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Creigh Deeds  
Senator – District 25  
Post Office Drawer D  
Hot Springs, VA 24445

SENT VIA EMAIL TO: [district25@senate.virginia.gov](mailto:district25@senate.virginia.gov).

RE: Dominion's Transmission Line Project in Rockbridge and Augusta Counties

Dear Senator Deeds:

I am a Virginia property owner and one of your constituents. I own a farm outside of Brownsburg, in Rockbridge County. I am writing regarding a transmission power line project that is currently under construction by Dominion in the Brownsburg/Middlebrook corridor, in Rockbridge and Augusta counties.

Dominion is building transmission line towers that destroy the character of the rural, scenic, and historic landscape in the area. Along designated scenic byways, among the largest concentration of conservation easements in Virginia, through beautiful farmland, and at the tops of area ridgelines, Dominion is installing towers that are oversized industrial structures. The towers are made of galvanized steel that glare in the sun, and rise far above any tree line. Dominion, by its own admission, has made no attempt whatsoever to mitigate the appearance of the power lines as they traverse the scenic landscape.

How could this happen? Dominion intentionally deceived the public and various state agencies, so as to avoid appropriate scrutiny of the project before it began. Dominion repeatedly described the project as a mere replacement of an aging line, with structures that would be only slightly larger, and no more numerous, than what existed previously. Dominion's statements were patently false. The prior towers were approximately 100 feet in height, dark in color, and were either hidden by trees or blended into the background. The new towers are dramatically larger and brighter, and the impact on the landscape is devastating.

As just one example of Dominion's egregious effort to conceal the truth, a "Structure Comparison" information sheet on Dominion's website stated that the new towers would be 115 feet in height. This document was posted for years on a webpage that purported to inform the public about the project. In reality, the towers are as tall as 174 feet. Anyone who might have raised an objection to 174-foot towers had no opportunity to do so, as the actual size of the towers was not revealed until the public comment period was closed.

As you can see from the photo, Dominion is creating an industrial corridor through one of the most beautiful areas in Virginia. These towers stretch for miles, and are a heartbreaking sight to those who have cherished the natural beauty of this land.



View looking southeast over Hays Creek Road with the new towers under construction.

As described in detail below, the approval process underlying this project was not legally sound, and is in violation of applicable rules and regulations. Dominion provided misinformation throughout the process as to the height, design, placement of the towers, and the impact of the project, and as a result, (1) there was no valid public notice or opportunity to comment; (2) the required impact tests were based on smaller and different towers than what Dominion is actually building; and (3) the state agencies that were required to provide input or approval either did not have an opportunity to review the project or did so without having the facts. This project should not be allowed to proceed until the approval process is re-examined, and done correctly.

Also very disturbing is the fact that the new tower heights are not necessary. Dominion chose the taller, wider towers because they would be easier to maintain. The public and interested parties had no opportunity to question this choice, because they were not informed of what Dominion was actually planning to build. Dominion's choice to permanently damage the countryside in order to make it easier for Dominion to provide routine maintenance should have been the subject of an open and honest public discussion.

I am asking that your office review the process that led to the approval of this project, and take immediate action to halt the project until a legally valid review of this project can be conducted. As of this week, out-of-state crews contracted by Dominion are continuing to build towers at a rapid pace. They have erected several dozen towers in only a few weeks; however, the power lines have not yet been installed along the entire path. Before more permanent damage is done to Rockbridge and Augusta counties, I am asking that you get involved.

Please note that on March 12, 2015, I filed an informal complaint with the Virginia State Corporation Commission (SCC) requesting an immediate review of the process and Dominion's actions. On March 27, 2015, the SCC contacted me by phone and informed me that the agency would not take action absent a formal complaint or other legal action. I am awaiting the agency's written response, and Dominion's written response, to my complaint. It appears that the SCC will not act on its own to remedy the errors in which it was involved; thus, oversight is needed from our elected representatives. I am sending a similar letter to Senator Emmett Hanger, Jr., whose district includes Augusta County. I know that you have worked together to protect Virginians and the environment and would ask that you do so again here, on behalf of your constituents.

## **I. OVERVIEW**

As you may know, prior to building or replacing transmission lines, power companies must obtain approval for their project from the SCC. The application process is governed by statute and regulations, and requires notice to the public and studies of various impacts of the proposed project by state agencies that are responsible for specific parts of the state. Through a Memorandum of Agreement, the Department of Environmental Quality (DEQ) coordinates the review for the SCC, seeking input from such agencies as the Department of Historic Resources (DHR), the Department of Transportation (VDOT), and the Department of Forestry (DOF). The process is designed to protect the interests of Virginia residents and the state's environmental and historic resources.

In this case, much of the review by various state agencies was flawed, because the information provided in the application by Dominion was inaccurate or omitted critical information. Studies were done to assess the impact on the area, but they were based on different and smaller towers than what is being built. In addition, where approval was granted by certain agencies, it was conditioned upon Dominion's compliance with applicable regulations and best practices that include mitigation efforts – but Dominion has not been compliant. Each of these issues is detailed below in this letter, with relevant documentation cited or attached.

For clarity, in this letter I will refer generally to Dominion's transmission line project as the "project." There were, however, two separate dockets and case numbers before the State Corporation Commission (SCC). The titles of the dockets are PUE-2012-00134 (Dooms-Lexington 500 kV Transmission Line Rebuild) and PUE-2013-00118 (Dooms-Lexington 230 kV Transmission Line). When necessary to distinguish the cases, I will refer to the 2012 case as the "500kV project" and the 2013 case as the "230kV project."

The project entails Dominion rebuilding a transmission line that extends almost 40 miles from Lexington to Waynesboro. In 2012, Dominion initiated the application process to replace the existing 500kV transmission line with a new 500kV line. Dominion proposed to build towers that would also accommodate a 230kV line in the future. After the public comment period closed, Dominion sought to withdraw a portion of the original application relating to the 230kV line, without public notice or opportunity to comment. The SCC granted this request.

In a separate application filed in 2013, relating to the 230kV line, Dominion requested “geometric modifications” to the towers described in the 2012 application. These “geometric modifications” were actually additional increases in tower heights – including increases of up to 41 feet for some towers. This calculated approach to the application process allowed Dominion to avoid undergoing new studies as part of the 2013 application for the 230kV line. As a result, towers over 170 feet tall were shuttled through the approval process without full evaluation.

The lack of additional study for the 230kV line compounded the flaws that already underlied the application process for the 500kV line. Neither process involved appropriate public notice or study of the actual tower sizes. Ultimately, this lack of review resulted in Dominion constructing enormous towers, with no mitigation efforts whatsoever, through a historic and scenic part of Virginia.

For your convenience, attached to this letter are the photographs and documents referenced and mentioned or cited in this letter. For purposes of emailing, the photographs were saved as PDF documents in order minimize file size. The attachments are saved as a separate file due to the file size. If you need copies of the actual photographs, or additional photographs of the area, please let me know. I would also encourage you to visit the area in person to get a full sense of the magnitude of the project and its impact. No photograph can accurately convey the amount of damage Dominion is doing to this area.

#### **A. The Middlebrook/Brownsburg Corridor**

The portion of the project on which I have primarily focused (to date) is the Middlebrook/Brownsburg corridor, as that is the area nearest my farm. As you may know, the Middlebrook/Brownsburg corridor is considered one of the most scenic areas in the state. It contains two scenic Virginia Byways, numerous historic properties, a historic district, and is a Virginia Outdoors Foundation (VOF) Special Project Area. VOF describes the area as follows:

Home to headwaters for both the James and Shenandoah rivers, the Middlebrook-Brownsburg corridor is a critically important area for protection of both water and agricultural resources. On the landscape scale, the corridor is one of the more intact agricultural landscapes in Virginia, with many farms still the same size they were when originally laid off. The area is filled with properties boasting multiple conservation values, which were detailed by the Valley Conservation Council in 1997 in the book *The Middlebrook-Brownsburg Corridor: A Survey of Cultural and Natural Resources*.

The corridor already contains about 100 easements held by the Virginia Outdoors Foundation, protecting more than 17,000 acres — making this one of the most densely conserved regions west of the Blue Ridge Mountains. The region is bordered on the west by the North Mountain Wildlife Management Area and Goshen Pass

Natural Area Preserve. Easements on private land help to create a mosaic of green infrastructure resources for the area.

(See, <http://www.virginiaoutdoorsfoundation.org/vof-special-project-areas/middlebrook-brownsburg-special-project-area/>.)

More specific details on the natural, scenic, and environmental importance of the area can be found at the website for the Valley Conservation Council (VCC). The Middlebrook/Brownsburg corridor is so special that the VCC commissioned a report detailing the importance of the area. The survey is available at <http://valleyconservation.org/publications/>.

## **II. BACKGROUND**

Prior to 2015, a 500kV transmission line ran through the farmland and forests in the Northwest section of Rockbridge County, and into Augusta County. The power line was supported by dark-colored metal towers, approximately 100 feet tall. These towers and lines largely blended with the tree line in forested areas, and according to a November 2012 study commissioned by Dominion, were “hidden from view by tree cover on either side of the [right of way].”

In 2012, Dominion began preparing to replace the existing towers. Dominion sought and obtained approval for this project based on statements to the public that the new structures: 1) would be constructed at a height of 115 feet; 2) would be placed in the same or similar locations as the existing structures; 3) would be “similar in nature” to existing structures; 4) would have no material impact on the scenic value of the area; and 5) would not impact designated historical or scenic areas, and “would not substantially change the existing character” of the crossing of a scenic byway. None of these statements is accurate.

A graphic example of the impact of the project on the rural and scenic nature of the area is shown in the first two photographs attached to this letter. Photograph 1 is from 2014, looking south across Hays Creek Road with the prior towers still in place. As shown, the landscape is a natural and beautiful view of the Blue Ridge Mountains and surrounding areas. Photograph 2 is the same view, but was taken recently. As you can see, the hills overseeing the entire valley had no visible power lines prior to this project; now, Dominion’s towers dominate the landscape, and can be seen for miles.

The effects closer in are just as dramatic. Photographs 3 and 4 show the impact of the towers from Hays Creek Road, still looking south. What was once a rural, scenic road now hosts structures more suited to an industrial park. The view from Hays Creek to the north is as disturbing. Photograph 5 shows not only some of the completed structures, but provides an idea of how expansive and overwhelming the presence of these towers will be when they are all completed. In fact, the impact of the towers already has reached into areas and roads that were never impacted by the prior transmission line. Photograph 6 is taken from Dutch Hollow Road south of Hays Creek Road. Dutch Hollow Road is a partially paved, rural road filled with trees, hills, and farmland. Now it has industrial transmission towers looming over it.

### **III. THE TOWERS**

The pretense advanced by Dominion as to what this project would be, and the claimed “minimal” effect it would have on the area, caused affected persons a false sense of security. Dominion’s actions robbed the public, local officials, and historic and environmental groups of the ability to comment on the actual project, and the true effect it would have on the area. Indeed, the affected area outside of Brownsburg, in Rockbridge County, has one of the highest concentrations of conservations easements in the state. The idea that no objections would have been made, if the facts were accurately shared about how large the towers would be, is impossible to believe.

#### **A. TOWER SIZE**

For purposes of required public disclosure, Dominion created a website related to the project, which it referenced in its application to the SCC and other public notices. Dominion relied on that website as a basis for meeting its notice requirements to the SCC. The website contains a link called “Structure Comparison,” which offers the public a chance to “view a diagram of the existing and proposed structures.” I have attached a copy of Dominion’s Structure Comparison as Attachment 1. The Structure Comparison document tells the public that tower height would be increased by 15 feet, from 100 to 115 feet, or 15% of the existing height. Attachment 1 remained on Dominion’s website throughout the entire approval process – for several years – and was removed and replaced only two weeks ago, the day after I filed my first complaint with the SCC and emailed a copy of it to Dominion’s General Counsel.

Misrepresenting the size of the towers to the public through its website was only part of Dominion’s course of action regarding tower size. Dominion repeatedly misinformed the public and government agencies, so as to avoid proper evaluation of the size and scope of its project.

Indeed, the SCC record reflects that agencies such as DHR (which reviewed the impact on historic sites) and VDOT (which should have been asked to comment on the impact on scenic Virginia Byways) and DOF (which commented on the impact on Virginia forests), all were told that the towers would be 133 feet tall, or in DHR’s case, up to 139 feet tall. Not one of the agencies was asked to comment on towers that were 150, 160, or 174 feet tall. This is a fatal flaw in the approval process, as SCC documentation shows that 58 of the towers being constructed are in excess of 150 feet, with 26 towers above 160 feet.

This lack of candor with state agencies and the public cannot be allowed to occur without consequences. There is a reason that impact tests are required. In this case, the tests simply were not valid. For example, one test involved raising balloons to the purported height of the new towers, to view the impact on the area and the viewshed. A balloon test at 133 feet obviously would yield a far different result than a balloon test at 174 feet – more than 40 feet higher.

To understand and track Dominion's actions with regard to the tower size, I have prepared a timeline below. This timeline is based on an extensive review of more than 1,000 pages of documents, including Dominion's applications, testimony by Dominion employees, and email correspondence between Dominion lawyers and state agencies, all on file with the SCC. This review took many hours. It should not have been this difficult for an area resident to learn the truth about the tower heights. Dominion, and the SCC, should have made sure that everyone understood the scope of this project.

### **Timeline:**

On or about February 29, 2012, Dominion tells the public that the size of the new towers will be 115 feet tall and 84 feet wide. According to Dominion, the size of the prior towers was 100 feet tall and 77 feet wide; thus, there will be an increase of 15 feet in height and 7 feet in width. Dominion uses the website and the document as a basis for meeting the SCC notice requirements for the project. Attachment 1.

On September 19, 2012, the Natural Resource Group completes a wetlands analysis for Dominion. The analysis is done based on Dominion's assertion that the towers would be 133 feet tall (an increase of 18 feet from the 115-foot height Dominion is telling the public). The analysis is not made publicly available until November 19, 2012. Attachment 2.

On November 7, 2012, an outside firm contracted by Dominion, Culture Resources, Inc. (CRI) issues a report to Dominion on its research and field studies regarding the impact of the towers on historical areas and viewsheds. Dominion has CRI conduct the study based on tower heights of 133 feet and 139 feet tall, again much taller than the heights Dominion was disclosing to the public. Attachment 3.

On November 7, 2012, DEQ issues an approval letter regarding wetlands issues based on Dominion's assertions that the towers would be 133 feet tall. The approval is conditioned on the fact that if the scope of the project changes, additional review by DEQ would be required. Attachment 4.

On November 19, 2012, Dominion files its application with the SCC. In the second appendix of hundreds of pages of documents submitted on that date, Dominion informs the SCC that it intends to make the towers 133 feet tall, and now asserts that the existing towers are 108 feet tall. Attachment 5.

Dominion's website continues to inform the public the new towers will be 115 feet tall.

On November 22, 2012 the SCC informs DEQ and other state agencies that Dominion's application will move forward. That Dominion application contains the tower height of 133 feet. Attachment 6.

On January 10, 2012, the SCC orders the notice period to begin and orders Dominion to provide notice to the public and affected parties. The notice does not contain the proposed tower height. Attachment 7.

Dominion's website continues to inform the public the new towers will be 115 feet tall.

On February 19, 2013, DEQ issues a letter authorizing the project based on input from a variety of Virginia government agencies. That approval is based on Dominion's assertion that the towers will be 133 feet tall (or in the case of the DHR 133 and 139 feet tall). Attachment 8.

On March 5, 2013, Dominion files a Proof of Notice with the SCC indicating that it had provided notice to the public through newspapers. The newspaper notices did not contain any information on the tower height. Attachment 9.

Dominion's website continues to inform the public the new towers will be 115 feet tall.

On March 19, 2012, the public comment period closes.

On April 3, 2013, Dominion writes the SCC, withdrawing its request that the 230kV line be installed with the 500kV line, and requests that no hearing or notice be required for the withdrawal. In addition, Dominion asserts that the structures already proposed will remain the same. Attachment 10.

On April 12, 2013, the SCC issues its staff report on the project. In the report, the staff indicates the new towers will be between 133 and 139 feet tall. The staff report indicates that this is an increase of 20 to 27 feet in height. The staff does not explain its math, or the basis for listing the tower height at 139 feet. Attachment 11.

On May 12, 2013, the SCC issues an order approving the project as to the 500kV line. Attachment 12.

Dominion's website continues to inform the public the new towers will be 115 feet tall.

On November 17, 2013, Dominion files an application with the SCC to approve the 230kV line. In a footnote in the application, Dominion asserts it has "modified the design of the geometry" of the towers and seeks a retroactive amendment of the previously-granted approval to reflect the modified design. The application does not indicate that there will be any increase in the height of the towers. Attachment 13.

Also in the November 17, 2013 submission, buried in an appendix to the application (of more than 100 pages), Dominion references a document describing the new tower size. That document, which is an attachment to the appendix to the application, indicates that some of the new towers will be up to 150 feet tall and 94.5 feet wide. This is an increase



of 50 feet in height and 10.5 feet in width from what Dominion is continuing to inform the public. Attachment 14.

Dominion's website continues to inform the public the new towers will be 115 feet tall.

On December 9, 2013, DEQ approves the 230kV project as to wetlands, based on the understanding that the request is the same as it was for the 500kV project when reviewed in November 2012. DEQ requests clarification if its understanding is not correct. DEQ is not advised of the changes to the size of the towers. (Attachment 15.)

On December 18, 2013, the SCC issues a notice order, beginning a notice period and ordering Dominion to provide notice to the public and affected parties. The order does not indicate that the towers have increased from 100 feet to 150 feet; instead the SCC notice provides that design changes would only increase the height of the towers by "two to fourteen feet." Attachment 16.

Dominion's website continues to inform the public the new towers will be 115 feet tall.

On January 8, 2014, DEQ issues its report on the 230kV project. The response from DHR included in the report is based on the 2012 survey by CRI, which was completed with a tower height of 133 to 139 feet. DHR was not informed, or did not realize, that the tower height had increased by more than 10% from the increase that had already been approved for the 500kV towers. (DHR guidelines provide that an increase of height by 10% or more is considered substantially taller.) Attachment 17.

On February 15, 2014, the public comment period closes.

On February 24, 2014, the SCC releases prefiled staff testimony. In that testimony, for the first time ever, it is disclosed that the towers have maximum height of 174 feet. As noted above, by this point, the comment period already has closed. Attachment 18.

On March 24, 2014, the SCC approves Dominion to build towers up to 174 feet tall on the project. Attachment 19.

Dominion's website continues to inform the public the new towers will be 115 feet tall.

In mid-February 2015, Dominion begins to build new towers in the Hays Creek area. The towers are a dramatic change from what existed previously, and many area residents are horrified.

On March 12, 2015, I file a complaint with the SCC regarding the project and Dominion's misrepresentations regarding the tower height, which prevented any opportunity for public comments or questions. A copy of my complaint is sent to Dominion's General Counsel on the same day.

On March 13, 2015, Dominion removes the Structure Comparison document, which informs the public that the towers will be 115 feet tall, from its website.

On March 13, 2015, Dominion posts a new Structure Comparison document indicating that the new towers will be 133 feet tall. Attachment 20.

As demonstrated by the timeline, the entire project rests on an approval process in which 150-foot towers were never properly studied, let alone 160 or 174-foot towers. The general public was never told to expect towers above 115 feet, and even after Dominion's original misrepresentations were exposed, Dominion created another document that continued to mislead the public regarding the actual height of the towers. In fact, Dominion's website now contains inconsistent information on the size of the towers: another section of the site states that the towers will be 142 feet tall. Still, despite the fact that the SCC has been notified about Dominion's misrepresentations and the notice period has closed, nowhere on the website is information that the towers will be over 150 feet tall, let alone 174 feet tall.

In addition, it appears that the tower heights that have been disclosed to the SCC continue to be inaccurate because they likely do not include the new concrete pylons on which the towers are being placed. These concrete structures appear to be up to at least three feet in height and are not referenced in Dominion's calculations. The pylons would add even greater height to all of the numbers stated above, further invalidating the studies conducted to date.

Finally, buried in the SCC documents is a startling fact: the new towers could have remained approximately the same height as they were previously in order to accommodate the new 500kV line. Even the addition of a 230kV line would not require towers greater than 113 feet, as Dominion's original proposal included some 113-foot towers that would have accommodated both lines. (See chart in Attachment 18.) Instead, Dominion has chosen to erect towers that range in height up to 174 feet and are ruining an entire countryside for "ease of maintenance." This approach to the project design underscores the complete lack of care for the impact on Virginians, the landscape, the environment, and scenic value.

## **B. TOWER BRIGHTNESS**

As demonstrated in the photographs, not only are the new towers larger than what the public was told to expect, the new towers are made of bright and reflective galvanized steel, unlike the prior structures, which were a darkened metal. The new towers are extremely reflective in the sunlight, making them stand out in the scenic landscape.

The new towers also unpredictably flash bright light at area drivers on sunny days, as drivers navigate country roads. This driving hazard, resulting from non-darkened galvanized steel towers, is recognized in the steel industry as a potential danger for automobile, pedestrian, and bike traffic, as well as a problem for airplanes. Dominion failed to address any of those issues or concerns. No traffic or safety impact studies were provided during the process with regard to the glare.

Due to the hazards, many jurisdictions require any galvanized steel towers to be non-glare or painted. A coating can easily be applied in the field to darken the galvanized steel. In fact, not only does painting galvanized steel towers improve public safety and appearance, it can help extend their life. As noted below, it is also an accepted best practice in the industry to build darkened towers in rural areas, so as to minimize the visual impact of the structures for safety and aesthetic reasons. The practice of darkening steel has been in place for decades; there is no reason this option should have been ignored.

### **C. TOWER TYPE AND NUMBER**

As demonstrated by Photographs 5 and 7, in addition to the single-structure lattice towers that predominate the line, Dominion also built massive triple-tower structures at certain intervals. The prior transmission line contained no such triple towers in open spaces (if they existed at all), and no such tower in the Hays Creek Road location where a triple tower sits now in an open pasture.

In no part of either application did Dominion notice, identify, or request approval for triple towers. In fact, when asked by phone on March 27, 2015 about the triple towers, SCC's Assistant Director of Energy Regulation, Tim Faherty, acknowledged that the SCC did not know what the triple towers were, and no mention of those towers were provided in either of the SCC Staff Report and Recommendations for the project. In fact, Mr. Faherty said he would need to conduct research to even identify what the triple towers are.

During the application process, Dominion told the SCC it would not be building additional structures. In its testimony before the SCC regarding the 500kV line, Dominion asserted that it would not increase the number of towers:

The Company will replace each of the towers of Line #555 structure for structure, so the rebuild project will not increase the number of towers currently on this line.

(Testimony of Robert J. Shevennock II, Consulting Engineer for Dominion, Attachment 21.)

Not only was the addition of the triple towers done without notice to, or approval by, the SCC, Dominion affirmatively misled state agencies with regard to the existence of those towers in order to secure approval of the 230kV project. On September 24, 2013, a Dominion attorney, Charlotte McAfee, sent an email to DEQ in an effort to facilitate DEQ's approval of the project. Ms. McAfee not only failed to mention the new triple towers, she stated that there would be only five changes from the 500 kV project. The five changes she named were:

1. New structures at the Dooms station;
2. A 53' fence at the Dooms station;
3. Acquisition of one acre of property near a station;

4. A 40' fence at the Lexington station; and
5. An "engineering refinement" that would result in "slightly modified" structures; the "modifications do not change the visual characteristics of the structures," but do result in an additional structure height between 2 and 14 feet.

(Attachment 22.)

When asked about any other changes, Ms. McAfee asserted that the 230kV line would be built on the same structures as the 500kV line: "The proposed route is identical to 12-222S (on the same structures), except at the stations." (Attachment 22.)

As noted above in the Tower Size section, at least two agencies (DHR and DEQ) based their approvals on the belief that the tower size would be the same as the 500kV project. Unfortunately, it appears that all of the affected agencies also based their approval on Ms. McAfee's assurance that there would be no new types of structures built on the line, and only "slight modifications" to designs they had already approved. As demonstrated by Photographs 5 and 7, that assurance was demonstrably false. Again, due to intentional misrepresentation by Dominion, all of the involved agencies were denied an opportunity to review the impact and effect of structures that were completely different from what was previously identified to them for review.

Even adjacent property owners, who received more detailed notices about the project than the general public, were not told of the triple-tower structures or any additional towers. It appears that these structures were not approved at any point. This is an issue that warrants further investigation. These structures should not be permitted to remain in place if they were never approved or properly noticed.

In addition, it appears to area residents that Dominion is building many more towers than existed previously. The SCC has not yet been able to provide information on how many towers already have been built, or how many will be built if the line is completed.

#### **D. TOWER PLACEMENT**

Through its submission to the DEQ, the DOF conditioned its approval on Dominion's compliance with the Federal Energy Regulatory Commission (FERC) guidelines. (Attachment 23.) (The SCC also requires compliance with the same FERC guidelines.) These guidelines provide examples of the ways in which transmission lines should, and should not, be constructed. The guidelines even include drawings of towers, showing examples of best practices in tower construction, and "poor examples," where towers are placed without regard for scenic considerations. A copy of the FERC guidelines is attached as Attachment 24.

Although DOF's approval was contingent upon Dominion following the FERC guidelines, Dominion has not complied. For instance, it is a requirement of the FERC guidelines that careful consideration be given to tower location, and placing towers at the crest of a hill

should be avoided, because they will be most visible to the surrounding areas. The guidelines provide, in part, the following:

Where transmission facilities must be placed on slopes which parallel highways or other areas of, public view, they should be located approximately two-thirds the distance up the slopes where feasible. With the slopes as background, the presence of the facilities would be less noticeable.

Transmission line rights-of-way should not cross hills and other high points at the crests and when possible should avoid placing a transmission tower at the crest of a ridge or hill. Towers should be spaced below the crest to carry the line over the ridge or hill, and the profile of the facilities should present a minimum silhouette against the sky.

Unfortunately, Dominion has not followed this requirement, and instead has placed towers close to the tops of ridgelines, so their silhouette is a jarring protrusion from the landscape.

Another best practice and part of the FERC guidelines is to place towers inside a tree line and allow vegetation to grow around the right-of-way. As demonstrated by several of the photographs, Dominion has kept its paths clear and unnatural-looking, so that large paths of empty land mar the landscape.

Photographs 4 and 7 provide vivid examples of Dominion's failure to follow the FERC guidelines, despite committing to the SCC that it would be in compliance, and despite the fact that DOF's approval was explicitly conditioned upon such compliance.

#### **IV. THE IMPACT ON SCENIC BYWAYS AND OTHER AREAS**

With regard to scenic Virginia Byways, the SCC required Dominion to identify any scenic byways impacted by the proposed project. Dominion failed to meet this requirement – completely omitting the effect on two byways, and providing inaccurate information as to the impact on a third – and as a result, the agency that oversees the Virginia Byway program, VDOT, was completely left out of the approval process. This is inexcusable.

The SCC requirements provide that the impact to any scenic byway in proximity to the project not only must be disclosed, but that steps must be taken to mitigate any visual impact from the project. Specifically, the SCC minimum requirements for this type of application require any applicant to:

Advise of any scenic byways that are in close proximity to or will be crossed by the proposed transmission line and describe what steps will be taken to mitigate any visual impacts on such byways.

Describe typical mitigation techniques for other highway's [sic] crossings.

In this process, Dominion started out by denying that any scenic byway would be crossed in its testimony before the SCC:

Q. Please discuss the resources in the project area and the activities that have been and will be taken to reasonable minimize adverse impacts of the proposed lines on the environment.

A. \* \* \* The Rebuild Project will not cross any scenic byways.

(See, Direct Testimony of John B. Bailey, Coordinator – Siting and Permitting for Dominion, Attachment 25.)

In part of one of its appendixes, Dominion contradicted Bailey's testimony and acknowledged that the project crosses a scenic byway, Route 39. Still, Dominion continued to misrepresent the size and scope of the project by asserting that the new project "will not substantially change the character of current crossing" of Route 39. (Attachment 26.) This is false. While the previous towers on the existing right of way were visible on Route 39 where they crossed the Maury River, Dominion failed to disclose the impact from the dramatically increased tower size, and the fact that the towers are now visible from Route 39 east and west of the crossing, for miles, due to their enormous size.

Unfortunately, the inadequate disclosure regarding Route 39 was not Dominion's only deception as to scenic byways. Dominion entirely concealed the fact that the project would impact other scenic Virginia Byways in the area. The towers are now visible from Raphine Road, Route 252 just north of Brownsburg, and Route 252 south of Bustleburg. South of Bustleburg, the towers command the entire western views of the route, which is the main scenic view on the route. More than 20 towers are now visible at a time as one drives or bikes along less than two miles of the byway. The character of the road has undergone a striking change.

The failure to address scenic byways allowed Dominion to obtain approval without review by VDOT. Based on Dominion's representations, the SCC failed to contact VDOT on this issue and give it an opportunity to review the impact of the project on the byways. This also prevented stakeholders and advocates for scenic byways from having an opportunity to respond.

In addition, by omitting the impact on scenic byways, Dominion was able to avoid addressing mitigation issues and scrutiny on the impact the project would have on Brownsburg, which is a National Historic District that sits on Route 252. Brownsburg used to look out on a pastoral landscape; now the views from this historic town include numerous bright metal towers. There is no evidence in the SCC file that Dominion notified any federal agency, or the public, about the proposed change in views for Brownsburg.

Similarly, the towers also will apparently be visible from the Shenandoah National Park, only one mile to the east – but in its application, Dominion simply noted the close proximity to the Park, with no commentary on the impact of the line on the Park, as is required. Because of their size and brightness, the towers also will be visible from other federal and state park lands. It appears that no disclosure of that fact was made by Dominion and no review of that issue was conducted by the SCC. In fact, what were once exceptionally beautiful valley views from places like Jump Mountain are now scarred by enormous industrial structures (see, e.g., Photograph 8).

How difficult was it for Dominion to avoid addressing these issues before the SCC? Apparently not difficult enough. In Dominion’s submission to the DEQ, as part of the required Environmental Analysis, Dominion included a section entitled “Archaeological, Historic, Scenic, Cultural or Architectural Resources.” What was Dominion’s response to the scenic issues created by the project? Nothing. Dominion simply failed to comment on any impact to scenic concerns, and the SCC did not press for more information.

## **V. IMPACT ON HISTORICAL AREAS**

As noted above, by withdrawing its 230kV application and treating the second round of increases to the tower heights as mere “geometric modifications,” Dominion was able to manipulate the process and use the impact analysis on historic processes done regarding the 500kV line for the 230kV project. This meant that the viewshed analysis provided to DHR was done based on towers that were 133 or 139 feet tall, not 160 or 174 feet tall. As part of that analysis, balloons are flown at the projected height to evaluate the impact the towers will have on a historic area or property. By using the wrong tower size, Dominion was able to convince DHR that the impact on Hays Creek Mill (also known as McClung Mill), would only be minimal. (See Attachment 17.)

As noted in the study, Hays Creek Mill is located within 1,000 feet of the transmission line. According to the National Register of Historic Places, the mill was built around 1819 and serves as an example of the rural and agriculture history of Rockbridge County. Photograph 9 is the view from Hays Creek Mill to the north with the new towers. Photograph 10 is the view to the west. As demonstrated by the photographs, Dominion’s determination that the impact is “minimal” cannot be taken seriously.

Misrepresenting the tower size for the 230kV project allowed Dominion, yet again, to bypass rules that could have substantially changed the project. According to DHR standards, if a project significantly or negatively impacts a historic resource (i.e., a moderate or severe impact), the entity proposing the project must avoid or minimize the effect. If that cannot be accomplished, the entity must develop a plan to mitigate the effect. Dominion prevented legitimate analysis of the impact on historic sites by failing to disclose the true tower size, and thereby sidestepped any DHR requirement to avoid, minimize, or mitigate. No such steps were taken anywhere along the line.

## **VI. LACK OF MITIGATION**

One of the most remarkable statements by Dominion is its admission that it has made no effort to 1) identify alternatives, or 2) mitigate the impact of the lines it is constructing, despite SCC requirements that it do both. Dominion instead simply argued that its new lines would resemble the lines being replaced, and the project would have little or no impact on the scenic landscape and the agricultural areas of the project. Photographs 11 and 12 are examples of what Dominion considers “no or minimal impact” to an agricultural area.

A study of alternatives, and then avoidance, mitigation, or minimization of the impact of the project are all required in various parts of the process. When asked if Dominion considered any alternatives, Dominion flatly stated that “the Company did not consider any other alternate routes for this Rebuild Project.” (See Attachment 25, Direct Testimony of John B. Bailey, Coordinator – Siting and Permitting for Dominion.)

It is not just SCC requirements that require utility companies to address viewsheds and the impact on aesthetics. With respect to 230kV lines, Virginia law requires:

Public utility companies granted a certificate of public convenience and necessity for a proposed transmission line not included in this program or not otherwise being placed underground shall seek to implement low-cost and effective means to improve the aesthetics of new overhead transmission lines and towers.

(Section 10, House Bill 1319)

When asked to describe its actions to bring Dominion in compliance with section 10 of the statute, Dominion failed to answer the question of improved aesthetics and asserted that the new towers had been “designed to resemble the facilities being replaced.” (See Attachment 21, Testimony of Robert J. Shevennock, II Consulting Engineer for Dominion.)

Rather than address its failure to mitigate the impact of the project on the area, Dominion repeatedly asserted that the project was in an existing right-of-way. Regrettably, the SCC did not challenge Dominion on this issue at any point. Not only is the fact that a project is being built in an existing right-of-way not an excuse for failing to seek alternatives or mitigation, it is specifically contemplated by the FERC guidelines that mitigation must occur even when building in a right-of-way. The SCC requires that guidelines provided by the FERC regarding placing power lines in rural areas would be followed.

Attachment 27 is Dominion’s response as to how it planned to comply with the guidelines. As an initial matter, there are 57 guidelines, and Dominion’s response directly addresses only two. For instance, Dominion claims it is in compliance with the second FERC guideline regarding placement of transmission lines in scenic and historic areas. Dominion asserts that it has complied with the guideline because “the existing transmission line right-of-way does not cross any site listed on the National Register of Historic Places.” That, however, is not what the second guideline provides.



The second guideline provides the following:

Where practical, rights-of-way should avoid the national historic places listed in the National Register of Historic Places and natural landmarks listed in the National Register of Natural Landmarks maintained by the Secretary of the Interior and parks, scenic, wildlife and recreational lands, officially designated by duly constituted public authorities. If rights-of-way must be routed through such historic places, parks, wildlife or scenic areas, they should be located in areas or placed in a manner **so as to be least visible from areas of public view and so far as possible in a manner designed to preserve the character of the area.**

(emphasis added).

The guideline requires mitigation for areas affected by the transmission lines, not just areas actually in the right-of-way or adjacent to the right-of-way. Dominion has done nothing to address those mitigation requirements, despite directly impacting a large number of historic places.

The requirement to mitigate is based on a number of factors and cost to Dominion is not a shield to the mitigation requirements. In other parts of the state – as close as Roanoke – and in nearby West Virginia, power companies have incorporated mitigation efforts and have even replaced aging lines with fewer towers as a way to lessen the scenic impact. If the public had understood the scope of what Dominion actually planned, such mitigation efforts and best practices would have been suggested, discussed, and required to be considered, prior to any approval being granted.

## **VII. ECONOMIC CONSEQUENCES**

No impact on the long-term economic consequences for the counties was studied or even mentioned in the process. For the most part, the work on this project is being done by crews from out of state. To the extent that any local workers are being used to supplement the work by out-of-state crews, any temporary gains will be offset by the permanent damage being done to an area that draws tourists for its scenic views.

Both Rockbridge and Augusta counties attract tourists based on the natural beauty of the area. The project has already impacted the landscape, and local business is already being impacted. The many bike tours, vacation rentals, and other eco-tourism companies that generate dollars for this part of the state will be hampered by the industrial structures that now dominate substantial parts of the landscape.

In addition to the notice requirements for the public, both Dominion and the SCC have a statutory obligation to contact county officials regarding transmission line projects of this size. Virginia law section 15.2-2202 addresses the duties of state agencies and electric utilities. Dominion was required to notify Rockbridge and Augusta counties of its plan:

to undertake construction of any electric transmission line of 150 kilovolts or more, prior to the filing of any application for approval of such construction with the State Corporation Commission, of its intention to file any such application and shall give the locality a reasonable opportunity for consultation about such line.

Dominion, however, did not give Rockbridge or Augusta counties an opportunity to consult regarding the transmission line, because it provided both county administrators misleading information about the 230kV line. On September 17, 2013, Dominion sent letters to both county administrators notifying them of its plans to apply for the 230kV project. Those letters, however, contained inaccurate information. Dominion informed both administrators that the tower heights would be 133 feet, despite asking the SCC to approve towers over 170 feet. (Attachment 28.)

Dominion's actions deprived the counties of Rockbridge and Augusta an opportunity to understand the full impact of the project and respond accordingly. Neither county had an opportunity to study the long term financial impact on tourism and other businesses that would be affected by Dominion's decision to damage the scenic beauty of the area.

## **VIII. CONCLUSION**

Your constituents need your help. Many people feel hopeless in a fight against Dominion, but this should not be the case. A re-review this project, with proper public notice and opportunity for comment, should occur. Even if removal of the towers would cost millions to Dominion, that option should be explored. It is not the fault of the public that this project was never approved in the right way. The law and regulations exist to require proper review of projects like the one Dominion is undertaking, and they should be enforced.

There is simply no excuse for allowing 174-foot towers to be built, when the public was told – for years – to expect 115-foot towers. There is no excuse for allowing a miles-long chain of giant steel towers to forever change the appearance of designated scenic byways, when neither VDOT nor those who advocated for the special designation were even alerted to the issue in advance. There is no excuse for allowing triple towers to stand where no such structures ever stood before, when triple towers were neither noticed nor approved, and the SCC has admitted it does not even know what the triple structures are.

What Dominion is doing is permanent, and if Dominion believes this project must be built at the expense of our county lands and residents, and without any reasonable mitigation, let Dominion make that case in an open and honest manner, as required by law. Area residents deserve the opportunity to be heard, after being provided truthful information about the size and appearance of the towers.

Further, although the SCC is the agency that has the statutory authority to regulate utility companies, all decision-making should not be delegated to the SCC at this stage. Given the abuse of process in this project, the fact that the SCC still approved Dominion's applications, and that the SCC is not initiating its own review of the project, another question arises: who is

watching the SCC? I hope that you will see fit to take appropriate investigative or legislative action, in your role as an elected representative, to ensure that the flaws in this project are exposed and not allowed to proceed without consequence to those responsible.

Through this letter and attachments I have attempted provide an overview of Dominion's actions with regards to the project, but this is not a comprehensive review. It is important to understand that my focus has been on a small section of the project near my home. I have simply not had the time or the resources to review other areas of the project. In addition, I am not a scientist, so I do not have the ability to effectively review many of the technical issues, ranging from the technology claims about electrical loads to the environmental and wildlife issues. What I have discovered about Dominion's actions and the process in this small section of the project should be cause for extreme concern as to the accuracy of the information being provided regarding the entire project.

I appreciate your attention to this matter, and would welcome the opportunity to discuss further if you are available to do so.

Sincerely,

*Kristopher Baumann*

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## PHOTOGRAPH 1



## PHOTOGRAPH 2



## PHOTOGRAPH 3





## PHOTOGRAPH 4





## PHOTOGRAPH 5





## PHOTOGRAPH 6





## PHOTOGRAPH 7





## PHOTOGRAPH 8



## PHOTOGRAPH 9





## PHOTOGRAPH 10



## PHOTOGRAPH 11





## PHOTOGRAPH 12

