

# VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

## CHAPTER 483

*An Act to authorize the Virginia Marine Resources Commission to grant an easement and right-of-way across and in the bed of the Elizabeth River, including a portion of the Baylor Survey, to Virginia Electric and Power Company (Dominion Virginia Power) for an electric transmission line.*

[H 1436]

Approved April 12, 2004

Whereas, notwithstanding a General Assembly grant of authority to the Virginia Marine Resources Commission (VMRC) to convey an easement in the Commonwealth's bottomland, Virginia Electric and Power Company will still be required to file a joint permit application with VMRC and VMRC will determine through this application process whether, and under what conditions, to approve the encroachment on the Commonwealth's bottomlands so as to protect natural resources; and

Whereas, Dominion Virginia Power operates two submarine electric transmission line cables through two adjacent eight inch pipes under the Elizabeth River between the Craney Island Terminal Station and the Tanners Point Terminal Station, which serve the U.S. Norfolk Naval Air Station, the City of Norfolk, the Norfolk International Terminal, and numerous other business and residential areas; and

Whereas, demand for electricity has grown significantly over the 30 years since the two cables were installed and anticipated growth in Norfolk and Hampton Roads necessitates that additional capacity be provided to the area; and

Whereas, demand will soon grow to the point that if one of the two existing and closely placed submarine cables were to fail or be damaged, the remaining cable will be overloaded, placing in question the reliability of electrical service to the area; and

Whereas, resolution of this electric reliability situation necessitates the construction of an additional 230 kV transmission cable system between Craney Island Terminal Station and Tanners Point Terminal Station, approximately 500 feet north of the existing Elizabeth River crossing, providing a protective distance between the new and the existing cables, increasing needed electrical supply to the area and creating a safeguard should one or more cables fail; and

Whereas, it will be necessary to place the new transmission cable in the bed of the Elizabeth River because it is not possible to construct an overhead electrical line crossing at this important location due to the danger such a line poses to Elizabeth River Channel ship traffic and to U.S. Norfolk Naval Air Station air traffic; and

Whereas, a submarine crossing at this location will cross within the Baylor Survey Ground numbers 1, 2, 3 and possibly 5, therefore necessitating an act of the General Assembly; and

Whereas, it is necessary for continued adequate, secure and dependable electric service in Norfolk and the surrounding localities that the new transmission line be constructed; now, therefore,

### **Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *The Virginia Marine Resources Commission is hereby authorized to grant and convey to Virginia Electric and Power Company, its successors and assigns, upon such terms and conditions as the Commission, with the approval of the Governor and the Attorney General, shall deem proper, a permanent easement and right-of-way of 50 feet of width and a temporary right-of-way of a reasonable width as needed for the purpose of installing, constructing, maintaining, repairing and operating a submarine electric transmission cable system in and across the bed of the Elizabeth River, including a portion of the Baylor Survey, the center line of such easement being described as follows:*

*Beginning at the mean low water mark on the west bank of the Elizabeth River, being the property line of a parcel of land now or formerly owned by the U.S. Department of the Navy, in the City of Portsmouth, Virginia; thence N 66° 49' E +/- 220 feet +/- to a point; thence along a curve with an angle 18° 30' +/- with a length 245 +/- feet to a point; then N 48° 19' E +/- 1,115 +/- feet to a point; thence along a curve with an angle 18° 30' +/- with a length of 245 +/- feet to a point; thence N 66° 49' E +/- 4,290 +/- feet to a point; thence along a curve with an angle 47° 00' +/- with a length 726 +/- feet to a point; then N 19° 49' E +/- with a length of 200 +/- feet to a point, being a bulkhead/property line of a parcel of land now or formerly owned by the Virginia Port Authority on the east bank of the Elizabeth River, said point being West 300 +/- feet from the bulkhead at the intersection of the Lafayette and Elizabeth Rivers.*

**§ 2.** *None of the above described property that lies within the Baylor Survey shall be considered part of the natural oyster beds, rocks and shoals in the waters of the Commonwealth.*

**§ 3.** *The instrument granting and conveying the easement and right-of-way from the Commonwealth to Dominion Virginia Power shall be in a form approved by the Attorney General.*