the Project's need or purpose. *See* Alternatives Analysis (November 6, 2014), Revised Alternatives Analysis (January 1, 2015), including revised Table 3.1, and USACE Preliminary Alternatives Conclusions White Paper (October 1, 2015). Need for the Project has been established through power flow models, which were also used to evaluate the alternatives.

With regards to burying the transmission lines, that alternative presents reliability and operational concerns. Other issues concerning this alternative include routing and siting constraints, land acquisition requirements, cost, increased environmental and cultural impacts and time constraints. Corps White Paper (Oct. 1, 2015), Stantec's Alternative Analysis (received by the Corps Nov. 7, 2014 and additional materials provided Dec. 19, 2014 and Jan. 8, 2015, December 15, 2015, February 1, 2016, and February 10, 2016), Revised Table 3.1 (received by the Corps Jan. 15, 2015), and Letter from S. Miller, Dominion, to L. Rhodes, USACE, Attachment 1, Response to Comment B (July 2, 2015).

Regarding increasing the capacity of the existing lines that currently serve the Peninsula, neither of these alternatives met the project's purpose or need. Dominion considered rebuilding the 214/263 230 kV James River Bridge Crossing, building of a new 15.4 mile long transmission line along new or expanded right-of-way ("ROW") between the Chuckatuck and Whealton Substations (Chuckatuck – Newport News 230 kV Line), constructing a new 500 kV line, adjacent to the US Highway 17 James River Bridge from Surry to Whealton (Surry – Whealton 500 kV Line), and constructing a new overhead 500 kV line along the existing Lanexa corridor (Chickahominy – Lanexa 500 kV). It was determined that the 214/263 230 kV James River Bridge Crossing, the Chuckatuck – Newport News 230 kV Line and the Chickahominy – Lanexa 500 kV resulted in NERC violations. The Surry – Whealton 500 kV Line would eliminate the ability to construct an additional 500 kV line from Surry at any point in the future which is irresponsible and not a practicable alternative. *See* Corps White Paper (Oct. 1, 2015), Stantec's Alternatives Analysis (received by the Corps Nov. 7, 2014 and additional materials provided Dec. 19, 2014 and Jan. 8, 2015), Revised Table 3.1 (received by the Corps Jan. 15, 2015); and Letter from S. Miller, Dominion, to L. Rhodes, USACE, Attachment 1, Response to Comment C (July 2, 2015).

Issue Category 3 - Alternatives

Regarding comments suggesting the Yorktown Units generate energy using natural gas, the Corps White Paper (Oct. 1, 2015), Stantec's Alternative Analysis (received by the Corps Nov. 7, 2014 and additional materials provided Dec. 19, 2014 Jan. 8, 2015, December 15, 2015, February 1, 2016, and February 10, 2016), Revised Table 3.1 (received by the Corps Jan. 15, 2015), and Letter from S. Miller, Dominion, to L. Rhodes, USACE, Attachment 1, Response to Comment E (July 2, 2015), explained that there is currently not a sufficient gas supply to support year-round operation of gas-fired generation at Yorktown and significant expansion of the regional gas supply would be required. Currently, the region does not have adequate infrastructure to support this expansion and there is no certainty when this infrastructure may be in place. Dominion considered retrofitting the Yorktown Units. However, upgrades to the Units to become compliant with Mercury Air Toxic Standards (MATS) was estimated to cost over \$1 billion. Furthermore, additional projects will be needed before 2019 to avoid NERC violations. *See* Corps White Paper (Oct. 1, 2015), Stantec's Alternative Analysis (received by the Corps Nov. 7, 2014 and additional materials provided Dec. 19, 2014 and Jan. 8, 2015, December 15, 2015, February 1, 2016, and February 10, 2016),

Regarding running the line under the James River Bridge, the Corps White Paper, Revised Alternatives Analysis and the revised Table 3.1 evaluated this alternative and concluded that this alternative does not meet the Project's purpose or need due to the significant cost, electrical violations likely to occur and inability to construct the transmission plus generation alternative within the required timeframe. *See* Letter from S. Miller, Dominion, to L. Rhodes, USACE, Attachment 1, Response to Comment C (July 2, 2015).

New Generation options throughout the area were also considered. For example, Dominion considered combined-cycle, combustion turbine, coal generation, biomass, wind and solar. Standalone generation needed to comply with NERC was estimated around \$1.3 billion. It was also found that standalone generation would also face siting, permitting and construction timeline constraints. *See* Corps White Paper (Oct. 1, 2015), Stantec's Alternative Analysis (received by the Corps Nov. 7, 2014 and additional materials provided Dec. 19, 2014 and Jan. 8, 2015, December 15, 2015, February 1, 2016, and February 10, 2016),

Several combinations of retrofitting, repowering and retirement combined with transmission construction were also evaluated. None of these resolved NERC violations. Corps White Paper (Oct. 1, 2015), Stantec's Alternative Analysis (received by the Corps Nov. 7, 2014 and additional materials provided Dec. 19, 2014 and Jan. 8, 2015), and Revised Table 3.1 (received by the Corps Jan. 15, 2015).

The Corps White Paper also addressed reconfiguring the existing network with High Tension Low Sag ("HTLS") conductors and found that the use of HTLS conductors would require the majority of 230kV-115kV systems in the NHRLA to be upgraded. Use of HTLS conductors on the Surry-Skiffes Creek-Wheaton 500 kV Overhead (Dominion's Preferred Alternative) pose no reduction in the number of towers needed to cross the James River.

| Issue Category 3 - Alternatives | | | | |
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| Demand Side Management (“DSM”) was also considered. However, DSM is already included in transmission planning and additional amounts cannot be assumed to be available to address NERC reliability. <i>See</i> Corps White Paper (Oct. 1, 2015), Stantec’s Alternative Analysis (received by the Corps Nov. 7, 2014 and additional materials provided Dec. 19, 2014, Jan. 8, 2015, December 15, 2015, February 1, 2016, and February 10, 2016). | | | | |
| 1 | Robin Church | Oppose | Wants underground DC direct line like in Long Island what goes into New York Harbor at 500 kV. Provides 20% power Long Island since 2007. Requests cost difference from 500 kV AC overhead versus 500 kV DC underwater. | <i>See</i> Response to Issue Category 3. The cost of the proposed project is approximately \$178.7 million, whereas the estimated cost of the 500 kV underwater (HVDC) is approximately \$700 million - \$1 billion. <i>See</i> revised Table 3.1 (received by the Corps January 15, 2015). |
| 2 | Joy Oaks, National Parks Conservation Association | Oppose | We can do better than this. Dominion won’t unless you make them do better. Corps responsibility is to require a more thorough analysis of the options and preserve the historic resources for future generations. The options on the table are two horrible options. Devastating transmission lines and blackouts. What about bringing up the existing four power lines that currently serve the peninsula. | <i>See</i> Response to Issue Category 3. |
| 3 | Mr. Jack Gary – President of the Council of Virginia Archeologists | Oppose | This area is archeology ground zero. Mitigating the effects on historical resources, particularly | <i>See</i> Response to Issue Categories 3 and 7. |

| Issue Category 3 - Alternatives | | | | |
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| | | | the effect on the view shed along the proposed project route is difficult, if not impossible. Would like to see studies done to determine the adverse effects on historic resources along the alternative routes. Urges the Corps and Dominion to choose options that will do the least damage. Will need more studies to determine the options that do the least damage. | |
| 4 | Bruce Goodson, former chairman of the James City County Board of Supervisors | Oppose | The reason we are in this situation is Dominion's decision not to retool Yorktown power station to the current air quality standards. The proposed line is the most cost effective but will not protect the historic integrity of the James. Demand that Dominion bring you a project that provides the energy needs of the peninsula without the negative impacts of this project. Similar to decision to reject plans to replace the Jamestown Scotland Ferry with a high rise bridge. | See Response to Issue Categories 3 and 6. |
| 5 | William Fox | Oppose | House Resolution 16, 110 th Congress (2207) deemed the James River America's founding river. Many groups | See Response to Issue Category 3. The Hudson River Project is a Direct Current Line, not Alternating Current. DC alternative was |

| Issue Category 3 - Alternatives | | | | |
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| | | | oppose project on historical and view shed grounds. Hudson project 333 miles line underground and underwater recently approved by the Corps. This 1000 MW plant will have no towers along its route. We can do better than running this line across James. | considered, but rejected due to lack of space for converters and cost. |
| 6 | Laura Brunson | Oppose | Surprised that so many people are supportive. Dominion has done a great job instilling fear of blackouts. Sad about putting up god awful towers on the James River. Moved here because of rivers. Towers are going to be so ugly. I don't want to live in dark. Dominion has to come up with a different solution. They are a smart company, I'm sure they can come up with something else. Colonial Williamsburg power is underground so they should do the same here. | <i>See Response to Issue Category 3.</i> |
| 7 | Heather Cordoasci | Oppose | Knocked on 6,000 doors and talked to many residents. I've done my research. Understands that EPA decisions have resulted in these power lines. Behind California we're second state for importing power. Also | <i>See Response to Issue Categories 3 and 6.</i> |

| Issue Category 3 - Alternatives | | | | |
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| | | | know that Corps carries “the greatest weight.” Want to consider converting Yorktown to gas in light of ACP to provide reliable power. Grove and Kingsmill residents are concerned. Also concerns about health concerns about switching station. | |
| 8 | Dan Millison | Oppose | Power went out a couple of days ago. Works on financing of similar projects in other countries. There is a third alternative that hasn’t been adequately explored by Dominion. They can upgrade current 115 kV and 230 kV lines coming into the peninsula from the northwest using advanced 21 st century conductor technology. Don’t see need for 500 kV. Could cover retirements and reliability concerns at lower cost and lower impact. Provided extensive comments to Corps and Dominion. | <p><i>See Response to Issue Category 3.</i></p> <p>Dominion has provided information in response to suggestion of low sag conductors and why they will not solve NERC reliability.</p> |
| 9 | Anne Odle | Oppose | Wants the Corps to research underground and underwater alternatives. President Herbert signed a proclamation in 1930 creating the Colonial Historic | <i>See Response to Issue Category 3.</i> |

| Issue Category 3 - Alternatives | | | | |
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| | | | Monument. This was intended to leave Colonial Parkway, Jamestown, and along the James River free of modern distractions. These towers are modern distractions. | |
| 10 | Jamie May | Oppose | Critical of Friday night meeting, propaganda of Dominion and corruption of public officials. Concerned that Dominion's advertising is designed to sway public opinion and the governors are paying Dominion to act against the public interest. This commenter stated that she can't buy the argument that it's too expensive to construct an underwater line. The commenter wonders why the technology does not exist in 2015 to bury the line. | <p><i>See</i> Response to Issue Categories 3 and 7.</p> <p>Regarding the timing of a public meeting, in USACE's experience some portion of the public has an issue with the timing of public meeting regardless of what day of the week and what time they are held. As such, USACE seeks to pick times that, in its experience, have proved the most accessible to members of the public. This typically is in the evening after normal business hours. Regarding what day of the week a meeting is, USACE has found that the public prefers weekdays, as opposed to weekends, but has not found any particular weekday more or less accessible. To maximize public attendance, USACE provides advance notice of public meetings so as to allow the public to plan on attending, should they so desire.</p> |
| 11 | Robert Nieweg, National Trust for Historic | Oppose | Opposes the Chickahominy and James river routes. Concerned | <i>See</i> Response to Issue Categories 1, 3, and 6. |

| Issue Category 3 - Alternatives | | | | |
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| | Preservation. | | about the permanent harm of the James River route on historic resources. Concerned about the Federal review process. Dominion concluded that 17 towers will have minimal impact on historical place. The scare tactics of rolling blackouts and putting Chickahominy neighbors against James neighbors is not helpful to the decision making. Asks for EIS. | |
| 12 | Gayle Randol | Oppose | For 100 years we've successfully prevented bridge being built within the view shed of Jamestown Island. Now we have Dominion wanting to put towers across the James. Supreme Court ruled MATS null and void. Inexcusably, the Corps has ignored this decision. The rule was remanded to DC. Until EPA proposes a new rule, the rule affecting Yorktown Units 1 and 2 is void. Closing any unit at the plant is unnecessary. Dominion will have ability to deliver gas to these units. They should re-evaluate if new transmission line is even needed. | See Response to Issue Categories 3 and 6. |

| Issue Category 3 - Alternatives | | | | |
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| 13 | Pam Goddard, National Parks Conservation Association | Oppose | Concerned about impacts to parks and ability of people to enjoy them. Can't believe Dominion can't find better solution to the energy needs. Wants EIS. Find a route that will not damage national and historic resources, both at Jamestown and Chickahominy. | <i>See Response to Issue Categories 1, 2 and 3.</i> |
| 14 | Gary Cusack | Oppose | Opposed to Chickahominy and overhead James line. They would be an eye sore. Would like to see the proposed line constructed under the James. Also encourages conversion of Yorktown to natural gas. | <i>See Response to Issue Categories 2 and 3.</i> |
| 15 | Robert Stephens | Oppose | Question putting James line and Chick line neighbors against one another. Came here from industrialized New Jersey turnpike because it is pristine here. People who interconnect Norway and Brittan – says can easily put lines underwater that won't affect boats, environment, etc. Don't understand why we aren't considering that option. Doesn't want to live near NJ turnpike. | <i>See Response to Issue Category 3.</i> |
| 16 | Peter Armour | Oppose | Fatal flaw in Dominion's application – error in above | <i>See Response to Issue Categories 2 and 3.</i> |

| Issue Category 3 - Alternatives | | | | |
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| | | | <p>versus underground cost calculation. They assume no mitigation costs and that ruining view is free. Dominion should either propose an option that does not harm a public asset or a form that is unavoidable. One that provides mitigation to offset or minimize the visual harm to the river. Dominion could have radically more aesthetic towers or figure out a way to use existing bridges. What is the burden of the highest cost underwater option? \$3.00 per person (customer) per year is not too much burden.</p> | |
| 17 | Victoria Gussman | Oppose | <p>Wants to enter into record a panorama photo into record of beautifully unobstructed view of John Smith Trail where the power line is supposed to cross. The proposal to cross the James causes an irreversible impact. EIS is warranted and the Corps needs to perform an independent analysis of alternatives, including phasing the expansion of the electrical, increase in electrical capacity, to allow for smaller solutions to be constructed initially,</p> | <p><i>See Response to Issue Categories 1, 2, 3, and 7.</i></p> |

| Issue Category 3 - Alternatives | | | | |
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| | | | underwater. | |
| 18 | Sharee Williamson, National Trust Preservation | Oppose | An alternate route must be identified. Need a different solution to meet the power needs and preserve landscape around Jamestown and James Smith trail. Chickahominy route is also unacceptable. A technical solution can be found. The proposed line would change the experience of visitors to the area. Hikers on the John Smith trail would have to pass under the lines and travelers along the Colonial Parkway would be greeted by a view of transmission towers with blinking lights. The impacts would be permanent. Federal law allows for environmental impact study to find solution, the preparation of an EIS. Dominion should get started immediately and find a solution. | <i>See</i> Response to Issue Categories 1, 2, and 3. |
| 19 | Ed Chappell | Oppose | Opposes both the James and Chickahominy routes. There are reasonable alternatives to both these routes. Shareholder of Dominion. Wants Dominion to think outside the box. Requests EIS. | <i>See</i> Response to Issue Categories 1 and 3. |

| Issue Category 3 - Alternatives | | | | |
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| 20 | Jamie Brunkow, James River Association | Oppose | Encouraged Dominion for years to seek other alternatives to these two routes. The proposed line would have vast impacts to these resources. Will permanently scar the most historical section of the most historic river in the country. Dominion has a responsibility to protect the resource for generations to come. The Corps should ensure that the views cape, endangered species, and historical sites are not sacrificed for the sake of a new power plant. Encourages the Corps to undertake an EIS. | <i>See</i> Response to Issue Categories 1, 2, 3, and 4. |
| 21 | Alex Kappel | Oppose | Loves James River and goes almost every day to enjoy the vista. It's a magical thing to imagine this is the same exact view the settlers saw. Concerned about environmental impact. If more people my age were here, you would hear very different story. Urges the Corps to find an innovation with a more respectful solution and do not put the lines up. | <i>See</i> Response to Issue Categories 2 and 3. |
| 22 | Victoria Wertman | Oppose | Asks for EIS for independent verification. Dominion has so much money. They can run | <i>See</i> Response to Issue Categories 1, 3, and 6. |

| Issue Category 3 - Alternatives | | | | |
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| | | | ads. They don't have to be blackouts. Closing Yorktown is a business decision. Figure out better solution. | |

Issue Category 4 – Impacts to Species

General Response:

Regarding protected species in the river, formal consultation under the Endangered Species Act is not required if the National Marine Fisheries Service (“NMFS”) concurs with a finding of “Not Likely to Adversely Affect.” USACE coordination with NMFS has been ongoing concerning effects to the Atlantic sturgeon. On April 16, 2014, NMFS completed its informal consultation with the USACE regarding the proposed Project, concurring with USACE that the Project and USACE’s issuance of the permit was “not likely to adversely affect” species listed under the Endangered Species Act. In July 2014, NMFS re-affirmed that conclusion and found that re-initiation of informal consultation was not necessary related to potential project phasing. On June 10, 2015, USACE re-initiated consultation with NMFS. In an email to USACE dated June 23, 2015, NMFS provided several best management practices (“BMPs”) that if implemented, could allow for NMFS to concur that effects to the sturgeon would be insignificant or discountable. These BMPs included time of year restrictions and use of bubble curtains during pile driving activities to attenuate noise. Dominion has agreed to implement these measures and communicated this to USACE. USACE submitted a follow-up letter to NMFS on November 25, 2015 and also submitted additional information on December 17 and 29, 2015 in order to consider changes to the Project and provide new information about listed species in the action area. After re-consideration, in a lengthy, thorough analysis set forth in a January 28, 2016 letter, NMFS agreed with the USACE that re-initiation of informal consultation was appropriate, and concluded that the changes to the Project and other new information did not change its conclusion that it concurs with USACE that the Project and USACE’s issuance of the permit for it is “not likely to adversely affect” the Atlantic sturgeon. NMFS also concurred with USACE that the Project and USACE’s issuance of the permit would have no effect on sea turtles because they are not expected to be present in the vicinity of the Project as the turtles *may* move into the lower James near the confluence with the Chesapeake Bay, but that area is 30 miles downstream from the Project.

Regarding impacts to protected species on land, USACE is in informal consultation with USFWS and is also coordinating with the NPS. *See* Letter from S. Miller, Dominion, to L. Rhodes, USACE, Attachment 1, Response to Comment Q (July 2, 2015) (explaining that “coordination efforts remain ongoing updated information will be provided when available”). USACE will incorporate the results of this consultation and coordination into its review of the permits. Further, USACE anticipates that wetlands mitigation related to impacts to wetlands along the river’s shoreline will help to protect the water quality and wildlife in the area.

Regarding concern for the oyster habitat on the bottom on the James, because the footprint of the aerial line towers is insignificant in light of the size of the river (*see, e.g.*, Letter from K. Damon-Randall, NMFS, to R. Steffey, 16 (Jan. 28, 2016)), the aerial lines will have minimal, if any, impact on these habitats. Other alternatives that were analyzed, such as the underground wires would have had a much greater impact on these habitats. *See* CREA 3.22-3.33.

| Issue Category 4 – Impacts to Species | | | | |
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| 1 | Jamie Brunkow, James River Association | Oppose | Encouraged Dominion for years to seek other alternatives to these two routes. The proposed line would have vast impacts to these resources. Will permanently scar the most historical section of the most historic river in the country. Dominion has a responsibility to protect the resource for generations to come. The Corps should ensure that the views cape, endangered species, and historical sites are not sacrificed for the sake of a new power plant. Encourages the Corps to undertake an EIS. | See response to Issue Categories 1, 2, 3, and 4. |

Issue Category 5 – Tourism/Economic Impacts

General Response:

Regarding the comment that the Project would have a negative impact on tourism, 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. 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 near 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 formerly Carter’s Grove (now privately owned and closed to the public, not a tourist attraction), informs us that there would be little to no impact on 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. *See also* Letter from S. Miller, Dominion, to L. Rhodes, USACE, Attachment 1, Response to Comment H (July 2, 2015), explaining that the Virginia State Corporation Commission (“SCC”) was required, by statute, to consider the economic impacts of the project. In its Approval Order, SCC found the Project would support economic development because it is crucial to ensuring reliable electric service. “Given these benefits and the modern development along the route, the SCC could not conclude that tourism in the Historic Triangle or economic development in the Commonwealth would be negatively impacted by the proposed project.” Stantec, Summary of Corps Public Notice Comments and Responses, at 4 (May 12, 2014).

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| 1 | Justin Serefin | Oppose | Concerned about the potential negative effects of this alternative. Quotes Governor – 413,000 visitors in 2014, a 7.2 percent increase over 2013. In September the Governor announced that tourism revenue topped \$22.4 billion. In 2014, tourism supported 217,000 jobs, which makes the travel industry the 5 th largest private employer in VA. The tourist industry also provided | See response to Issue Categories 1 and 5. |
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| Issue Category 5 – Tourism/Economic Impacts | | | | |
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| | | | \$1.5 billion in state and local revenue. Supports finding an alternative for reliable power. Both James and Chickahominy are unacceptable. Suggests undertaking environmental impact statement to assess all options. | |
| 2 | Gabriel Morey | Oppose | Tourists visit Colonial Williamsburg, Yorktown, and Jamestown for the history. Not just the history anymore, tourist ride their bikes, paddle, fish, to kayak and see eagles on river. We're all favor of reliable power. Economy in this area is built on tourism. Line will drive stake throughout the heart of our tourist economy and future generations would not be able to access these valued natural and historic resources. Wants EIS and consideration of all alternatives. | See response to Issue Categories 1 and 5 |

Issue Category 6 – MATS/Yorktown Repowering

General Response:

The Revised Alternatives Analysis examined the potential to convert all or one Yorktown units to natural gas and found that such an alternative does not meet the purpose and need of the project, and is otherwise not practicable. To support these conclusions, the analyses found, among other things, that there would not be a reliable source of natural gas in the area until 2018, well after the time the project is needed, and even that would not come without significant infrastructure costs related to the additional natural gas needed. Retrofitting the Yorktown units would only temporarily delay the need for transmission upgrades within the region to 2019 but at a cost of over \$1 billion to the Virginia customer. Moreover, the retrofitted facilities would still be less efficient than newer generation facilities and burn more fuel to achieve the required capacities.” Page 3.13, Alternatives Analysis (January 5, 2015). Yorktown 2 is addressed in the Alternative Analysis at Section 3.1.2 on page 3.9. Testimony in the SCC case confirmed that it is not economically feasible to retrofit Yorktown Unit 2 or convert it to oil and gas firing. For additional discussion of alternative to the Project, *see* response to Issue Category 3.

Regarding the comment that Dominion is using scare tactics of rolling blackouts, the proposed project is needed to meet growing electric demands within the NHRLA. New regulations aimed at reducing air emissions have imposed mandatory and inflexible deadlines on existing electric generating units and require Dominion to retire two coal plants that serve the region. As a result of the retirement decisions and deadlines required to comply with reliability standards, the proposed project is necessary to replace lost generation by 2017. The Company notes that the inability to begin construction for the past three years since the Application was filed with the Commission has made it impossible for the proposed facilities to be completed and in service by December 31, 2015, as provided in the Commission's February 28, 2014 Order Amending Certificates. As permitted by federal environmental regulations, the Company has obtained from the Virginia Department of Environmental Quality a one-year extension of the April 16, 2015 deadline for Yorktown Units 1 and 2 to comply with the U.S. Environmental Protection Agency's ("EPA") Mercury and Air Toxics Standards ("MATS") regulation that will be achieved by retiring the units, which drove the original June 1, 2015 need date for the new transmission facilities. The Company also will seek from the EPA an administrative order under EPA's Administrative Order Policy for the MATS rule which, if granted, would provide an additional one-year waiver of non-compliance with the regulations that drive those retirements and further extend the deadline for Project completion to June 1, 2017. According to PJM Regional Transmission Operator, Dominion's load is the third largest in the PJM territory serving approximately 2.4 million customers. (Stantec, 2015). PJM performed sensitivity analyses to evaluate the performance of transmission projects without the retired units and concluded there is limited availability to offset the loss of generation and an overall lack of new generation development in the area. *Id.* at 2.4. Various alternatives evaluated show an inability to provide sufficient electric generation to meet service area needs. Dozens of engineering studies validated Dominion studies, concluding, “in all cases, several cascading outage scenarios affecting areas from the NHRLA into

Issue Category 6 – MATS/Yorktown Repowering

northern Virginia, City of Richmond and North Carolina were identified.” (Stantec, 2015 at 3.1).

Regarding comments that the Supreme Court ruled the MATS rule null and void, the commenter is incorrect. On June 29, 2015, the United States Supreme Court *remanded* the MATS rule back to the US Court of Appeals for the D.C. Circuit for further proceedings consistent with the Supreme Court opinion. The Supreme Court held that EPA must consider cost, including the cost of compliance, before deciding whether regulation is “appropriate” and “necessary.” The Supreme Court did not vacate nor stay the effective date of the MATS rule. Thus, the deadlines imposed in the rule are unchanged by the Supreme Court decision. On December 15, 2015, the D.C. Circuit Court of appeals left the MATS rule in effect until EPA completes its analysis. As a result, it is necessary for DVP to proceed with the Project, as well as the retirement of units 1 and 2 at Yorktown Power Station, as scheduled.

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| 1 | Bruce Goodson, former chairman of the James City County Board of Supervisors | Oppose | The reason we are in this situation is Dominion’s decision not to retool Yorktown power station to the current air quality standards. The proposed line is the most cost effective but will not protect the historic integrity of the James. Demand Dominion bring you a project that provides the energy needs of the peninsula without the negative impacts of this project. Similar to decision to reject plans to replace the Jamestown Scotland Ferry with a high rise bridge. | See response to Issue Categories 3 and 6. |
| 2 | Heather Cordoasci | Oppose | Knocked on 6000 doors and talked to many residents. I’ve done my research. Understands that EPA decisions have resulted in these power lines. Behind California we’re second state for importing power. Also | See response to Issue Categories 3 and 6. Regarding health concerns surrounding the switching station, <i>see</i> Direct Testimony of James Cox on Behalf of Virginia Electric and Power |

| Issue Category 6 – MATS/Yorktown Repowering | | | | |
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| | | | know that Corps carries “the greatest weight.” Want to consider converting Yorktown to gas in light of ACP to provide reliable power. Grove and Kingsmill residents are concerned. Also concerns about health concerns about switching station. | Company before the SCC, Case No. PUE-2012-0029 at pp. 13-14; <i>see also</i> Application, Appendix, DEQ Supplement, Direct Testimony and Exhibits of Virginia Electric and Power Company, Case No. PUE-2012-00029, at App’x Sections IV.A-C, pp. 334-44 (filed June 11, 2012). |
| 3 | Robert Nieweg, National Trust for Historic Preservation. | Oppose | Opposes the Chickahominy and James river routes. Concerned about the permanent harm of the James River route on historic resources. Concerned about the Federal review process. Dominion concluded that 17 towers will have minimal impact on historical place. The scare tactics of rolling blackouts and putting Chickahominy neighbors against James neighbors is not helpful to the decision making. Asks for EIS. | See response to Issue Categories 3 and 6. |
| 4 | Gayle Randol | Oppose | For 100 years we’ve successfully prevented bridge being built within the view shed of Jamestown Island. Now we have Dominion wanting to put towers across the James. Supreme Court ruled MATS | See response to Issue Categories 3 and 6. |

| Issue Category 6 – MATS/Yorktown Repowering | | | | |
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| | | | <p>null and void. Inexcusably, the Corps has ignored this decision. The rule was remanded to DC. Until EPA proposes a new rule, the rule affecting Yorktown Units 1 and 2 is void. Closing any unit at the plant is unnecessary. Dominion will have ability to deliver gas to these units. They should re-evaluate if new transmission line is even needed.</p> | |
| 5 | Margaret Fowler | Oppose | <p>Need to know the facts not what Dominion says it means. Reliability means reliable to the entire grid. If storm comes or a car hits a pole, your power is still going out. Rolling blackouts won't happen unless SCC says Dominion has to close Yorktown. Yorktown doesn't have to retire. It's a business decision, not an EPA decision. Dominion has \$1 billion in cash and receivables. Should spend money on figuring out alternatives. 83 cent increase from Brunswick after Dominion spent \$1.3 billion to build it.</p> | <p>See response to Issue Category 6.</p> <p>The commenter is incorrect in at least two respects. First, Yorktown must be retired to comply with MATS, a federal law implemented by EPA. Second, the SCC and Dominion have no ability to control when and whether rolling blackouts might occur. Whether rolling blackouts occur is a function of, among other things, NERC reliability standards for transmission facilities with which Dominion must comply.</p> |
| 6 | Victoria Wertman | Oppose | <p>Asks for EIS for independent verification. Dominion has so</p> | <p>See response to Issue Categories 1, 3, and 6.</p> |

| Issue Category 6 – MATS/Yorktown Repowering | | | | |
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| | | | much money. They can run ads. There doesn't have to be blackouts. Closing Yorktown is a business decision. Figure out better solution. | |

| Issue Category 7 – Miscellaneous | | | | |
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| General Response: | | | | |
| Comments in this category are responded to specifically within each comment row. | | | | |
| 1 | Mr. Jack Gary – President of the Council of Virginia Archeologists | Oppose | This area is archeology ground zero. Mitigating the effects on historical resources, particularly the effect on the view shed along the proposed project route is difficult, if not impossible. Would like to see studies done to determine the adverse effects on historic resources along the alternative routes. Urges the Corps and Dominion to choose options that will do the least damage. Will need more studies to determine the options that do the least damage. | Regarding alternatives, see response to Issue Category 3. Impacts to archaeological resources have been acknowledged and mitigated for in the draft Memorandum of Agreement, which is currently being drafted and revised based on comments from consulting parties. |
| 2 | Jamie May | Oppose | Critical of Friday night meeting, propaganda of Dominion and corruption of public officials. Concerned that Dominion’s advertising is designed to sway public opinion and the governors are paying Dominion to act against the public interest. This commenter stated that she can’t buy the argument that it’s too expensive to construct an | See response to Issue Categories 3. Comment acknowledged. In addition, USACE is not aware of any evidence of corruption of public officials, and the commenter has provided none. Regarding the timing of a public meeting, in USACE’s experience some portion of the public has an issue with the timing of public |

| Issue Category 7 – Miscellaneous | | | | |
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| | | | underwater line. The commenter wonders why the technology does not exist in 2015 to bury the line. | meeting regardless of what day of the week and what time they are held. As such, USACE seeks to pick times that, in its experience, have proved the most accessible to members of the public. This typically is in the evening after normal business hours. Regarding what day of the week a meeting is, USACE has found that the public prefers weekdays, as opposed to weekends, but has not found any particular weekday more or less accessible. To maximize public attendance, USACE provides advance notice of public meetings so as to allow the public to plan on attending, should they so desire. |
| 3 | Victoria Gussman | Oppose | Wants to enter into record a panorama photo into record of beautifully unobstructed view of John Smith Trail where the power line is supposed to cross. The proposal to cross the James causes an irreversible impact. EIS is warranted and the Corps needs to perform an independent analysis of alternatives, including phasing the expansion of the electrical, increase in electrical capacity, to allow for smaller solutions to be constructed initially, | See response to Issue Categories 1, 2, and 3. Acknowledged that the photo was submitted at the meeting. |

| Issue Category 7 – Miscellaneous | | | | |
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| | | | underwater. | |
| 4 | Dr. Dianne Ramsey | | Hearing all these opinions is magnificent to have right to voice opinion. Got PhD at 50. Very impressed with this opportunity. Fighting brain tumor. Concerned for parks and recs and military economics. | Comment acknowledged. USACE's NEPA and NHPA reviews have and will consider impacts to parks and recreation facilities, as well as to the nearby military bases. See response to Issue Category 2 for concerns regarding visual impacts and response to Issue Category 5 regarding impacts to tourism/regional economy. |
| 5 | Sonja Filipczak | Oppose | New to area from New Jersey must consider degree of service that already exists, uniqueness of resources (hard to do), threat of future disturbances. James River is a unique resource. Implore you to reconsider. This plan is convenient for Dominion Power. Should Dominion's customer's simple pleasures in life be stripped away for a plan that is convenient for Dominion. | See response to Issue Category 2. Comment acknowledged. <i>See</i> CREA addressing potential impacts to historic properties, including the characteristics that qualify them as eligible for listing on the National Register of Historic Places. |
| 6 | Adrian Whitcomb | Oppose | If Dominion thinks outside the box and looks for innovation, we can solve this problem. We shouldn't limit ourselves to technology of 50 or 100 years ago. We talk about costs. It's not just construction cost. What is cost to quality of life. We | Comment acknowledged. <i>See</i> CEQ regarding cumulative impacts. USACE notes also that its review of alternatives to the proposed project is limited to those that are reasonable under the circumstance to accomplish the purpose and need of the project. |

| Issue Category 7 – Miscellaneous | | | | |
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| | | | <p>have to think about consequences 50 years from now. Need to take into account “everything.” Time for Dominion to do the very best and not settle for less.</p> | <p>See response to Issue Category 3, regarding alternatives.</p> <p>In addition, USACE notes also that its review of the project includes a public interest review, as well as a review of the reasonably foreseeable direct and indirect impacts.</p> |
| 7 | Robert Lamb | Oppose | <p>Issue of reliable power is a red herring. Under legal case law, aesthetics considerations are part of human environment. We’re talking about the nation’s most historic river. Under Section 43322(B), environmental values and amenities must be given appropriate consideration. However, under Section 56-46.1 of the Code of Virginia, the SCC considers and mitigates adverse effects, not appropriate consideration and preservation. Project should be axed.</p> | <p>See Letter from S. Miller, Dominion, to L. Rhodes, USACE, at 2-3, 5-6, Attachment 1, Response to Comments A, F, G, I, J, and K (July 2, 2015).</p> <p>SCC public interest review is similar to review under federal statutes.</p> |