

## Steffey, Randy L NAO

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**From:** Steffey, Randy L NAO  
**Sent:** Monday, July 14, 2014 9:18 AM  
**To:** Courtney R Fisher (VirginiaPower - 6); Conrad, Christine; 'Ramsey, Dave'  
**Cc:** Rhodes, Lynette R NAO; Walker, William T (Tom) NAO  
**Subject:** FW: [EXTERNAL] Re: (Recoordination) NAO-2012-00080 Dominion Surry-Skiffes Ck-Whealton Transmission Line Project (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

FYI.

Please reference the email chain below. But NOAA's not likely to adversely affect concurrence still valid even without the timelines for project phasing.

-----Original Message-----

**From:** Steffey, Randy L NAO  
**Sent:** Monday, July 14, 2014 9:13 AM  
**To:** 'Christine Vaccaro - NOAA Federal'  
**Cc:** David O'Brien - NOAA Federal  
**Subject:** RE: [EXTERNAL] Re: (Recoordination) NAO-2012-00080 Dominion Surry-Skiffes Ck-Whealton Transmission Line Project (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Thanks Chris. I will pass this information along to the applicant/agent. I am sure they will be happy with the findings. If anything should change with the project I will certainly notify you. Thanks again for helping us work through this coordination.

-----Original Message-----

**From:** Christine Vaccaro - NOAA Federal [mailto:christine.vaccaro@noaa.gov]  
**Sent:** Friday, July 11, 2014 3:02 PM  
**To:** Steffey, Randy L NAO  
**Cc:** David O'Brien - NOAA Federal  
**Subject:** [EXTERNAL] Re: (Recoordination) NAO-2012-00080 Dominion Surry-Skiffes Ck-Whealton Transmission Line Project (UNCLASSIFIED)

Hi Randy,

I wanted to get back to you on the Dominion-Surry-Skiffes Transmission Line project with my comments regarding removing the proposed project phasing from the action. In our original consultation, we discussed the project phasing, but after reviewing the concurrence letter, it looks as though all potential effects of the action (in this case, sound attenuation throughout the river) will have been considered, even if the project phasing schedule is removed from the action.

The "change in the action" wouldn't create effects that have not previously been considered. Specifically, the installation of the fender system was analyzed without any reference to project phasing. The only real reference to project phasing was for the deep water tower construction:

"Towers 582/20, 582/21, 582/22, and 582/23 will all be constructed during months when Atlantic sturgeon are not known to be present within the action area (December-February). However, towers 582/24, 582/25, 582/26, and 582/27 will be constructed in water depths where

sturgeon may occur and during months we expect them to be present within the action area (March-May). As mentioned previously, deep channel habitat is important to Atlantic sturgeon, and approximately 5,000 feet of the width of the James River in the action area is deep water (10-20 feet). Based on the distance from a driven steel pile to the point where noise levels are below the behavioral modification threshold of 150 dBRMS (radius: 262 feet; diameter: 524), approximately 10% of deep water habitat will be ensonified above the behavioral modification level at any given time, leaving the other 90% of deep water habitat (approximately 4,476 feet) free for passage."

Because the analysis of effects and finding of "insignificant effects" is based on how much of the river will be ensonified vs. free for passage, rather than solely on whether or not Atlantic sturgeon would be present or not at a given time of year, the effects of the action will not change if the project phasing component is removed. The reason why the effects of increased sound from pile driving are "not likely to adversely affect" sturgeon is because passage will be open in the river if they are present.

As such, I do not believe that re-initiation of this consultation is required, and the existing concurrence letter is still valid even without the timelines for project phasing.

Let me know if you have any additional questions.

Cheers,  
Chris

Chris Vaccaro  
Fisheries Biologist  
Protected Resources Division  
NOAA Fisheries  
Gloucester, MA  
Phone: 978-281-9167  
Email: christine.vaccaro@noaa.gov

On Thu, Jul 3, 2014 at 9:11 AM, Steffey, Randy L NAO <Randy.L.Steffey@usace.army.mil> wrote:

Classification: UNCLASSIFIED  
Caveats: NONE

Christine V.,

On April 16, 2014 NOAA provided a Not Likely to Adversely Affect determination (attached) for Dominion's proposed aerial transmission line they are proposing to construct over the James River near Hog Island. Your determination was based on information provided to you on November 14, 2013 by the Corps, and additional information you received from the applicant's agent on March 12, 2014. In the March 12th information, the applicant outlined a "proposed project phasing by tower" which NOAA used to reach their Not Likely to Adverse Effect conclusion.

Despite the "proposed project phasing" that Dominion provided, they had always requested we consider allowing them to construct without any timeframe restrictions. As such, we coordinated NOAA's April 16, 2014 findings with Dominion, making them aware that your determination was only valid if specific towers could be constructed at the time(s) of year they had previously outlined in there March 12th package.



Based on the Stantec Memo (attached) Dominion would like to retain the flexibility of not being held to any construction timeframe(s) for specific towers. Dominion feels by having no timeframes it would allow them the most efficiency when constructing the line for what is a time sensitive project to meet required in-service dates. For the fact that the "proposed project phasing by tower schedule" is no longer valid, Dominion is requesting the Corps and NOAA reconsider the effects. Stantec, on behalf of Dominion, has provided additional summary/clarification on why they feel a No Adverse Effect would still apply. I have attached an exhibit to simplify their memo by showing the specific towers and grouping based on potential effects.

We are requesting your review and concurrence that the a No Adverse Effect remains valid independent of a specific construction schedule and/or TOYR. All corresponding documents provided to NOAA remain valid with exception to the proposed project phasing by tower schedule which can't be estimated at this time.

For the fact that we have previously coordinated this project with you, we are hoping this re-coordination via email is sufficient. If you should need any additional information or would like us to follow another process please let us know. If it is possible we were hoping to have NOAA's comments regarding this re-coordination by August 4, 2014. If you have any questions or would like to schedule a conference call with us and Stantec/Dominion please let me know.

Thanks,

Randy Steffey  
Environmental Scientist / Project Manager  
US Army Corps of Engineers - Norfolk District  
803 Front Street  
Norfolk, VA 23510

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CUSTOMER SATISFACTION SURVEY:

The Norfolk District is committed to providing the highest level of support to the public. In order for us to better serve you, we would appreciate you completing our Customer Satisfaction Survey located at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). We value your comments and appreciate your taking the time to complete the survey.

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Caveats: NONE

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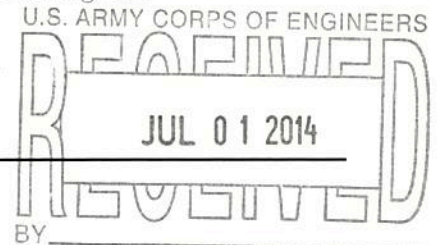
Classification: UNCLASSIFIED

To: Christine Vaccaro  
National Oceanic and Atmospheric  
Administration, Fisheries

File: Surry – Skiffes Creek – Whealton  
Project No. 203446520

From: Christine F. Conrad, PhD  
Stantec Consulting Ltd.

Date: July 1, 2014



**Reference: NOAA Section 7 ESA Consultation**

In a letter dated April 16, 2014, the United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) Northeast Region, responded to the Endangered Species Act (ESA) Section 7 consultation initiated by the U.S. Army Corps of Engineers (Corps) on November 14, 2013. NOAA concluded that the proposed tower construction and pile driving activities associated with the Surry – Skiffes Creek – Whealton project would not adversely affect the Atlantic sturgeon. This conclusion, however, was reliant upon a proposed construction schedule whereby work would be completed in designated portions of the James River at specific times of the year. However, Dominion would like to retain flexibility to accommodate ongoing permit timelines and allow for the most efficient construction of the line to meet required in-service dates. Based upon the project scope and information provided by NOAA, the project is not expected to adversely affect the Atlantic sturgeon. As such, Dominion is requesting that NOAA provide their determination independent of the time of year of construction. Further details are provided below.

The proposed construction will begin on the eastern/southern shore of the James River and proceed to the north/west. Tower construction will occur in pairs, with piles being driven first followed by the construction of foundation pads above the water surface and setting of the towers. Line crews will follow behind the construction crews to set and pull the line across the river as the towers are erected. This is the most efficient means of construction, but requires that the towers be constructed in sequence to accommodate the installation of the line.

Atlantic sturgeon typically occur in waters no shallower than 3.3 feet. As such, NOAA has determined no effect due to construction of towers 582/12 – 582/19 and 582/28 as these towers are located in waters less than the given depth. In addition, the driving of fiber piles was determined to have no effect on sturgeon as the noise associated with this activity would dissipate quickly and not significantly block any portions of the river. It was found that only 0.9% of the river overall and only 2.6% of deep water habitat would be ensonified at any given time. The rationale for these findings appear to be independent of time of year. As such, fiber pile installation is not expected to adversely affect the sturgeon regardless of the construction schedule.

NOAA also evaluated the potential effects due to steel pile driving and found that the construction of towers 582/24 – 582/27 would have no adverse effect even though sturgeon were expected to be present within the action area. It was found that only 10% of deep water habitat would be ensonified above the behavioral modification limit, leaving 90% of deep water habitat available for use. These findings again appear to be independent of time of year and should remain valid for any give construction schedule.

Towers 582/20 – 582/23 were found not to effect sturgeon as the fish were not known to be present within the action area during the originally proposed timeframe. However, this finding should be reevaluated to account for the probability that sturgeon may be present during construction activities in this area. Structure 582/22 is located in deep water habitat. As detailed above, a small portion of deep water habitat will be ensonified above the behavioral modification limit during steel pile driving activities, but is not expected to



**Reference:** NOAA Section 7 ESA Consultation

adversely affect the sturgeon. Towers 582/20, 582/21 and 582/23 are all located in shallow water habitat. Approximately 6,000 feet of the width of the James River is shallow water habitat that is greater than 3.3 feet deep. Using the noise dissipation ranges provided by NOAA, driving of the steel piles for these towers would result in noise levels above the behavioral modification levels for a distance of 262 feet in any direction. This equates to approximately 9% of shallow water habitat being ensounded for any given tower. This area of effect is within similar ranges as those determined by NOAA to not adversely affect the sturgeon for other construction scenarios. As such, steel pile driving activities at these tower locations are not expected to adversely affect sturgeon if they are present within the action area.

Based on the information provided by NOAA, distribution of shallow and deep water habitat within the James River, and proposed tower construction methods, the project is not expected to adversely affect the Atlantic sturgeon. Dominion is requesting NOAA's concurrence that the finding of No Adverse Effect provided under their Section 7 of the ESA consultation remains valid independent of a specific construction schedule.

Thank you for your prompt review of this information. If you have any questions or require additional information, please feel free to contact me at your earliest convenience.

Stantec Consulting Ltd.

*Christine F. Conrad*

Christine F. Conrad, PhD  
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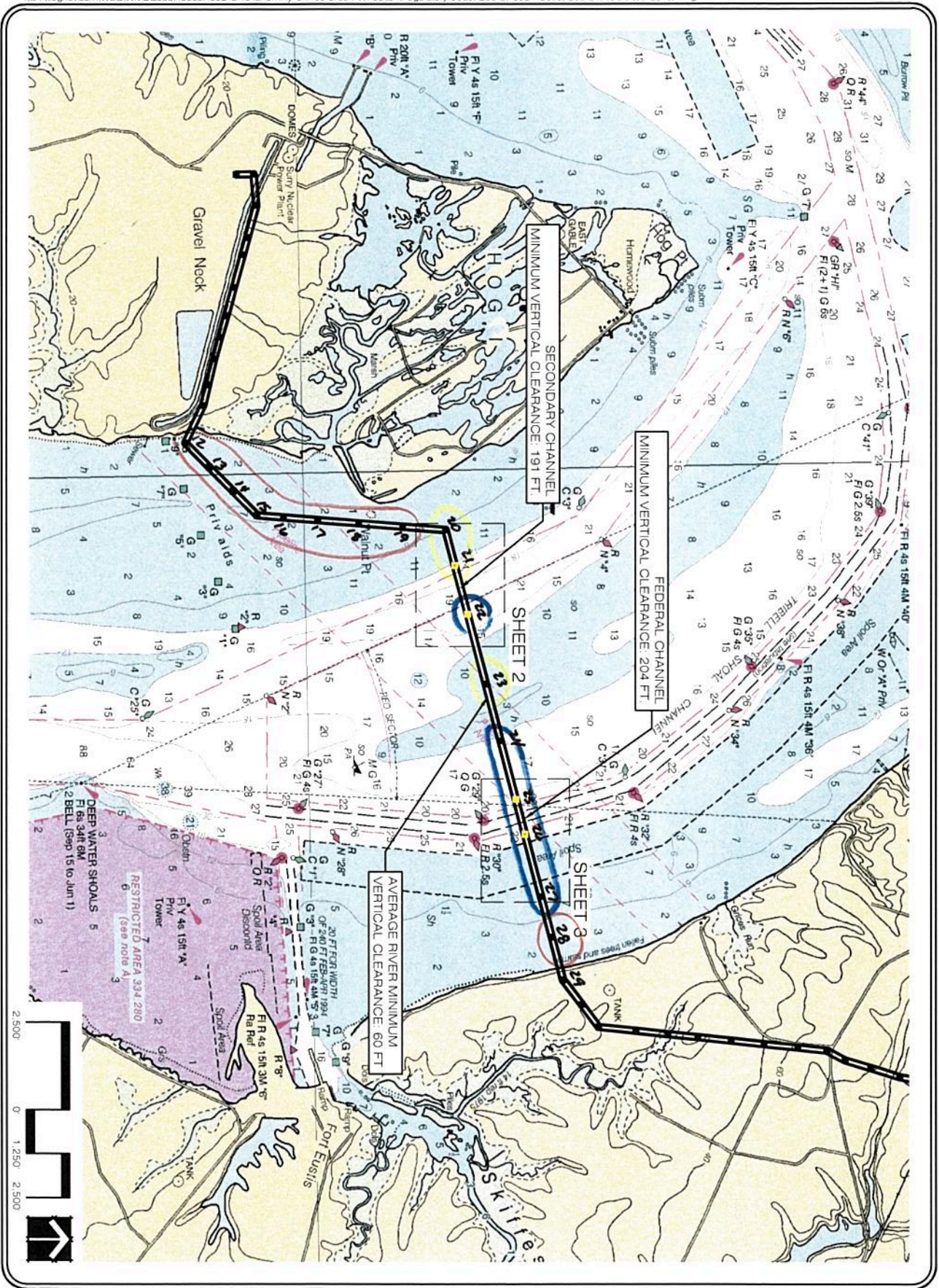
cc: Randy Steffey, U.S. Army Corps of Engineers  
Courtney R. Fisher, Dominion Virginia Power



\* Fiber piles - No Effect (Tender Systems)  
 \* Steel Piles - No Effect (Towers)  
 No Adverse

■ = No Effect; water depths less than 3.3 ft  
 ■ = No Adverse Effect; 10% of deep water habitat unsuitability leaving 90% available for use by species.  
 ■ = No Adverse Effect; shallow water greater than 3.3 ft. Noise above range 202 mt. 9% shallow water habitat unsuitability for any tower.

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DATE: AUGUST 8, 2013  
 REVISED: JUNE 24, 2013  
 JOB NUMBER: 4652  
 SCALE: 1 INCH = 2,500 FEET  
 SOURCE: DOMINION VIRGINIA POWER 2013.  
 NOAA 2008

**PROPOSED JAMES RIVER CROSSING  
 NAVIGATIONAL CLEARANCES**  
**SHEET 1 OF 3**  
**SURRY-SKIFFES CREEK-WHEATON**  
**SURRY COUNTY AND JAMES CITY COUNTY, VIRGINIA**

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