April 17, 2015

Project C150132.00

Mr. Scott Frickey
U.S. Fish and Wildlife Service
Migratory Bird Permit Office, Region 5
P.O. Box 779
Hadley, MA 01035-0779

Dear Mr. Frickey:

Virginia Electric and Power Company d/b/a Dominion Virginia Power (Dominion), is submitting the following information required for the U.S. Fish and Wildlife Service (USFWS) Federal Fish and Wildlife ~~Permit Application Form, Eagle Take – Associated With But Not the Purpose of an Activity~~permit for potential disturbance of bald eagles on the ~~,~~ for the Possum Point Power Station property in Prince William County, Virginia . Three ~~Ash~~ ash ponds at the station ~~Pond Closure Project (Project) located in Prince William County, Virginia. This~~will be closed in order to ~~pond closure project is being undertaken in order to~~ comply with the Environmental Protection Agency's (EPA) new Coal Combustion Residuals (CCR) rule published at 80 Fed. Reg. 21,302 (April 17, 2015). The timing of this work is necessary to ensure that project schedules allow for completion of this and other work within anticipated regulatory deadlines in the subject CCR rule. ~~Site activities will encompass the closure of 3 existing ash ponds~~. As part of this closure effort, we are ~~also~~ taking steps in our planning to avoid and minimize any potential disturbance to the site's nesting population of bald eagles.

The Permit Application Form is provided in Attachment 1. The supplemental information requested in Section E of the Application is provided in Attachment 2.

If you have any questions regarding this application, please contact Glenn Bishop at (804) 921-9226.

Sincerely,

Cathy Taylor

Director Electric Environmental Services

ATTACHMENT 1
APPLICATION FORM

ATTACHMENT 2

SECTION E SUPPLEMENTAL INFORMATION

1. *The name and contact information for any U.S. Fish and Wildlife Service employee(s) who has provided technical assistance or worked with you on this project.*

   - Sarah Nystrom, U.S. Fish and Wildlife Service, 413-253-8592, [HYPERLINK "mailto:Sarah_Nystrom@fws.gov"]
   - Scott Frickey, U.S. Fish and Wildlife Service, 413-253-8577, [HYPERLINK "mailto:Scott_Frickey@fws.gov"]

2. *The species and number of eagles that are likely to be taken and the likely form of that take (e.g., disturbance, other take).*

   - Bald eagle (*Haliaeetus leucocephalus*)

     - Nest PW0903 – The potential number of eagle takes (disturbance) is 4. This would include the nesting pair and possibility of 2 young. This is the nest located adjacent to the borrow area shown in Attachment 3, Figure 2. The Project Limits of Disturbance (LOD) have been modified to avoid the 660' protective buffer in order to minimize any potential disturbance. Some forested area will remain between the nest and the project boundary.

     - Nest PW1101 – The potential number of eagle takes (disturbance) is 4. This would include the nesting pair and possibility of 2 young. Project activity will occur within the 330' buffer and will include increased noise outside of normal traffic patterns. Approximately 200 feet of forested visual buffer will remain intact between the Project Boundary and the nest.

     - Nest PW0201 – The potential number of eagle takes (disturbance) is 4. This would include the nesting pair and possibility of 2 young. Project activity will occur within the 330' buffer and there is limited visual screening. Because the closure of Pond D represents a large landscape change which will be visible from the nest, we anticipate the risk of disturbance associated with this nest to be the greatest.

     - Nest PW1103 – The potential number of eagle takes (disturbance) is 4. This would include the nesting pair and possibility of 2 young. Project activity will occur within the 660' buffer, but will not be within the 330' buffer. A forested visual buffer will remain intact between the work and the nest.

3. *The dates the activity will start and is projected to end. If the project has begun, describe the stage of progress.*

   - Start: April 1, 2015
     End: Late fall 2017

     Initial project activities to include l~~L~~and survey, wetlands delineation and cultural resources site reconnaissance efforts are currently underway. Within the next 6 months, ash will be dredged from Pond E and transferred to Pond D. We have coordinated this portion of the project with

the Virginia Department of Game and Inland Fisheries, and have incorporated bald eagle avoidance and minimization measures into our dredge scope of work (see response to item 9).

4. *A detailed description of the activity that will likely cause the disturbance or other take of eagles.*

The three ash ponds to be closed were formed by constructing earthen embankment dams to retain the ash. They are designated Pond ABC (a single pond divided internally by weirs), Pond D and Pond E. Ash is no longer deposited into any of these ponds since conversion of the generating units to natural gas in 2003. Their location, along with that of the adjacent bald eagle nests, is shown in Attachment 3, Figure 2.

Mechanical dredging of ash from Pond E and subsequent transfer of the ash to Pond D will proceed once the dewatering of Pond E is complete and it can be safely accessed. ~~The first phase of this work,~~ This phase of the project is scheduled ~~set to begin on or about April 1 and to end by~~to be complete by October 17, 2015. ~~September 30, will involve mechanically dredging and moving all of the accumulated ash from Pond E to Pond D~~. A portion of Pond E ~~will then~~ may be re-purposed as a lined, Low Volume Waste Pond to serve the ongoing needs of the power station for waste water treatment. Any remaining area not used for this purpose will be regraded and planted with vegetation. Final closure of Ponds D, E and ABC will require dewatering, ash stabilization and grading, construction of stormwater diversion channels and some regrading/partial demolition of the existing embankment dams. Additionally, an impermeable cap and soil cover will be placed over Ponds D and ABC. ~~Final closure of Pond E will not include the impermeable cap since no ash will remain in the footprint of Pond E.~~

Comment [I1]: I think that we should say that a portion may be repurposed.

5. *An explanation of why the take of eagles is necessary, including what interests will be protected by the project or activity.*

   - The activity is required in order to comply with the Environmental Protection Agency's (EPA) Coal Combustion Residuals (CCR) rule published at 80 Fed. Reg. 21,302 (April 17, 2015). Interests to be protected due to Project activities include protection of public health and the environment due to the closure of the three ash ponds.

6. *Maps, digital photographs, county/city information, and latitude/longitude geographic coordinates of the proposed activity.*

   - A Project Location Map and Eagle Nest Location Map are provided in Attachment 3.

7. *Maps, digital photographs, county/city information, and latitude/longitude geographic coordinates of eagle-use areas in the vicinity of the activity, including nest site(s), roost areas, foraging areas,*

and known migration paths. Provide the specific distance and locations of nests and other eagle-use areas from the project footprint.

- A Project Location Map, Eagle Nest Location Map with Eagle Concentration Areas and Project Vicinity Map are provided in Attachment 3. Photographs of nests and views toward the Project Boundary are provided as Attachment 4.

8. *If the projected take of eagles is in the form of disturbance, answer the following two questions:*

   a. *Will the activity be visible to eagles in the eagle-use areas, or are there visual buffers such as screening vegetation or topography that blocks the view?*

- The Project boundary is within mapped eagle concentration areas along the shores of Quantico Creek and the Potomac River. Portions of the eagle concentration areas will have forested buffers that block the view of most project activities. Activities in pond ABC will be fully visible within the Eagle concentration area. Forested buffers and topography will limit visibility in pond E, and pond D will be partially in the Eagle concentration area.

- The activities do not appear to be visible from nest PW1103, which is located to the southwest of Pond E. There is forest immediately adjacent to the nest, which is followed by a transmission right-of-way (ROW) approximately 115 feet from the nest. Beyond the transmission ROW is another strip of forest, Possum Point Road, and another strip of forest prior to the proposed LOD.

- The activities will be visible from nest PW1101, which is located to the east of Pond D. Project activities are within the 330' buffer. The likely activities to be observed from this nest would be traffic on Cockpit Point Road and increased noise outside of normal traffic patterns. There is approximately 200 feet of forest between this nest and the proposed LOD for the Project. This forested buffer is dense enough to block the view of most other site activities from this nest.

- The activities will be visible from next PW0201, which is located east of Pond D. The tree containing the nest will not be removed, but Project activity will be in the immediate vicinity of the nest with no visual buffer to block the view.

- The activities do not appear to be visible from nest PW0903, which is located to the northeast of the closure areas near the soil borrow area. The edge of LOD has been modified around the 660' buffer for the nest. Forested buffers and topography will limit visibility of project activities.

   b. *What is the extent of existing activities in the vicinity that are similar in nature, size, and use to your activity, and if so, what is the distance between those activities and the important eagle use areas?*

- All three nests within the project footprint were established under conditions associated with the existing power station including the following activities:

- Frequent vehicular traffic that includes large diesel trucks
- Conversion of the power station fuel source from coal to natural gas
- Seasonal increases in traffic and noise during outage maintenance work

- Upgrades and perimeter security enhancements to nearby switchyard equipment
- Installation of fiber optic cable on site transmission structures
- Prior dredging of Pond E to Pond D (2002-2004)
- Clean fill project with associated material hauling to Pond D (2007-2008)
- Potomac watershed projects involving placement of dredge material in Pond D (2004-2008)
- A railroad with daily train traffic is situated near nests PW1101 and PW0903
- Noise from watercraft and waterfowl hunting on Quantico Creek and Potomac River
- Noise related to constant presence of military aircraft
- Noise from intermittent artillery testing

9. *A detailed description of all avoidance and minimization measures that you have incorporated into your planning for the activity that you will implement to reduce the likelihood of take of eagles.*

➢ The initial proposed LOD has been reduced around the 660' buffer for nest PW0903. The Project LOD is the minimum necessary to comply with EPA's CCR rule. To the extent practicable, active construction and earth moving should be scheduled to take place outside of the nest buffer zone, and active construction activities will be minimized or cease during the brooding period.

➢ Approximately 200 feet of forested visual buffer will remain intact between the Project Boundary and nest PW1101.

➢ Nest PW1103 is located on the Quantico Creek side of the site's entrance road, opposite pond E. Work activities within pond E will need to occur within the 660' buffer, but no closer than 420' to the nest. Topographically, a landscape buffer (~230' of forested ground) will remain intact on both sides of the entrance road between the work zone and the nest, thus limiting the potential visual impact. Work in the southwest corner of the pond within the buffer for nest PW1103 will also be restricted to two pieces of equipment (1 load unit and 1 haul unit).

➢ In addition to those mitigating elements of the project described above (distance and landscape buffers, demonstrated eagle tolerance), the project scope of work incorporates the following measures to specifically address bald eagle protection:

- Access to pond E is restricted to those areas outside of the protective 660' bald eagle buffer. This would include equipment entry to and exit from the pond, equipment refueling and associated maintenance/repair if necessary.

- Equipment movement within pond E is restricted to those areas outside of the protective 660' bald eagle buffer. The only exception to this requirement will allow for a limited presence inside the 660' buffer, estimated to occur no closer than 420' to the nest, necessary to reach this area of the pond. This work inside the buffer must be sequenced to begin after tree leaf out to provide an enhanced noise and visual buffer.

- Access to pond D is restricted to those areas outside of the protective 660' bald eagle buffer. This would include equipment entry to and exit from the pond, equipment refueling and associated maintenance/repair if necessary.

- Equipment movement within pond D is largely restricted to those areas outside of the protective 660' bald eagle buffer. Some work will need to occur within the 660' buffer but not within the 330' buffer.

- Any staging of equipment, facilities or materials on the site is restricted to those areas outside of the protective 660' bald eagle buffers associated with ponds E and D.

10. *You must retain records relating to the activities conducted under your permit for at least 5 years from the date of expiration of the permit. Please provide the address where these records will be kept.*

    - Dominion
      Innsbrook Technical Center
      5000 Dominion Blvd.
      Glen Allen, VA 23060

11. *Any permit issued as a result of this application is not valid unless you also have any required State or Tribal permits associated with the activity. Have you obtained all required State or Tribal permits or approvals to conduct this activity? Indicate "Yes," Have applied," or None Required." If "Yes," attach a copy of the approval(s). If "Have applied," submit a copy when issued.*

    - No state wildlife permit required. We have notified the Virginia Department of Game and Inland Fisheries and provided them with project information. We understand that USFWS will seek appropriate tribal review of Project.

12. *If you have received technical assistance for your project from your State wildlife agency, please provide the name and contact information for the individual(s).*

    - Amy Ewing, Virginia Department of Game and Inland Fisheries, 804-367-2211, Amy.Ewing@dgif.virginia.gov

13. *Disqualification factor. A conviction, or entry of a plea of guilty or nolo contendere, for a felony violation of the Lacey Act, the Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act disqualifies any such person from receiving or exercising the privileges of a permit, unless such disqualification has been expressly waived by the Service Director in response to a written petition. (50 CFR 13.21(c)) Have you or any of the owners of the business, if applying as a business, been convicted, or entered a plea of guilty or nolo contendere, forfeited collateral, or are currently under charges for any violations of the laws mentioned above? Indicate "Yes" or "No." If you answered "Yes" provide: a) the individual's name, b) date of charge, c) charge(s), d) location of incident, e) court, and f) action taken for each violation.*

    No

ATTACHMENT 3

FIGURES

ATTACHMENT 4

PHOTOGRAPHS