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SENATE BILL NO. 921

Offered January 12, 2011

Prefiled January 10, 2011

A BILL to authorize the Virginia Marine Resources Commission to grant and convey a permanent easement and right-of-way across the bed of the Piankatank River and a permanent easement and right-of-way across the bed of the Narrows, including a portion of the Baylor Survey, to Virginia Electric and Power Company (Dominion Virginia Power), for the purpose of installing and operating a submarine electric distribution cable system.

Patron—McDougle

Referred to Committee for Courts of Justice

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

Whereas, Dominion Virginia Power currently operates a 34.5 kV overhead electrical distribution line across the Piankatank River on the west side of the John Andrew Twigg Bridge (State Route 3) between Mathews County and Middlesex County, which provides a critical electrical service connection to supply electricity to Mathews County, without which peak loading periods would not be able to support demand for electricity; and

Whereas, the existing facilities have been in place since 1963 and the poles, pilings, and conductors show age and exposure with signs of cracking and erosion, necessitating the replacement of this crossing to assure reliability of electric service to the region; and

Whereas, it will be necessary to install new underground distribution cable in the bed of the Piankatank River in order to provide the most economical, reliable, and long-term electric service for the region; and

Whereas, Dominion Virginia Power also currently operates a 34.5 kV underground electrical distribution line across the Narrows on the west side of the Gwynn's Island Bridge (State Route 223) between Mathews County and Gwynn's Island, which provides a critical electric service connection to Gwynn's Island as it is the only electric distribution line that serves the island; and

Whereas, the existing facilities serving Gwynn's Island have been in place since the 1960s and are in need of replacement and improvements to assure the future reliability of electric service to Gwynn's Island; and

Whereas, the existing distribution line serving Gwynn's Island is the only electrical distribution service crossing of the Narrows in the area, meaning any failure of the existing facilities within the crossing would result in a loss of electric service to the island; and

Whereas, it will be necessary to install new underground distribution cable in the bed of the Narrows in order to provide the most economical, reliable, and long-term electric service to Gwynn's Island; and

Whereas, a submarine crossing of the Piankatank River will cross within the Baylor Survey Grounds of Public Ground No. 3, located in Middlesex County (119.003.0400), and Public Ground No. 5, located in Mathews County (115.005.0400), and a submarine crossing of the Narrows will cross within the Baylor Survey Grounds of Public Ground No. 5 and additional Public Ground, set aside by § 28.2-642, located in Mathews County (115.005.0400 and 115.901.0400); and

Whereas, it is necessary for continued adequate, secure and dependable electric service that these distribution line crossings be replaced with new underground facilities; 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 distribution cable system in and across the bed of the Piankatank 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 south side of the Piankatank River and west of Twiggs Ferry Road Bridge, being the property line of a parcel of land now or formerly owned by Laura H.

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59 *Hughes et al., in the County of Mathews, Virginia; said point having a coordinate value of 37° 30'*
60 *29.57" N/76° 25' 12.44" W being on the geographic datum NAD 1983(86), thence N 0° 27' W a distance*
61 *of 1,786' more or less to a point ending at the low water on the north side of the Piankatank River and*
62 *west of Twiggs Ferry Road Bridge being a property line of a parcel of land now or formerly owned by*
63 *Allie J. and Carolyn A. Walton, Jr., R/S; said point having a coordinate value of 37° 30' 47.49" N/76°*
64 *25' 12.60" W containing 2.05 acres more or less.*

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

72 *Beginning at the mean low water mark on the north side of the Narrows and west of the Gwynn's*
73 *Island Bridge, State Route 223, being the property line of a parcel of land now or formerly owned by*
74 *W.D. Jenkins, Est., in the County of Mathews, Virginia; said point having a coordinate value of 37° 29'*
75 *15.94" N/76° 18' 35.06" W being on the geographic datum NAD 1983(86), thence N 62° 25' W a*
76 *distance of 782' more or less to a point, thence N 0° E a distance of 50' more or less to a point and*
77 *ending at the low water mark on the south side of the Narrows and west of the Gwynn's Island Bridge,*
78 *State Route 223, being the property line of a parcel of land now or formerly owned by William Edward*
79 *Nelson and Cathleen Cameron Nelson, Trustees; said point having a coordinate value of 37° 29' 19.76"*
80 *N/76° 18' 43.87" W containing 0.90 acres more or less.*

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

83 § 4. *The instruments granting and conveying these easements and right-of-ways from the*
84 *Commonwealth to Dominion Virginia Power shall be in a form approved by the Attorney General.*