

**DOMINION VIRGINIA POWER
RESPONSE TO COMMENTS MADE BY THE CONSULTING PARTIES
CONCERNING THE DRAFT MEMORANDUM OF AGREEMENT**

**US Army Corps of
Engineers
Norfolk District
Regulatory Office
Received by: RLS
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Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
1.	Save the James Alliance Letter 1/25/16, page 1.	“Shocked” that talks of mitigation are happening.	N/A	NHPA Section 106 regulations require the consideration of mitigating any adverse effects on historic properties that cannot be avoided or minimized. The Corps has identified the Project as one of two feasible alternatives. <i>See</i> “USACE Preliminary Conclusions” 7 (Oct. 1, 2015) (available at, http://www.nao.usace.army.mil/Missions/Regulatory/SkiffesCreekPowerLine.aspx). The Corps and SHPO have agreed on the identification of historic properties in the Project Area. <i>See</i> “Final List of Historic Properties” and “VDHR Effect Determination Concurrence 2-17-2016” (also available on the above referenced website). The Corps has determined that 44JC0662, Carter’s Grove, Hog Island Wildlife Management Area, the newly defined Eligible Historic District (which includes the contributing portion of the Captain John Smith Chesapeake National Historic Trail), and Colonial National Historical Park/Colonial Parkway and the Jamestown National Historic Site/Jamestown Island) would experience an adverse effect due to visual impacts from the Project. Therefore, the Corps and consulting parties are currently in discussion and are in the process of developing a Memorandum of Agreement to mitigate any potential adverse effects on these historic properties.

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
2.	Save the James Alliance Letter 1/25/16, page 1.	Thinks Dominion is “papering over” the destruction with money and claims this is insulting and essentially bribery.	N/A	Dominion is proposing to fund different actions as mitigation for the Project’s direct, indirect, and cumulative adverse effects to Historic Properties and cultural and natural landscapes contributing to the significance of these Historic Properties.
3.	Save the James Alliance Letter 1/25/16, page 2.	<p>Does not think the process has been collaborative and STJ has put a lot of time and effort into their comments / research and only received passive, generic responses from the Corps.</p> <p>Comments that “as nice as you all have been, there has really been no <i>interaction</i> with the consulting parties” and thinks the Corps is just going through the motions of § 106.</p>	N/A	<p>The process has been very collaborative. The public was given numerous opportunities to comment on the proposed project. The public had an opportunity to comment on the Initial Project Notice (Posted 8/28/2013; expired 9/27/2013); the Historic Property Identification and Alternatives (Posted 11/13/2014; expired 12/6/2014); NHPA Effects (Posted 5/21/2015; expired 6/20/2015); and the Public Hearing Notice (Posted 10/1/2015; expired 11/9/2015). The public also had an opportunity to present their views on the proposed project at a public hearing held on October 30, 2015.</p> <p>The Corps also met with consulting parties on September 25, 2014, December 9, 2014, June 24, 2015, October 15, 2015, and February 2, 2016 to discuss and reach a consensus on the historical properties which would be adversely affected by the proposed project. Furthermore, these discussions also included proposals made by consulting parties to mitigate agreed upon adverse effects.</p> <p>The Corps will respond to comments when it makes its permit decision.</p>
5.	National	Alternatives to aerial	N/A	Numerous alternatives to the Project were offered and

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	Park Service 1/26/2016 Letter, page 1.	lines are needed.		extensively evaluated as part of the Joint Permit Application (submitted August 2013), the Alternatives Analysis (received by the Corps November 7, 2014), the revised Alternatives Analysis (received by the Corps January 8, 2015), revised Table 3.1 (received by the Corps January 15, 2015), Stantec's Alternatives Analysis (received by the Corps Nov. 7, 2014 and additional materials provided Dec. 19, 2014 and Jan. 8, 2015), and USACE Preliminary Alternatives Conclusions White Paper (October 1, 2015). Those other alternatives did not meet the Project's need or purpose. The analysis also found that the environmental impacts associated with the Chickahominy route are significantly greater than those for the proposed Surry – Skiffes Creek route. <i>See</i> 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), which provide an in depth examination of the alternatives analysis.
6.	National Park Service 1/26/2016 Letter, page 1.	Corps has not properly completed the "Assessment of Effects" step of the § 106 process and therefore cannot discuss mitigation yet (argues that the clear § 106 steps have been blended	N/A	The Corps has followed the steps outlined in 36 C.F.R. § 800 and sought input from the SHPO and consulting parties at each step as required. The Corps identified the effects in its email to the consulting parties. See email from Randy Steffey to consulting parties dated October 13, 2015; List Of Identified Archaeological Resources And Corresponding Effect Determinations and List Of Identified Architectural Resources And Corresponding Effect Determinations attached to email from Randy Steffy to consulting Parties dated January 29, 2016; Letter from

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		and not followed in the proper sequential order).		Roger W. Kirchen, Director, Review and Compliance Division VDHR to Randy Steffey, USACE dated February 17, 2016. Both the SHPO and the ACHP have affirmed the Corps' determination that the process is now at 36 C.F.R. § 800.6 resolution of adverse effects. <i>See</i> Consulting Parties Meeting 5 Transcript at 24; The Corps has offered opportunities for public comment and held consulting party meetings on each of the four steps. In each of these meetings and comment periods the consulting parties have chosen to address other steps.
7.	National Park Service 1/26/2016 Letter, pages 1-2.	Thinks the MOA is "fundamentally flawed" because it does not properly contemplate the national significance of the resources and magnitude of impact to a multi-state trail (Capt. John Smith Historic Trail), discussed in more detail in subsequent letter.	Wants the MOA to articulate a landscape-scale response, deal with impacts to the Captain John Smith Chesapeake National Historic Trail, "the impact/repercussions to the broader James, and impacts over the <i>full</i> life of the project.	The draft MOA and supporting documentation recognizes that the Jamestown Island-Hog Island- Captain John Smith Chesapeake National Historic Trail is a significant historic landscape district and proposes mitigation that focuses on multiple contributing components of the district, which when taken together provide a broad based preservation oriented action plan for the larger historic landscape located within the defined APE. More specifically, landscape scale conservation is embodied in Stipulations II (a), (b), and (d). Consideration of effects outside of the APE is not required under 36 C.F.R. § 800. Nevertheless, the James River watershed is addressed in Stipulation II (c). The point is recognized that the initial proposed MOA did not address potential effects for the duration of the project's life. The MOA is being revised to ensure ongoing maintenance and repair to the project is coordinated with the SHPO, as well as adding commitments that no additional transmission lines will be added to the project indirect APE. The most recent draft of the MOA commits

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				<p>Dominion within Stipulation VI to removing the infrastructure at the end of its useful life if it is no longer needed or undergrounding the line if the technology is sufficient and accepted by the industry at that time.</p> <p>The full life of project is addressed in Stipulation II(e). While funding is to be obligated within 10 years, the projects do not have to be completed within that period.</p>
8.	National Park Service 1/26/2016 Letter, page 2.	<p>Thinks many of the Council's recommendations have not been addressed. Included a five point list:</p> <p>(1) Assess visual effects in a manner that is sensitive to how the Project may modify the eligibility of the most significant historic properties in the APE</p> <p>(2) Provide consulting parties with required documentation, including Corps response to</p>	<p>Wants more thorough assessment of visual effects sensitive to how the project may modify characteristics that contribute to the site's eligibility as a significant historic property.</p> <p>Wants Corps to acknowledge cost to resolve effects that are difficult to appropriately mitigate.</p> <p>Wants Corps response to</p>	<p>(1) The adverse visual effects for each resource were adequately addressed in Stantec's visual assessment.</p> <p>(2) The Corps will respond to comments when it makes its permit decision.</p> <p>(3) Cumulative effects are addressed in Stipulations V and VI of the MOA.</p> <p>(4) Time constraints, and an explanation of these constraints on the Project, can be found in the response to Issue Category 8 in "Dominion's Summary & Response to Public Comments 1-29-2016" which is posted on the USACE's website (http://www.nao.usace.army.mil/Missions/Regulatory/SkiffesCreekPowerLine.aspx).</p> <p>(5) Comment acknowledged.</p>

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		<p>consulting party comments on the Cultural Resources Effects Assessment (“CREA”), before focusing on avoidance, minimization, and mitigation proposals</p> <p>(3) Further explore the potential for indirect and cumulative effects</p> <p>(4) Further “explore and clarify” the time constraints related to the MATS, including cooperation between <i>Corps</i> and EPA</p> <p>(5) Consider ways to ensure the <i>Corps</i>’ consideration of alternatives takes into account the effects on historic properties acknowledges the potential costs for</p>	<p>consulting parties’ comments on the CREA.</p> <p>More research into indirect and cumulative effects.</p>	

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		resolution of effects that are difficult to mitigate.		
9.	National Park Service 1/26/2016 Letter, pages 2-3.	<p>Lists several steps that still need to be taken before mediation, most of which require that the Corps take action/respond in their official capacity rather than just posting Dominion's documents.</p> <p>(1) Wants comments and concerns related to CREA to be addressed before the Corps determines the assessment of effects is complete (includes concerns listed in November 12, 2015 letter to the Corps and an assessment of effects specific to the CAJO itself</p>	N/A	<p>Since the issuance of the initial public notice on August 28, 2013, the Corps has been evaluating the proposed project, alternatives, impacts to resources, the number and severity of impacts and possible mitigation. The Corps has also been in consultation with local, state, and federal agencies, as well as consulting parties who have been afforded numerous opportunities to provide their expertise on relevant environmental, historical, and cultural issues. The Corps is evaluating information submitted by all parties interested in the proposed project.</p> <p>(1) As stated in its November 12, 2015 letter the NPS agrees with many of the Corps determinations regarding historic properties and whether or not they will be affected, but NPS disagrees with others. The NHPA requires consideration of comments but not agreement. Reasonable minds can and will differ. After consideration of consulting party comments including those of the NPS in its November 12, 2015 letter, the Corps agreed with SHPO to include additional properties as adversely affected,</p> <p>The other NPS comments focused on the Corps' alleged failure to recognize landscape resources and to recognize the significance of the Captain John Smith Chesapeake</p>

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		<p>rather than CAJO impacts being “subsumed into the assessment of the larger historic district).</p> <p>(2) Wants an official Corps response to the CREA comments and consultation to resolve concerns and finalize the assessment of effects step.</p> <p>(3) Wants future submissions to the consulting parties, and the public, to originate from the Corps, accompanied with a cover memo that clearly articulates whether the material is considered official Corps documents and for what purpose they are</p>		<p>National Historic Trail. Yet, in response to the consulting parties, first the Hog Island Jamestown Island Cultural Landscape was recognized as a historic property. Then, as a consequence of the Keepers decisions that (1) the entire APE formed a historic district, including the Captain John Smith Chesapeake National Historic Trail within the APE as a contributing element and (2) that historic district is eligible for listing on the Register, the Corps recognized it as a historic property and determined that it would be adversely affected. Thus, landscape resources were carefully considered, recognized and addressed.</p> <p>(2) The Corps will further respond to comments when it makes its permit decision.</p> <p>(3) Comment acknowledged.</p>

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		being shared.		
10.	National Park Service 1/29/2016 Letter	Addresses Dominion's Response to Comments for the Consulting Parties and it also talks about issues with the CREA. Thinks the response document just cites to past information and does not actually reflect the consulting parties' comments by incorporating changes to the CREA.	N/A	The CREA is part of the record. Effects to cultural resources are addressed in the draft MOA, which has been revised to reflect consideration and incorporation of various comments made by the consulting parties.
12.	National Park Service 1/29/2016 Letter, pages 1-2.	Thinks no mitigation is possible until the adverse effects are understood, so they <i>re-evaluated</i> the adverse effects analysis for four sites and said all four should have	N/A	We recognize that during consultation there is the potential for consulting parties to have differences of opinion regarding determinations made when completing the steps of 36 C.F.R. § 800. However, both the Corps and SHPO are in agreement that the list of identified historic properties, their National Register (NRHP) significance, and potential effects is sufficient for decision-making under Section 106. <i>See</i> Virginia Department of Historic Resources February 17, 2016 letter. Further, 36 C.F.R. §

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		received a “major” in the severity of effects category because the power lines would destroy the “essential character” of the 17 th century in the area.		800 does not require a determination of severity of effects, but rather simply whether or not there is an adverse effect.
13.	National Park Service 1/29/2016 Letter, page 2-6.	Four areas specifically mentioned are the Historic District defined by the entire Indirect APE, the Captain John Smith National Historic Trail, Jamestown Island, and the Colonial Parkway.	N/A	Each of these properties are recognized in the draft MOA as property listed or considered eligible for listing in the NRHP and as contributing elements to the newly identified Jamestown Island-Hog Island-John Smith Water Trail Historic District. Effects to these properties both individually and as contributing elements to the historic district have been determined and recognized. Both the Corps and the SHPO are in agreement with the effects determination. These properties received an impact intensity of Moderate because the visibility of the transmission line would alter the integrity of setting and/or feeling in a way that would diminish the overall integrity of the resource. These resources will still retain historic importance and integrity for other characteristics. While the construction of the Project will introduce elements that are out of historic character for the properties’ setting and feeling, the structures are seen within the mid-ground to background and do not obstruct, sever, or surround historical viewsheds for the Colonial Parkway and Jamestown.

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				<p>The integrity of setting and feeling of the Eligible Historic District will be altered and diminished by the visibility of the transmission line structures, particularly in the immediate vicinity of the river crossing. However, setting and feeling are not lost overall for the resource as important views are maintained and visibility of Project is minimal throughout much of this large property due to distance and topographic and vegetative obstructions. For example, most of the Eligible Historic District is greater than 3.5 miles from the transmission structures, and at those distances the visual contrast of those structures diminishes to the point of insignificance, even if the structures remain technically visible. When the structures appear against a background (as opposed to open horizon), the structures all but disappear at those distances. Therefore, setting and feeling is not lost for the Eligible Historic District and the intensity of the impact is Moderate.</p>
14.	National Park Service 1/29/2016 Letter, page 7.	Thinks response to Issue Category regarding tourism impacts falsely puts burden on consulting parties to develop an analysis of economic impacts and only points out benefits of having	N/A	<p>Effects to tourism, especially effects that are outside of the APE, are not an issue regularly or routinely addressed during consultation pursuant to 36 C.F.R. § 800. For this particular project, it is recognized that the nature of the affected historic properties and their role in heritage tourism is unique and therefore effects to heritage tourism should be considered to the extent that effects to any of the seven aspects of integrity may directly or indirectly affect the properties' overall ability to convey its significance and therefore its value as a heritage tourism destination.</p>

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		power rather than actually responding to the comments.		Toward this end, revisions to the draft MOA provide for more depth and a collaborative study of potential impacts on heritage tourism to historic properties located within the indirect APE of the river crossing, as well as providing a process of identifying and developing appropriate and effective mitigation should any such adverse effects be identified.
15.	National Park Service 1/29/2016 Letter, pages 7-8.	Thinks cumulative effects analysis is deficient and Dominion didn't address comments (lists reasons why the CREA is deficient, including the "lack of consideration of cumulative effects related factors such as visitor experience, heritage tourism, and economic activity").	N/A	<p>Comments on the CREA, cumulative effects related factors such as visitor experience, tourism and economic activity were adequately addressed in Dominion's Response to Comments submitted by Consulting Parties concerning the Surry-Skiffes Creek-Whealton Project (December 18, 2015).</p> <p>See responses to comments 7 and 14.</p> <p>Cumulative effects is addressed in Stipulations V and VI of the MOA.</p>
16.	National Park Service 1/29/2016 Letter, pages 8-9.	Thinks NEPA/EIS should be done with § 106, rather than after, and that there will certainly be significant impacts	Wants an EIS.	36 C.F.R. § 800 encourages, but does not require, agencies to complete the requirements of NEPA concurrent with the requirements of Section 106. While there are benefits to doing so, each process has its own scope of investigation and consideration of broader impacts to the human environment is not a consideration under 36 C.F.R. § 800.

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
		to the human environment from this project. Notes that mitigation of an affect does not make the effect insignificant.		The Corps makes the determination on whether to require an EA or 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. <i>See</i> 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.
17.	National Park Service 1/29/2016 Letter, page 9.	<p>Thinks alternatives excluded because of timing should be reconsidered and thinks preferred alternative was improperly decided on before the § 106 review.</p> <p>In sum, must ID historic properties, must adequately assess effects on historic properties, and must look at full range of impacts in context of – 106 and</p>	N/A	The review process outlined in 36 C.F.R. § 800 in and of itself does not select an alternative. Review under 36 C.F.R. § 800 is triggered by an undertaking, which may or may not have multiple alternatives. If adverse effects are identified, as part of the consultation process to resolve adverse effects, consideration of other project alternatives is appropriate and commonplace. The Corps identified only two alternatives that are feasible.

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
		NEPA review.		
18.	Chesapeake Conservancy 1/20/2016 Letter, page 1.	Thinks an MOA is premature because do not have full assessment of the adverse effects of the Proposed Project; need an EIS for this.	Wants an EIS.	The comment confuses the MOA being developed to comply with the NHPA § 106 process with the process under NEPA. An EIS is not needed to fully assess the adverse effects on historic properties under the NHPA. The Corps makes the NEPA determination on whether to require an EA or an 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 EA and not an EIS. <i>See</i> 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.
19.	Chesapeake Conservancy 1/20/2016 Letter, page 2.	Thinks mitigation package is insufficient because it underestimates the significance of the effects on the area.	Generally says the MOA's mitigation package is "inadequate" because it fails to take into account severity of situation and, assumedly, wants more going toward visitor experience, interpretation of our collective history, tourism and cultural resources.	See response to comment 54.

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
20.	Chesapeake Conservancy 1/20/2016 Letter, page 3.	Only wants to discuss mitigation after full scope of impacts have been assessed.	N/A	Impacts under the NHPA § 106 were assessed. <i>See</i> CREA. The Corps and SHPO have concurred on the impacts analysis. <i>See</i> “VDHR Effect Determination Concurrence 2-17-2016” (available at, http://www.nao.usace.army.mil/Missions/Regulatory/SkiffesCreekPowerLine.aspx).
21.	Council of VA Archaeologists, page 1.	Concerned that accepting this monetary package could be precedent-setting for the position that “any cultural resource, no matter how significant, can be impacted.”	N/A	Each project is required to go through an independent analysis of avoidance, minimization, and lastly mitigation prior to a permit decision.
22.	Council of VA Archaeologists, page 1.	Thinks still need to keep looking for alternatives.	N/A	Numerous alternatives to the Project were offered and extensively evaluated as part of the submitted Joint Permit Application (submitted August 2013), the Alternatives Analysis (received by the Corps November 7, 2014), the revised Alternatives Analysis (received by the Corps January 8, 2015), revised Table 3.1 (received by the Corps January 15, 2015), Stantec’s Alternatives Analysis (received by the Corps Nov. 7, 2014 and additional materials provided Dec. 19, 2014 and Jan. 8, 2015), and USACE Preliminary Alternatives Conclusions White Paper (October 1, 2015). Those other, rejected alternatives did not meet the Project’s need or purpose. The analysis also found that the environmental impacts associated with the

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				Chickahominy route are significantly greater than those for the proposed Surry – Skiffes Creek route. <i>See</i> 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), which provide an in depth examination of the alternatives analysis.
23.	Council of VA Archaeologists, page 2.	Wants an accounting of how mitigation money was determined.	Wants an accounting of how mitigation money was determined.	<p>After the Corps's initial determination of adverse effects, which later was expanded based on comments from the SHPO, ACHP, the consulting parties, and the public, Dominion consulted with first the SHPO, and then the Corps, ACHP, and the consulting parties, on appropriate mitigation projects to address the identified adverse effects, and their severity and scope. This was done by looking at projects and activities within the APE that could enhance the aspects of integrity found to be adversely affected, namely setting, feeling, and association. The parties also considered projects or activities located outside of the APE that would have beneficial effects on the adversely effected aspects of integrity for the sites at issue. The parties also recognized also that there may be additional, not currently identified projects that could have beneficial effects.</p> <p>Once the list of potential projects were developed, and due consideration was allowed for potential-future projects not currently identified, the parties considered potential, conservative funding amounts to allow for the completion of such projects, while allowing for additional funds for projects and activities to add value beyond what the parties</p>

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				believed to be necessary to adequately mitigate the adverse impacts. In so doing, the parties did not assign a fixed amount to any one potential project. Instead, the parties believed a more flexible approach was appropriate. Therefore, using their expertise and experiences in historic preservation and mitigation, they determined a total funding amount for each category of project or activity set out in the current draft MOA (which were designated in 4 funds), and provided guidelines for the timing and use of money from those funds by qualified third-parties to effectuate the mitigation with oversight by the Corps, SHPO, ACHP, Dominion, and the consulting parties.
24.	Council of VA Archaeologists, page 2.	10 years is not enough time for archaeological efforts, especially considering the time to document underwater archaeological resources.	Wants timeline for MOA to consider more than 10 years out and more focus on underwater archaeological resources.	Mitigation for full life of project is recognized in Stipulation II(e); funding to be obligated within 10 years, but projects do not have to be completed within that period.
25.	Council of VA Archaeologists, page 2.	Wants further analysis of the impact of underwater anomalies.	Self-explanatory.	<p>The 76 submerged anomalies will be avoided during construction activities. Conditions will be imposed to assess submerged resources in the case of unanticipated discoveries and potential adverse effects.</p> <p>Additional survey to document the nature and extent of underwater anomalies is provided in the revised MOA. The</p>

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
				data collected through this effort will be used to develop an avoidance plan for the anomalies during construction, as well as future repair and maintenance activities.
26.	Council of VA Archaeologists, page 2.	Wants money for preservation of sites already excavated in the indirect APE.	<p>This fund would be for areas such as Martin’s Hundred, Carter’s Grove, and Kingsmill).</p> <p>Funds should be administered through public endowments for existing research or creation of future research facilities.</p> <p>Wants prioritization of funds to be determined based on consultation with organizations responsible for their study.</p>	<p>The purpose and intent of 36 C.F.R. § 800 is to identify, evaluate, and address effects to significant historic property. While this does not preclude consideration of offsite mitigation, the focus is on affected properties. If sites are not impacted in any way as a result of a project, there is no requirement to provide “mitigation” funding.</p> <p>Stipulation II(a) provides for funds that contribute to the preservation of sites associated with early American and Native Indian cultures in the Historic District (which includes Carter’s Grove.</p>
27.	Save the James e-mail from Margaret Fowler	Attached a video of a TED talk from a speaker on uniqueness of a place.	N/A	Comment acknowledged. Every place is unique and the towers would not interfere with the uniqueness of the James River.

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
	1/29/2016, page 1.			
28.	Save the James e-mail from Margaret Fowler 1/29/2016 (video)	Everyone needs a sense of place or connection to a place and while we've been cleaning up air and water, we've been developing in areas that have caused us to lose our sense of place.	N/A	Comment acknowledged.
29.	Save the James e-mail from Margaret Fowler 1/29/2016 (video)	Thinks place matters because it gives a competitive advantage from other places (aka distinctiveness).	N/A	Comment acknowledged.
30.	Save the James e-mail from Margaret Fowler 1/29/2016 (video)	States that the "image of a community is fundamentally important to its economic wellbeing."	N/A	Comment acknowledged.
31.	James River Associated	Thinks mitigation talks are pre-mature	Wants an EIS.	The comment confuses the MOA being developed to comply with the NHPA § 106 process with the process

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
	Letter 1/29/2016, page 1.	without an EIS.		under NEPA. An EIS is not needed to fully assess the adverse effects on historic properties under the NHPA. The Corps makes the NEPA determination on whether to require an EA or an 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 EA and not an EIS. <i>See</i> 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.
32.	James River Associated Letter 1/29/2016, page 1.	Thinks inadequate protection of ecological and scenic resources as project currently stands.	N/A	<p>The MOA contains stipulations which would adequately mitigate adverse effects on the Jamestown Island-Hog Island-Eligible Historic District and historical properties as well as help fund water quality improvement projects in the James River watershed.</p> <p>36 C.F.R. § 800 requires consideration be given to addressing effects to significant historic properties. Ecological and scenic resources by themselves are not considered unless they are character-defining features of a particular historic property. The draft MOA and proposed mitigation does acknowledge that views and similar scenic qualities of the identified resources will be impacted and the proposed mitigation recognizes these effects by providing opportunities to strengthen viewshed protection mechanisms within the indirect APE of the river crossing and to protect water quality of the James River.</p>
33.	James River	Fundamental change	N/A	Visitor experience would be considered under the Corps'

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
	Associated Letter 1/29/2016, pages 1-2.	to visitor's experience.		Public Interest Review. Stipulation V of the MOA has provisions for impacts to the visitor experience.
34.	James River Associated Letter 1/29/2016, pages 1-2.	Wants further analysis of effects on Atlantic sturgeon and Northern Long-Eared Bat and seems to be pushing for specific protection of species in mitigation plan.	Potentially more money toward Atlantic sturgeon research or oyster restoration. Projects that would increase ecotourism and promote on-the-water education and tourism.	These resources are not historic properties and are therefore not considered under 36 C.F.R. § 800. 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 permits 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

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
				<p>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 reconsideration, 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 permits for it is "not likely to adversely affect" the Atlantic sturgeon.</p> <p>Similarly, the Corps and USFWS have coordinated on the Northern Long Eared Bat. The USFWS also issued a "not likely to adversely affect" determination.</p>
35.	Scenic Virginia Letter 1/29/16, page 2.	Wants an EIS and cannot really have a mitigation conversation without one and a better analysis of the scale of the project/value of resources at stake.	Wants an EIS.	<p>The comment confuses the MOA being developed to comply with the NHPA § 106 process with the process under NEPA. An EIS is not needed to fully assess the adverse effects on historic properties under the NHPA. The Corps makes the NEPA determination on whether to require an EA or an 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 EA and not an EIS. <i>See</i> 33 CFR § 230.7(a). The Corps may decide, based on its experience with similar projects and the facts and circumstances that proceeding</p>

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
				first with an EA is appropriate.
36.	Scenic Virginia Letter 1/29/16, pages 2-3.	Thinks the MOA must include (1) impact on underwater archaeological resources; (2) magnitude of harm for the next 50 and 100 years; (3) impact on \$1 billion tourism industry; and (4) effect on the Captain John Smith Historic Trail; (5) effect on the Atlantic sturgeon.	Items 1 (in line with COVA also), 2, 4, and 5 to the left may have room for further mitigation in the MOA/additional funds dedicated to relevant, related projects.	See responses to comments 7, 14, and 34 above.
37.	National Parks Conservation Association (“NPCA”) Comment Document, p. 1 (Jan. 29, 2016).	The permit application should be denied because the project’s purpose and need are based on outdated electricity demand projections and the analysis and cost estimates of alternatives are flawed (based on	N/A	Regarding the electrical demand of the project, the need for the proposed Project was determined using the specific methodologies and computer modeling algorithms required by the NERC Reliability Standards, and the power flow studies used to make that determination were verified by the SCC’s independent expert consultant. That determination is also verified by the current operating circumstances in effect in the North Hampton Roads Load Area (NHRLA), where existing system load in the NHRLA already exceeds the capability of the transmission system without Yorktown Units 1 and 2. <i>See Stantec Alternatives Analysis, Section 3.1.3 (January 8, 2015).</i> A prospective

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
		PERI study looking at load growth).		change in PJM’s load forecast methodology may have the effect of reducing the forecasted peak load for the Dominion Zone of PJM going forward, but power flow models using the new forecast show that Proposed Project is still needed to resolve the violations of the NERC Reliability Standards in the critically generation-deficient NHRLA when Yorktown Units 1 and 2 are retired. <i>See</i> “Dominion’s Summary & Response to Public Comments 1-29-2016” Response to Issue Category 6.
38.	NPCA Comment Document, p. 1.	The power line would cause harm to the historical landscape by crossing over the Captain John Smith Chesapeake National Historic Trail, and mar the view from Jamestown Island, Colonial Parkway, Carter’s Grove Plantation.	N/A	Stantec’s visual assessment considered the impacts to these resources. <i>See</i> CREA; <i>see also</i> Letter from S. Miller, Dominion, to L. Rhodes, USACE, at 5-6 and Attachment 2, Response to Comment G (July 2, 2015).
39.	NPCA Comment Document, p. 1.	The proposed project will introduce a new industrialized use.		If one were traveling on the water from the south that visitor’s field of vision would first see the James River Bridge, Newport News Shipbuilding and the highly developed shoreline of Newport News. Further up river,

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
				<p>Busch Gardens is visible as is the Ghost Fleet located in the water and Surry Nuclear Power Station to the west. Such a view at the point the towers would come into view is not pristine, and the impacts of the visible towers must be evaluated in light of the surroundings and shoreline and river use. The river first became a working river with the establishment of Jamestown and has continued as such to this day. Views of the river are dynamic and have changed over time due to river traffic, including the ferry operations and other modern river traffic.</p> <p>There is also no evidence that the transmission line would introduce new industrialized uses of the river.</p>
40.	NPCA Comment Document, p. 2.	The commenter requested an EIS because the proposed project will have a significant impact on National Parks and historic properties and pose a potential risk to protected species including the Atlantic sturgeon, the Northern long-eared bat, the bald and golden eagles,	Wants an EIS.	Protected species are not historic properties under the NHPA § 106. <i>See</i> response to comment 34 . The Corps makes the determination on whether to require an 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 EA and not an EIS. <i>See</i> 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.

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
		the small whorled pogonia and the joint-vetch. Public controversy over the proposed project should also trigger the need for an EIS.		
41.	NPCA Comment Document, p. 2.	Information provided to consulting parties by Dominion are deficient, particularly the impacts to specific resources; the severity of impact; and Dominion's assessment approach, including methodology, visual analysis, and cumulative effects (argues cumulative impacts have not been considered, impacts on historic landscapes are inadequately asses, and many other	N/A	Dominion applied the criteria of adverse effects to identified historic property in accordance with 36 C.F.R. § 800.5(a).

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
		impacts were not assessed at all or improperly assessed). A specific example is Dominion's treatment of the CAJO Trail and failure to complete an assessment of the trail itself.		
42.	NPCA Comment Document, p. 2.	Many impacts were also not assessed or improperly assessed. For example, Dominion did not complete an assessment of the impacts to Captain John Smith Trail itself or the Washington Rochambeau Route National Historic Trail.	Wants an assessment of the impacts on the Captain John Smith Chesapeake National Historic Trail and the Washington Rochambeau Route National Historic Trail.	The boundary of the Eligible Historic District has been interpreted as including the entire water-based portion of the Indirect APE for the Project which extends from approximately the James River – Scotland Wharf Ferry crossing downstream to the mouth of the Pagan River and includes a portion of the Captain John Smith Chesapeake National Historic Trail, which extends from shore to shore of the James River, as well as Jamestown Island and Hog Island because of their locations within the James River. Included in the boundaries of the Eligible Historic District, as noted by the Keeper's correspondence of August 14, 2015, are significant historic properties including Colonial National Historical Park, Jamestown National Historic Site, Colonial Parkway, Yorktown Battlefield, Kingsmill Plantation, and Carter's Grove National Historic Landmark, as well as archaeological sites on Hog Island and twelve additional sites located within the Indirect APE that have been listed or determined eligible for listing on

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
				<p>the NRHP. A recommendation of adverse effect was made for the Eligible Historic District which includes the Captain John Smith Chesapeake National Historic Trail within the APE.</p> <p>The CREA does not evaluate the Washington-Rochambeau Revolutionary Route National Historic Trail because it was not identified as a potentially effected historic property by the CREA or VDHR. The Keeper declined to designate it as eligible, saying it had insufficient information about the trail.</p> <p>Both the Corps and the SHPO concurred with the determination of effects for identified resources including Dominion's determination that the portion of the Washington Rochambeau trail located within the indirect APE for the project is not eligible for listing in the NRHP. <i>See Consulting Parties Meeting 5 Transcript at 24.</i></p>
43.	NPCA Comment Document, p. 3.	The Section 106 consultation process is flawed because we are still on step 3 of the consultation – conducting the assessment of adverse effects, so how could a draft mitigation agreement possibly	N/A	<p>See response to comment 12.</p> <p>A December 2015 meeting between the Corps, Virginia Department of Historic Resources, and the ACHP concluded that the project is in the resolution of effects stage of Section 106. This was answered at the Consulting Parties meeting no. 5 on February 2, 2016.</p>

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
		address impacts when there is disagreement on impacts, and the effects assessment is incomplete.		
44.	NPCA Comment Document, p. 3.	There is a lack of description of adverse effect for each resource.	N/A	The adverse effect for each resource was adequately addressed in Stantec's CREA. Potential adverse effects were discussed for each identified property and how the relevant aspects of integrity may be affected. While some of the consulting parties may disagree with the level of detail provided or the manner or presentation, both the Corps and SHPO have concurred with the findings and recommendations presented.
45.	NPCA Comment Document, p. 3.	There is a lack of public participation.	N/A	<p>In accordance with 36 C.F.R. § 800, the Corps has provided the consulting parties and members of the general public opportunities to comment at each point in the process required.</p> <p>The public was given numerous opportunities to comment on the proposed project. The public had an opportunity to comment on the Initial Project Notice (Posted 8/28/2013; expired 9/27/2013); the Historic Property Identification and Alternatives (Posted 11/13/2014; expired 12/6/2014); NHPA Effects (Posted 5/21/2015; expired 6/20/2015); and the Public Hearing Notice (Posted 10/1/2015; expired 11/9/2015). The public also had an opportunity to present their views on the proposed project at a public hearing held on October 30, 2015.</p>

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
46.	NPCA Comment Document, p. 3.	There is a lack of investigating alternatives under the National Historic Preservation Act and The National Environmental Policy Act.	N/A	<p>See response to comment 17.</p> <p>Stantec’s Alternative Analysis (received by Corps on January 8, 2015) thoroughly investigated alternatives to the project. Furthermore, the entirety of the SCC proceeding has been presented to the Corps and is a part of the record.</p>
47.	NPCA Comment Document, p. 3.	The PERI Report calls into question the need of the project and Dominion’s position that a submerged cable is cost prohibitive.	N/A	<p>Response to the specific comments regarding the PERI Report are addressed under separate cover in a document dated February 1, 2016 titled “Surry-Skiffes-Wheaton NAO-2012-0080113-V0408” and presentation titled “Surry-Skiffes Creek-Wheaton Modeling and Alternatives Analysis Review” (“MAAR”).</p> <p>The Surry-Skiffes Creek-Wheaton “Modeling and Alternatives Analysis Review” (“MAAR”) explains that the Project is needed based on the latest load forecast, recently validated by PJM, and remains the optimum long-term solution to power reliability issues in the NHRLA. The PERI study states that “military bases and a DOE laboratory have collectively decreased their energy usage by 14.8%,” but reliability in the NHRLA is not tied to total energy consumption. Instead, reliability is tied to peak electrical demand, which continues to grow. Six Federal facilities in the NHRLA experienced actual peak electrical demand <i>increases</i> between 2013 and 2015.</p> <p>The MAAR explains and diagrams the limitations of an</p>

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
				underground transmission alternative. An underwater 230 kV line, even double circuit, cannot solve the NERC violations. Existing underwater 500 kV lines (such as the Vancouver line) have less capacity than required to resolve the identified NERC violations. In addition to electric capacity issues, an underwater line would result in significant environmental impacts (including excavation of 36,000 cubic yards of riverbed) and reliability issues (more difficult to locate problems on underground transmission lines, therefore requiring longer service restoration than overhead lines).
48.	NPCA Comment Document, p. 4.	This project cannot be mitigated because the towers cannot be screened or blocked and will be directly visible from a number of historic sites and it will lead to industrialization of the landscape.	N/A	<p>It is true that the view of the towers cannot be blocked entirely from view. This is an unavoidable visual impact and mitigation is needed to resolve it. It is not correct to say it will lead to industrialization of the landscape. Significant conservation protections exist such as the Chesapeake Bay Preservation Act to prevent development along the water front. Furthermore, local zoning and the Comprehensive Plans of the localities dictate the typical land development. It is speculative to suggest the project will promote industrialization without specific evidence. Moreover, there is already some industrial/commercial activity in the area.</p> <p>If one were traveling on the water from the south that visitor's field of vision would first see the James River Bridge, Newport News Shipbuilding and the highly developed shoreline of Newport News. Further up river, Busch Gardens is visible as is the Ghost Fleet located in</p>

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				<p>the water and Surry Nuclear Power Station to the west. Such a view at the point the towers would come into view is not pristine, and the impacts of the visible towers must be evaluated in light of the surroundings and shoreline and river use. The river first became a working river with the establishment of Jamestown and has continued as such to this day. Views of the river are dynamic and have changed over time due to river traffic, including the ferry operations and other modern river traffic.</p> <p>Mitigation is intended to resolve adverse effects rather than altogether eliminate all potential adverse effects.</p>
49.	NPCA Comment Document, p. 5	The MOA's contentions in the "whereas" clauses are incorrect or false.	N/A	The whereas clauses are factual descriptions of the project.
50.	NPCA Comment Document, p. 5	Mitigation for the project should last the lifetime of the project. A one-time payment in to a mitigation fund prevents Dominion from being responsible for any future problems.	Wants mitigation to last for the life time of the project.	See response to comment 7. Specifically, language has been added to the draft MOA at Stipulation II(e).
51.	NPCA Comment	Dominion should pay to remove the	Wants Dominion to pay to remove the	Comment acknowledged. The most recent draft of the MOA commits Dominion within Stipulation VI to

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
	Document, p. 5	infrastructure and restore the resources when the project's shelf life ends. Dominion should pay for the cost associated with any newly discovered negative impacts while the project is being built, modified, or repaired.	infrastructure and restore the resources once the project shelf life ends.	removing the infrastructure at the end of its useful life if it is no longer needed or undergrounding the line if the technology is sufficient at that time.
52.	NPCA Comment Document, p. 5.	<p>The MOA fails to take into account the money invested in the Historic Triangle to protect the landscape and the impacts the project will have on these investments.</p> <p>The MOA does not account for the impacts on tourism and private property owners and their home values.</p>	N/A	See response to comment 14. In addition, 36 C.F.R. § 800 does not consider impacts on property that is not historic regardless of whether or not it is privately or publically owned. The purpose of the MOA is to mitigate any adverse effects the project will have on historic properties by altering, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Under 36 C.F.R. § 800.5(2), examples of adverse effects include: (1) physical destruction; (2) alteration of the property; (3) removal of the property; (4) change in the character of the property's use or physical setting, (5) introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significance; (6) neglect of a

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
				<p>property; and (7) transfer of a property out of Federal ownership.</p> <p>Nevertheless, new language has been added to the draft MOA as Stipulation V which deals with Heritage and Eco-Tourism.</p>
	NPCA Comment Document, p. 5.	Also, the MOA does not examine the impact on the proposed designation of Jamestown as a World Heritage site.		<p>There is no evidence that the project will affect the potential designation of Jamestown as a World Heritage Site.</p> <p>During the SCC hearings, rebuttal testimony from an expert noted that the “Project likely will have no impact on the current effort to have the Historic Triangle selected as a World Heritage Site. The expert researched and read materials relating to the process for selecting World Heritage Sites provided by NPS and the United Nations World Heritage Committee. The testimony also provides several examples of other historic sites that have been impacted by development were not disadvantaged in their attempt to achieve World Heritage Site designation. One of the examples was the Alamo in downtown San Antonio, Texas, which is located two blocks from a busy freeway overpass and surrounded by hotels and other commercial buildings, yet the NPS correctly believed the site is eligible to become a World Heritage Site despite being much more heavily impacted by its surroundings than the Historic Triangle would be by the Project. <i>See</i> Rebuttal Testimony of Marvin L. Wolverton, PH.D. pages 7-8, 13-14.</p>
53.	NPCA	The MOA provides	N/A	36 C.F.R. § 800 does not address natural resource issues

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
	Comment Document, p. 5.	no research of the impacts of the project on the Atlantic sturgeon, the northern long-eared bat, the bald and golden eagles, the small whorled pogonia and the joint-vetch and how to prevent and mitigate these impacts.		<p>unless they are considered character-defining features of a historic property. Similarly, potential impacts to wildlife are not considered under 36 C.F.R. § 800.</p> <p>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 permits 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</p>

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
				<p>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 permits for it is "not likely to adversely affect" the Atlantic sturgeon.</p> <p>Similarly, the Corps and USFWS have coordinated on the northern long-eared bat. The USFWS also issued a "not likely to adversely affect" determination.</p>
54.	NPCA Comment Document, p. 6.	The draft MOA mitigation package is inadequate. There is no or inadequate provisions for construction monitors and no detailed construction operation plans; there is little detail concerning unanticipated archeological findings; there is no plan to avoiding harm during future	The MOA should include unanticipated archeological findings; plans to avoiding harm during future repairs to cultural, historical, or natural resources; details regarding the administration of the mitigation fund; a map to indicate the relationship of the	Phase I identification survey for archaeological resources has been completed for the project's direct APE. Two archaeological sites were identified within the direct APE that were considered by the Corps and SHPO to be eligible for inclusion in the NHRP, and one was determined to be adversely effected. As mitigation, the adversely effected site will undergo Phase III data recovery, which is provided for in the draft MOA. We note also that seventeen other archeological sites, plus the underwater anomalies, were being considered for impact and generally were treated as if they were eligible, even if they were not or were only potentially eligible. Monitoring of construction work near non-NRHP eligible sites is not warranted. Provisions are included in the revised draft MOA for an additional underwater archaeological survey to aid in development of resource specific avoidance plans. It is not anticipated that

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
		repairs to cultural, historical, or natural resources; there is no details regarding the administration of the mitigation fund; there is no map to indicate the relationship of the locations of affected resources and the location of proposed mitigation; and there is no detail about the project design attempts to minimize visibility.	locations of affected resources and the location of proposed mitigation; and details about the project design attempts to minimize visibility.	<p>construction monitors will be used for the underwater portion of the project as because of the limited work space and safety of working on boats. Similarly, additional provisions are being added to the draft MOA to develop avoidance plans regarding the other land-based archeological sites.</p> <p>With regard to consideration of potential effects as a result of future actions, new provisions have been added to the draft MOA to address coordination of future maintenance and repair actions to the line in order to avoid future impacts to cultural resources located within the project APE.</p> <p>The draft MOA did not provide details on the administration of the various funds as it was intended that the funds be disbursed in coordination with various entities that would assist in defining a distribution and project ranking protocol. The intention was to have projects identified and brought forward by those groups who have an investment in the affected historic properties and project APE. Each of the projects recommended for funding along with the associated historic property is included in mapping attached to the draft MOA.</p> <p>New provisions have been added to the draft MOA with steps to examine opportunities to minimize visual effects through tower design and surface coating.</p>
55.	NPCA	N/A	Wants an EIS.	The comment confuses the MOA being developed to

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
	Comment Document, p. 6.			comply with the NHPA § 106 process with the process under NEPA. An EIS is not needed to fully assess the adverse effects on historic properties under the NHPA. The Corps makes the NEPA determination on whether to require an EA or an 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 EA and not an EIS. <i>See</i> 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.
56.	The Colonial Williamsburg Foundation ("CWF") Comment Document, p. 1.	The Stantec Report did not acknowledge that the proposed project is located in a section of the James River continuously occupied by Native Americans and an area of British settlement starting in 1607 and because of this there is rich and precious archeological resources.	N/A	Each of the resource identification studies completed by Stantec includes the appropriate cultural context, which discusses and acknowledges the occupation and use of the region through time by all cultural groups. A cultural context was not provided as part of the CREA.
57.	CWF	Alternatives like	N/A	The Corps White Paper, Revised Alternatives Analysis and

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
	Comment Document, p. 1.	locating the project near the Newport News-James River Bridge would remove it from this archeological sensitive area.		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. <i>See also</i> Letter from S. Miller, Dominion, to L. Rhodes, USACE, Attachment 1, Response to Comment C (July 2, 2015).
58.	CWF Comment Document, p. 2.	Construction of the proposed project would damage a visually unspoiled part of the river leading to further development.	N/A	<p>This comment represents the commenter's opinion that this part of the river is visually unspoiled.</p> <p>There has been no evidence submitted that the transmission line would lead to further development of the river.</p>
59.	CWF Comment Document, p. 2-6.	Stantec's report on archeological sites relies only on sites recorded with the Virginia Department of Historic Report. However, there are unrecognized historic sites within properties close to Jamestown, Middle Plantation and Williamsburg. The commenter gave	Wants Dominion to consider archeological sites beyond the sites recorded with the Virginia Department of Historic Resources.	<p>Stantec's survey efforts included consideration of all previously recorded archaeological sites within the direct APE for the project, as well as identification and recordation of any unknown or recorded resources within the direct APE. The survey efforts were comprehensive and included all areas within the direct APE, therefore predictive site modeling was not necessary. In addition, consideration of previously archaeological resources outside of the direct APE is not required under Section 106. Both the Corps and SHPO have agreed with the approach and conclusions of these studies.</p> <p>The MOA protects archaeological resources at adversely affected sites, including underwater anomalies in the</p>

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
		examples of sites discovered during excavation activities at Carter's Grove, Kingsmill, and Governor's Land property west of Jamestown. Also, archeological excavations at Werowocomoco, Cactus Hill, and Carter's Grove indicated the presence of Native Americans at these sites. Stantec's report provided no model for numerous unstudied sites and its reliance on DHR files ignores Carter's Grove, Kingsmill, the Governor's Land and Flowerdew Hundred.		Indirect APE. MOA provides funding for archaeological work at Werowocomoco.
60.	CWF Comment Document, p.	Requests an EIS so that unstudied sites notion the DHR file	Requests an EIS so that unstudied sites notion the DHR file	The comment confuses the MOA being developed to comply with the NHPA § 106 process with the process under NEPA. An EIS is not needed to fully assess the

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
	7.	can be incorporated in the Corps decision rather than the Corps relying on Stantec's understated assessment.	can be incorporated in the Corps decision rather than the Corps relying on Stantec's understated assessment.	adverse effects on historic properties under the NHPA. The Corps makes the NEPA determination on whether to require an EA or an 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 EA and not an EIS. <i>See</i> 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
61.	National Trust for Historic Preservation ("NTHP") Comment Document, p. 1.	The project applicant responded to concerns raised by consulting parties on January 6, 2016, but this document only reiterated previously provided information and did not amend or supplement previous positions on historic resource, which does not satisfy the consultation requirements under 36 CFR § 800.16(f).	N/A	The definition of "consultation" in 36 CFR § 800.16(f) means the process of "seeking, discussion, and considering the views of their participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process. The comment indicates that consultation occurred but the project applicant did not agree with the commenter. This does not mean consultation did not occur.
62.	NTHP Comment	Adverse effects of the location of the	N/A	The views of the towers are unavoidable impacts. That does not mean they cannot be mitigated. <i>See</i> 36 CFR §

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
	Document, p. 2.	project to historic locations including the Colonial National Historic Park, Jamestown Island, The Eligible Historic District, and the Captain John Smith Trail cannot be avoided, minimized, or adequately mitigated as there are no mitigation effects to hide the towers.		800.6 (resolutions of adverse effects involves both avoiding and mitigating).
63.	NTHP Comment Document, p. 3.	The Corps should deny the permit or prepare an EIS to ensure that the full range of project alternatives is explored.	N/A	The comment confuses the MOA being developed to comply with the NHPA § 106 process with the process under NEPA. An EIS is not needed to fully assess the adverse effects on historic properties under the NHPA. The Corps makes the NEPA determination on whether to require an EA or an 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 EA and not an EIS. <i>See</i> 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.
64.	NTHP	The goal of the	Wants an update	1) The SHPO provided the Corps with their concurrence on

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
	Comment Document, p. 3 - 5.	MOA is to identify measures to avoid, minimize, or mitigate adverse effects, but it is not possible to have a discussion about the resolution of adverse effects when questions about effects to specific resources and the methodology for considering cumulative effects remain unresolved, including: (1) a lack of concurrence from DHR on the list of individual historic resources that would be adversely affected by the project; (2) a lack of individual assessment of effects on the CAJO; (3) the methodology used by the project	and timeline regarding the efforts to resolve these issues.	<p>the list of identified historic properties and their associated effect determination on February 6, 2016. This list is included as an attachment to the draft MOA and is the same list that was included in the initial draft MOA submitted for consulting party review and comment.</p> <p>2) The Captain John Smith Chesapeake National Historic Trail is considered a contributing element to the newly Eligible Historic District, as defined by the Keeper of the NRHP. Both the Corps and SHPO have concurred with the determination that the proposed project will have an adverse effect on the Eligible Historic District and its contributing elements. Also, Stipulation II(a) requires completion of analysis of the Captain John Smith Chesapeake National Historic Trail for a full National Register listing.</p> <p>3) This comment by NTHP provides no support for the statement. Beyond the discussion of cumulative effects within the CREA, additional consideration of cumulative effects and opportunities to avoid or minimize such effects are included in the revised draft MOA.</p> <p>4) Additional survey work is provided for in the revised draft MOA to address this issue.</p> <p>5 and 6) Both the Corps and SHPO considered are in agreement on which properties are considered eligible for listing in the NRHP and therefore require consideration</p>

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
		<p>applicant to consider cumulative effects is flawed and underestimates the harm; (4) information to demonstrate that the 76 underwater anomalies can be avoided has not been provided; (5) the issue of whether there is an adverse effect to the Battle of Yorktown, Fort Crafford, Fort Hunger, the contributing section of the CAJO, and the Washington Rochambeau Trail remain unresolved; (6) there has been no determination of National Register eligibility for the segment of the Washington-Rochambeau</p>		<p>under Section 106.</p> <p>7) 36 C.F.R. § 800 requires a determination of effect and does not provide for an assessment of severity of effect. An effect is either adverse or it is not.</p>

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
		<p>Revolutionary Route National Historic Trail within the projects APE; (7) request for additional visual assessments remain unfulfilled; and the severity of the adverse effects to the negatively impacted historic properties has remained unanswered.</p>		
65.	NTHP Comment Document, p. 5.	<p>The 106 consulting process is flawed as consulting parties have been asked to consult on mitigation measures when National Register eligibility for specific historic resources and individual and cumulative adverse effects determinations have</p>		<p>See response to comment numbers 64 and 87.</p>

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
		not been resolved.		
66.	NTHP Comment Document, p. 5.	The draft MOA should be revised to include comments received by the January 29, 2016 deadline and then recirculated for the consulting parties to further comment.	N/A	The draft MOA has been revised to take into account comments received on the document and its content.
67.	NTHP Comment Document, p. 6.	The compensatory and programmatic mitigation measures in the draft MOA to avoid, minimize and mitigate harm are not sufficient to resolve the project's adverse effects.	N/A	Neither Section 106 nor 36 C.F.R. § 800 provides a standard threshold for adequacy of proposed mitigation relative to real and perceived effects. The mitigation program proposed in the draft MOA is a substantial proposal that reflects the applicant's understanding and appreciation for the area and affected resources. As a draft, all parties are expected to provide constructive and specific comments, which will be taken into account by the Corps and applicant during revisions to the document.
68.	NTHP Comment Document, p. 6.	The proposed project will lead to additional industrial development and put at risk the more than \$1 billion tourism revenue.	N/A	See response to comment 48.
69.	NTHP Comment Document, p.	Mitigation funds can be used to avoid harm. For example,	N/A	As explained in detail in Stantec's analysis and the Corps' Alternatives Analysis White Paper, other alternatives to the project, such as routing the proposed line under the James,

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
	7.	Dominion could minimize impacts of the project by spending money to route the proposed line under the James.		<p>did not meet the purpose and need of the project.</p> <p>The Corps has considered project alternatives and concluded that the aerial river crossing was more viable and constructible than a submerged crossing given available industry technology.</p>
70.	NTHP Comment Document, p. 8.	The compensatory mitigation proposal fails to address the magnitude of harm the project will cause to historic, environmental and scenic resources. In the 106 consulting process, attempts should be made to address the need of resources that would directly suffer harm.	N/A	The Stipulations in the MOA directly address adversely affected resources. Additional mitigation proposed in the draft MOA provides for interaction with key parties associated with the affected historic properties during project funding and implementation phases. This language has been strengthened to enable the parties to invite additional experts and professionals as they deem appropriate. In addition, new language in the draft MOA provides for direct engagement with administrators of affected historic property within the indirect APE for the river crossing for the development of a heritage tourism impact study.
72.	NTHP Comment Document, p. 8.	The MOA process is premature because numerous issues remain unresolved and a recent Presidential Memorandum on Mitigating Impacts	N/A	The language of 36 CFR 800.6 makes it clear that avoidance and mitigation are separate and mitigation is for unavoidable impacts.

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
		on Natural Resources from Development and Encouraging Related Private Investment (Nov. 3, 2015) stated that the proper mitigation approach for irreplaceable resources is avoidance.		
73	NTHP Comment Document, p. 9.	The permit should be denied or an EIS prepared to find a suitable avoidance alternative.	Asks that the Skiffes route be avoided altogether.	The comment confuses the MOA being developed to comply with the NHPA § 106 process with the process under NEPA. An EIS is not needed to fully assess the adverse effects on historic properties under the NHPA. The Corps makes the NEPA determination on whether to require an EA or an 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 EA and not an EIS. <i>See</i> 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.
74.	NTHP Comment Document, p. 9.	The terms in the MOA are generic and do not address all resource protection, fund	N/A	The intent of the draft MOA was to provide a document on which consulting parties could focus and provide constructive and specific comment. To the extent that specific comments are received relative to the language in the draft MOA they are and will be taken into account by

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
		management, construction and operation concerns. Information to avoid or minimize audible, visual and atmospheric impacts is inadequate.		the Corps and the draft MOA revised accordingly. Stipulation I (structure type and coatings), Stipulations III and IV (archaeology) address construction concerns.
75.	NTHP Comment Document, p. 9.	N/A	The MOA should include detailed construction plans, ongoing maintenance plans, and decommissioning plans that address potential impacts over the life of the project.	The draft MOA has been revised to include provisions for addressing potential future effects to historic property arising from maintenance and repair activities associated with the project. Stipulation VI provides process for SHPO to be involved with project O&M.
76.	NTHP Comment Document, p. 10.	N/A	The treatment plan for archaeological site 44JC0662 should be developed now.	Dominion will prepare a treatment plan to ensure documentation of archeological resources in accordance with federal and state guidelines and recommendations on preservation in place. It is not uncommon for MOA's to specify development of treatment plans for archaeological sites after signature of the agreement document. The current language in the draft MOA is consistent with this approach and provides for consulting party review and comment prior to approval and

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
				implementation of the plan. Specifically, Stipulation III provides opportunity for Consulting Parties to comment on the draft Treatment Plan after permit issuance. The Corps also approves the Plan.
77.	NTHP Comment Document, p. 10.	N/A	There should be a provision in the MOA requiring Dominion to fund the curation and storage of any archaeological resource that requires excavation.	Language has been added to the draft MOA in Stipulation X acknowledging that Dominion will be responsible for and will fund curation and storage costs arising from archaeological work carried out for the project.
78.	NTHP Comment Document, p. 10.	N/A	The MOA should include a provision where mitigation funds established should require that a managing organization convene a panel of qualified experts to review and select request for project funding.	Language has been added to the draft MOA that enables the fund administrator and other identified parties to invite experts and professionals to assist in dispensing and managing funds and projects. Specifically, administrative fees to manage each fund are in addition to funding identified in Stipulation II(e). Dominion plans to execute a separate agreement with each entity administering the mitigation funds.
79.	NTHP Comment Document, p.	N/A	The MOA should include a Fund Operation and	The current language in the draft MOA envisions the fund administrator in consultation with the participating parties will develop management and operation procedures in

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
	10.		Management Agreement that contains clear descriptions of each fund's goal, management and operational procedures, detailed project eligibility requirements, and ceiling for administrative costs.	consultation with any invited resource or area experts.
80.	NTHP Comment Document, p. 10.		Asks that the MOA lasts for the entire life of the project and not limited to 10 years.	New language has been added to the draft MOA extending its effective life to 50 years from the date of execution, which is consistent with the projected lifespan of the project. Further, additional provisions have been added to Stipulation II(e) clarifying that funds are to be <i>obligated</i> within 10 years, but projects are not required to be completed by that time.
81.	NTHP Comment Document, Exhibit A	Exhibit A was draft language regarding avoidance of underwater anomalies.	Asks that language similar to the language provided in Exhibit A be included in the MOA.	New language has been added to the MOA providing for additional underwater survey in order to inform development of avoidance plans for identified underwater anomalies.
82.	Advisory Council on	The adverse effects on historic	N/A	NHPA Section 106 regulations require the consideration of mitigating any adverse effects on historic properties that

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
	Historic Preservation (“ACHP”) Comment Document, p. 1.	properties in the APE cannot be adequately resolved.		cannot be avoided or minimized. Therefore, the Corps, Dominion, SHPO, ACHP, and consulting parties are in the process of mitigating adverse effects on properties that would be affected by the project.
83.	ACHP Comment Document, p. 2.	Dominions analysis of alternatives is flawed. Cites to the PERI research to state that peak load growth and actual military usage of energy have decreased over time in this area. Also, Dominion underestimated Demand Side Management growth potential and overestimated the use of submerged lines and questions the closure of Yorktown will cause rolling blackouts. Yorktown 3 will cover the demands	N/A	<p>Responses to the specific comments regarding the PERI Report are addressed under separate cover in a document dated February 1, 2016 titled “Surry-Skiffes-Whealton NAO-2012-0080113-V0408.”</p> <p>PJM’s January 2016 letter reaffirmed the need for the project. There is additional information in the presentation titled “Surry-Skiffes Creek-Whealton: Modeling and Alternatives Analysis Review” which is discussed in more detail in comment 47.</p>

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
		adequately while other alternatives are studied.		
84.	ACHP Comment Document, p. 2.	Requests an EIS and states that the challenge of the project's purpose and need in the PERI study and the adverse effect of the project on historic properties in the AEP are sufficient justification for an EIS.	Wants an EIS.	The comment confuses the MOA being developed to comply with the NHPA § 106 process with the process under NEPA. An EIS is not needed to fully assess the adverse effects on historic properties under the NHPA. The Corps makes the NEPA determination on whether to require an EA or an 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 EA and not an EIS. <i>See</i> 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.
85.	ACHP Comment Document, p. 2.	Dominion's assessment of effects analysis fails to link multiple properties to the landscape or clarify the importance of this context to the significance of those properties as exemplified by the Captain John Smith trail.	N/A	MOA Stipulations collectively provide a landscape-scale response to mitigate for adverse effects. Mitigation beyond boundary of Indirect APE provided when a thematic relationship is demonstrated.

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
86.	ACHP Comment Document, p. 2.	Disagrees with Dominion's assertion that visitor experience and recreation are outside the scope of the 106 process.	N/A	<p>The scope of the 106 process encompasses whether the project diminishes the integrity of a property's location, design, setting, materials, workmanship, feeling, and association. Therefore, visitor experience and recreation are outside the scope of the 106 process. Nevertheless, the MOA addresses potential impacts on visitor experience.</p> <p>NEPA is the context where visitor experience and recreation are considered; the Corps is working on the EA.</p> <p>New language has been added to the draft MOA to identify potential visitor experience impacts and to develop appropriate mitigation for any identified impacts.</p> <p>Visitor experience addressed in Stipulation II(a)(ii) and heritage and eco-tourism addressed in Stipulation V.</p>
87.	ACHP Comment Document, p. 2	The draft MOA is premature given the issues that still need to be addressed. The draft MOA must focus on actions that could be taken to resolve the adverse effects, and address the issues raised by the consulting parties.		The Corps, SHPO, and ACHP have stated publically that the Corps is at 36 C.F.R. § 800.6 resolution of adverse effects. Toward that end, the draft MOA was developed to serve as a starting point for consultation and was not and is not viewed as a final document.
88.	ACHP	N/A	Wants the Corps to	Responses to the specific comments regarding the PERI

Comment Number	Name of Commenter, Document & page no.	Comment	Ask	Response
	Comment Document, p. 2.		evaluate the accuracy of the information provided in the NPCA/PERI study.	Report are addressed under separate cover in a document dated February 1, 2016 titled “Surry-Skiffes-Whealton NAO-2012-0080113-V0408.”
89.	ACHP Comment Document, p. 3.	N/A	Wants the Corps to undertake further analysis to balance the issues surrounding historical preservation and energy supply concerns in the broader public interests.	The Corps has been thoroughly evaluating the project, its alternatives, the resources it will impact, the number and severity of the impacts and possible mitigation. Public safety concerns related to rolling blackouts outweigh concerns about historic preservation.
90.	NTHP Comment Document, p. 5.	N/A	Wants outstanding information requests and procedural concerns raised by Consulting Parties, SHPO and the ACHP to be addressed.	Dominion is in the process of responding to requests and concerns raised by Consulting Parties, SHPO and the ACHP.