

Dominion Virginia Power
CASE # PUE-2015-00133

Public Hearing
March 23, 2016

Public Hearing Statement
Catherine C. Ledec, President
Friends of Huntley Meadows Park

My name is Catherine Ledec and I am President of Friends of Huntley Meadows Park. We are a 501 (c)(3) non profit organization, founded in 1985. We are a directly impacted stakeholder with this project. Our interest is to ensure the protection of natural, historical and cultural resources on Huntley Meadows Park property including the power line easement area which is on Park property.

We cannot support this project until the adverse impacts to Huntley Meadows Park Property including Historic Huntley and its view shed are properly addressed, and, following the mitigation hierarchy, the adverse impacts are first avoided, then minimized and restored, and then for the remaining impacts that cannot be adequately mitigated, a compensatory mitigation plan is needed. We seek solutions to these adverse impacts.

We recommend that the Virginia State Corporation Commission agree with all of the Virginia DEQ recommendations in the letter to the Virginia SCC dated March 1, 2016. This included reference to comments provided by Fairfax County and VA Department of Historic Resources.

Item #1: Visual Impacts

We support concerns stated by Friends of Historic Huntley and written up by Fairfax County and the Virginia Department of Historic Resources about the potential for adverse impacts on the Historic Huntley View shed resulting from poles and transmission lines that are proposed to be 20-40 feet above the tree line.

Balloon Test Requested:

We request that a publicly advertised, independently run and verified, Balloon test be performed to assess visual impact that covers the entire length of the 2.6 mile Right of Way. Further we recommend that this Balloon test include an assessment at

- (1) the present height of the tree line (as an option to avoid long-range impacts), and
- (2) at the currently proposed height of the poles.

If adverse impacts on the historic view shed are identified our choice would be to lower the height of the poles to at or below the tree line. This would greatly reduce and potentially eliminate the impact of the project on the view shed for Historic Huntley.

Item #2: Bird Collision and Electrocuting Risk

This project has a significant risk of bird collisions, particularly if the final implemented design of the project has the Poles and Transmission lines above the tree line. Since Huntley Meadows Park is in the Atlantic Migration flyway this could impact both resident and migratory birds.

It is well documented that collision risks can be significant for large-bodied, fast-flying birds including some species of conservation concern such as Bald Eagles. This is especially problematic near wetlands. While we do not have Bald Eagles nesting at Huntley Meadows there are regular flyovers (*change this to "visitors" or something to include reference to feeding*).

Our recommendation is again, lowering the poles and transmission lines to at or below the tree line; this will substantially reduce the collision risk although it will not be eliminated entirely. The potential installation of Bird Flight diverters or similar devices to make the lines more visible to birds (especially the thinner grounding wire at the top) should be assessed along the entire length of the 2.6 mile project area.

For large birds such as hawks and eagles there may also be an electrocution risk, depending on how the lines and poles are configured. Dominion has not explained methods for avoiding this in their application. What will be done to prevent birds perching on the conductors and the live wires in ways that would risk electrocution? And how does Dominion avoid collision and electrocution impacts at similar project sites

that are in highly sensitive areas? Is there any post construction monitoring of these impacts? Are the data collected released publicly?

Also described in the project is the use of guy wires. There is known collision risk with birds large and small, resident and migratory with guy wires. Any guy wires used must have bird flight diverters or some other covering that would increase the visibility of the guy wires to birds for the entire length of the guy wire.

Depending on the result of discussions about the final project design related to the height of the poles, transmission lines, and use of guy wires, Friends of Huntley Meadows Park is requesting a monitoring project in partnership with an independent 3rd party that would collect, analyze, and publicly disclose data regarding bird collisions and electrocutions with the transmission lines and guy wires.

Item #3: Materials to be Used

We seek verification from independent experts that the materials used in the concrete would be environmentally safe. Fly Ash from coal combustion (including toxins like arsenic, lead and others) is described on Dominion's Web site as being recycled for use in concrete and cement.¹ What is in the concrete to be used for this project? Further when mixing concrete, dust can be blown into and adversely impact the surrounding environment and neighborhood. How do we know that the concrete will be mixed properly so as to not leech out dust or toxins into the environment?

Once we agree that the materials used in the concrete are environmentally safe our recommendation is that all concrete used needs to be mixed off-site and brought to the site pre-mixed and only when needed.

If this is not possible, the concrete must be mixed in a sealed environment so as to minimize the concrete dust including any dangerous toxins from flying around and adversely impacting the environment and neighborhood.

¹ <https://www.dom.com/corporate/our-commitments/environment/coal-ash-pond-closure-management/coal-ash-faqs>

Item 4: Pre-application work carried out

In an Oct. 22, 2015 letter included in the application from the Fairfax County Park Authority Dominion was granted a "Maintenance Work Permit" in July 2015.²

However, under this Maintenance Work Permit, Dominion says that 5 structure foundations were installed in August 2015 to establish foundation installation construction practices for the Rebuild Project.³

This work appears to go beyond what Dominion was authorized to do under the Maintenance Work Permit.

Further, it seems highly inappropriate to establish foundation installation construction practices in a known highly sensitive wetland and conservation area.

That the Virginia SCC required that Dominion seek a Certificate of Public Convenience and Necessity resulting in a work stoppage at the end of August 2015, and requiring this lengthy application process within which we are currently engaged, validates that this 2015 pre-application work was outside the scope of the Maintenance Work Permit. Will Dominion be fined for work done outside the scope of the Maintenance Work Permit and pre-application without SCC approval?

We are very concerned about the possibility that streams, wetlands, natural, historical and cultural resources were damaged by this August 2015 work. We request that an **independent assessment** be carried out to determine whether there are any adverse impacts on the sensitive natural, cultural and historical resources from this pre-application work.

² Dominion Application Case No. PUE-2015-00133, Attachment 2.K.1.: From the October 22, 2015 letter from the Fairfax County Park Authority to Mr. Ben Saunders of Dominion Virginia Power. "Dominion and Park Authority representatives met on site at the Huntley Meadows Office on July 6, 2015. Subsequent to the meeting Dominion submitted plans entitled TL 220 REBUILD TYPICAL E&S PLAN OVERHEAD STRUCTURE (application dated 7/15/15) that were prepared by Angler Environmental, and the Park Authority issued a Maintenance Work Permit MW-04-15. The project entered into the construction phase, several pole foundations were installed, Dominion crews ceased active work on August 28, 2015 with the understanding that construction would resume pending future notification."

³ Dominion Application Case No. PUE-2015-00133, Appendix, p.1, footnote 1: "Five structure foundations were installed in August 2015 to establish foundation installation construction practices for the Rebuild Project, including access preparation and determination of line outage constraints given that one circuit must remain in service at all times to sustain service to the Gum Springs Substation. The Company will resume foundation installations following Commission approval of the Rebuild project."

Item #5: Site mappings.

For this work to proceed, it will be necessary to identify the streams, wetlands, rare plants, wildlife, historical, archaeological resources, and many other sensitive resources in the project area. These will then need to be mapped along with the planned locations of the poles and foundations to ensure that the pole and foundation placements will not adversely impact sensitive resources in the Right of Way.

This map, known as an alignment sheet must be easy to follow so that the contractors working on the project can use this to avoid adverse impacts to these sensitive resources.

Further there must be prominent on-the-ground flagging and sturdy fencing that is clearly marked with signage in English and Spanish. This fencing will protect sensitive resources from damage during the project.

Item #6: Contract Supervision.

We are requesting that a Dominion Virginia Power Senior project staff member be present on site at all times during the work period to ensure the protection of the sensitive resources in and adjacent to the work area.

Item #7: Rules for Contractors.

We request that the following list be inserted into the Contractor Rules to be followed by the Dominion contractor hired to do this work and that these same rules be followed for staff on site.

1. Spoils, other construction debris and any other waste should be removed from the site daily;
2. Workers need to remain within the boundaries of the easement, avoiding flagged or marked areas;
3. Toilet facilities or adequate time for toilet breaks for workers must be provided. Outdoor wooded areas (bushes or trees) should not be used for this purpose;
4. Ensure no oil or fuel spills or leaking of other engine fluids occurs onto the project work area, adjacent areas, or in neighborhoods and areas through which the construction vehicles pass daily to access the site;

5. We recommend that equipment or machinery be removed from the site daily, rather than stored on-site;
6. Vehicles should be cleaned off-site before entering the project site each day to ensure no transmission of invasive plants into the project area;
7. No re-fueling or maintenance of any kind (including washing) of vehicles at the work site;
8. Before exiting the work site each day, all trash and construction debris needs to be removed from the site;
9. Workers must not capture, harass or harm any wildlife;
10. Any disturbance to native vegetation in the right-of-way must be avoided, minimized (and restored if needed).

Item #8: Compensatory Mitigation:

In view of the activities carried out before Dominion's formal application was filed on December 15, 2015 and to help mitigate adverse impacts from this pre-application work, and, to compensate for adverse impacts on sensitive resources in the right of way from this project, we recommend that Dominion propose a compensatory mitigation plan. We look forward to discussing this further and coming to an agreement on this matter.

In summary Friends of Huntley Meadows Park can only support this project if and when these issues are properly examined, adverse impacts and solutions are identified, avoided and mitigated. We look forward to working with Dominion, the State Corporation Commission and other directly impacted stakeholders including Friends of Historic Huntley on solutions to these adverse impacts.