CHAPTER 50

An Act to authorize the Marine Resources Commission to grant easements and rights-of-way across and in the beds of the Hampton Roads Harbor (Lower James River) and Elizabeth River Reach, including a portion of the Baylor Survey, to Virginia Natural Gas, Inc. for a natural gas pipeline.

[H 3005]

Approved February 19, 2007

Whereas, notwithstanding a General Assembly grant of authority to the Marine Resources Commission (MRC) to convey the easements in the Commonwealth's bottomlands, Virginia Natural Gas, Inc. will be required to file a joint permit application with MRC, and MRC 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, Virginia Natural Gas, Inc. currently serves approximately 260,000 customers in the Hampton Roads region through a gas distribution system that is divided into two noncontiguous pipeline systems, one serving the communities north of Hampton Roads, including the Cities of Hampton, Newport News, Poquoson, and Williamsburg and the Counties of Charles City, Hanover, James City, New Kent, and York (the Northern Pipeline); and one serving communities south of Hampton Roads, including the Cities of Chesapeake, Norfolk, Suffolk, and Virginia Beach (the Southern Pipeline), and there is no connection between these two systems; and

Whereas, the Southern Pipeline has access to only one interstate pipeline and a large majority of the Southern area is supplied through only one gate station; and

Whereas, Virginia Natural Gas, Inc. has been offered the opportunity to receive a substantial quantity of additional natural gas into the Northern Pipeline; and

Whereas, population and customer demand for natural gas has grown significantly over the last 30 years and will continue to grow in the areas served in Hampton Roads; and

Whereas, the availability of additional supply to both the Northern and Southern distribution areas will support future growth at a more favorable price for all Hampton Roads customers; and

Whereas, to improve reliability, ensure sufficient gas supplies for the future, and allow Virginia Natural Gas, Inc. to function as an integrated utility, it is necessary to construct a pipeline that will connect the Northern Pipeline to the Southern Pipeline; and

Whereas, the Virginia State Corporation Commission found the construction of such a pipeline to be in the public interest, and ordered Virginia Natural Gas, Inc. to construct a pipeline, the Hampton Roads Crossing, from its Northern system that will cross the James River/Hampton Roads Channel and tie into the Southern distribution system in Norfolk; and

Whereas, although it is an ordinary or normal service extension in the usual course of business, it will be necessary to place the Hampton Roads Crossing natural gas pipeline in the bed of Hampton Roads Harbor and the Elizabeth River because it is not possible to construct an overhead natural gas line crossing at these important locations due to the danger such an overhead line poses to Hampton Roads Harbor and 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 and 3, therefore necessitating an act of the General Assembly; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Marine Resources Commission (MRC) is hereby authorized to grant and convey to Virginia Natural Gas, Inc., its successors, and assigns, upon such terms and conditions as the MRC, with the approval of the Governor and the Attorney General, shall deem proper, two permanent easements and rights-of-way and a temporary right-of-way of a reasonable width as needed for the purpose of installing, constructing, maintaining, repairing, and operating a submarine natural gas transmission line system in and across the bed of the James River/Hampton Roads Harbor and the Elizabeth River Reach, including a portion of the Baylor Survey, the boundaries of such easements being described as follows:*

Virginia Natural Gas Baylor Easement "A":

Beginning at a point in Hampton Roads Harbor generally located near the northwestern corner of Craney Island Disposal Area, City of Portsmouth, on the southern line of the Baylor Ground designated "Public Ground No. 1" as shown on a map compiled by the Marine Resources Commission as having a coordinate value of North 3,504,038.571 East 12,100,845.956 (coordinate values are based on Virginia State Plane Coordination System, South Zone, NAD 1983/1994 HARN, and expressed in U.S. Survey feet); thence from said point of beginning running N04º37'18"W a distance of 577.81 feet to a point in the northern boundary of said "Public Ground No. 1," thence turning and running along the

aforementioned northern boundary line N76º00'38"E a distance of 101.35 feet to a point; thence turning and running, leaving the northern boundary line of "Public Ground No. 1," S04º37'18"E a distance of 602.39 feet to a point in the southern boundary line of "Public Ground No. 1"; thence turning and running along the southern boundary line of "Public Ground No. 1" S89º59'58"W a distance of 100.33 feet to a point, the point of beginning of Easement "A," such easement being 100 feet wide through a portion of the Baylor Ground designated "Public Ground No. 1."

Virginia Natural Gas Baylor Easement "B":

Beginning at a point in the Elizabeth River generally located near the eastern side of Craney Island Fuel Supply Depot, City of Portsmouth, on the western line of the Baylor Ground designated "Public Ground No. 3" as shown on a map compiled by the Marine Resources Commission as having a coordinate value of North 3,490,484.800 East 12,115,840.924 (coordinate values are based on Virginia State Plane Coordination System, South Zone, NAD 1983/1994 HARN, and expressed in U.S. Survey feet); thence from said point of beginning running S46º55'43"E a distance of 3,902.74 feet to a point in the eastern boundary of "Public Ground No. 3," generally located near Lamberts Point Terminals, City of Norfolk; thence turning and running along the eastern boundary line of "Public Ground No. 3" S20º08'18"W a distance of 108.57 feet to a point; thence turning and running, leaving the aforementioned eastern boundary line of "Public Ground No. 3," N46º55'43"W a distance of 3,827.89 feet to a point in the western boundary line of the Baylor Ground designated "Public Ground No. 3"; thence turning and running along the western boundary line N06º26'47"W a distance of 154.02 feet to a point, the point of beginning of Easement "B," such easement being 100 feet wide through a portion of the Baylor Ground designated "Public Ground No. 3."

Virginia Natural Gas Baylor Easement "C":

Beginning at a point in the Elizabeth River generally located near the eastern side of Craney Island Fuel Supply Depot, City of Portsmouth on the western line of the Baylor Ground designated "Public Ground No. 3." as shown on map compiled by Marine Resources Commission having a coordinate value of North 3,491,259.652, East 12,115,753.359 (coordinate values are based on Virginia State Plane Coordinate System, South Zone, NAD 1983/1994 HARN, and expressed in U.S. Survey feet); thence from said point of beginning running S69º05'52"E a distance of 3,943.73 feet to a point in the eastern boundary of "Public Ground No. 3," generally located near the southern portion of Old Dominion University, City of Norfolk; thence turning and running along the eastern boundary line of "Public Ground No. 3" S20º08'21"W a distance of 100.01 feet to a point; thence turning and running, leaving the aforementioned eastern boundary line of "Public Ground No. 3," N69º05'52"W, 3,893.34 feet to a point in the western boundary line of the Baylor Ground designated "Public Ground No. 3"; thence turning and running along the western boundary line N06º26'52"W a distance of 112.59 feet to a point, the point of beginning of Easement "C". The above described easement being 100 feet wide through a portion of Baylor Ground designated "Public Ground No. 3."

§ 2. None of the property described in § 1 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 easements and rights-of-way from the Commonwealth to Virginia Natural Gas, Inc. shall be in a form approved by the Attorney General.

§ 4. The Hampton Roads Crossing Pipeline is an ordinary or normal service extension in the usual course of business.

2. That an emergency exists and this act is in force from its passage.