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## SENATE BILL NO. 921

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice  
on January 24, 2011)

(Patron Prior to Substitute—Senator McDougle)

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 adjacent to Hills Bay, 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.*

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 cables 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 12.5 kV underground electrical distribution line across the Narrows adjacent to Hills Bay 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 adjacent to Hills Bay 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 cables in the bed of the Narrows adjacent to Hills Bay 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 adjacent to Hills Bay will cross within the Baylor Survey Grounds of Public Ground No. 5 and additional Public Ground, set aside by § 28.2-642 of the Code of Virginia, 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, 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. Hughes et al., in the County of Mathews, Virginia; said point having a coordinate value of latitude 37°*

30' 26.92" north, longitude 76° 25' 12.41" west, being on the geographic datum NAD 1983(86), thence to a point ending at the low water mark on the north side of the Piankatank River and west of Twiggs Ferry Road Bridge being a property line of a parcel of land now or formerly owned by Allie J. and Carolyn A. Walton, Jr., R/S, in the County of Middlesex, Virginia; said point having a coordinate value of latitude 37° 30' 47.49" north, longitude 76° 25' 12.60" west, containing 2.36 acres more or less.

§ 2. 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, 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 Narrows adjacent to Hills Bay, 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 Narrows adjacent to Hills Bay and west of the Gwynn's Island Bridge, State Route 223, being the property line of a parcel of land now or formerly owned by William Edward Nelson and Cathleen Cameron Nelson, Trustees, in the County of Mathews, Virginia; said point having a coordinate value of latitude 37° 29' 15.94" north, longitude 76° 18' 35.06" west, being on the geographic datum NAD 1983(86), thence to a point, said point having a coordinate value of latitude 37° 29' 19.25" north, longitude 76° 18' 43.87" west, thence to a point ending at the low water mark on the north side of the Narrows adjacent to Hills Bay and west of the Gwynn's Island Bridge, State Route 223, being the property line of a parcel of land now or formerly owned by W.D. Jenkins, Est. in the County of Mathews, Virginia; said point having a coordinate value of latitude 37° 29' 19.76" north, longitude 76° 18' 43.87" west, containing 0.96 acres more or less.

§ 3. The portion of the property described above in § 1 (Piankatank River Crossing) that lies within the Baylor Survey is described below and shall not be considered part of the natural oyster beds, rocks and shoals in the waters of the Commonwealth:

Area within Public Ground No. 5, Mathews County: Beginning on the southern side of the Piankatank River, the first point being along the southern boundary of Public Ground No. 5, Mathews County, and thence upstream of and running parallel with the Twiggs Ferry Road Bridge to a point being: latitude 37° 30' 29.9741" north, longitude 76° 25' 12.7539" west, thence clockwise (northerly) to an intersection point along the joint boundary of Public Ground No. 5, Mathews County, being: latitude 37° 30' 38.5394" north, longitude 76° 25' 12.8303" west, thence clockwise (easterly) to a point along the boundary of Public Ground No. 5, Mathews County, being: latitude 37° 30' 38.6398" north, longitude 76° 25' 12.2107" west, thence clockwise (southerly) to an intersection point along the southern boundary of Public Ground 5, Mathews County, being: latitude 37° 30' 30.0916" north, longitude 76° 25' 12.1343" west, thence clockwise (westerly) to a point along the southern boundary of Public Ground No. 5, Mathews County, being the point of beginning and containing 0.99 acres; and

Area within Public Ground No. 3, Middlesex County: Beginning at the approximate middle of the Piankatank River, the first point being along the southern boundary of Public Ground No. 3, and thence running upstream of and parallel with the Twiggs Ferry Road Bridge to a point being: latitude 37° 30' 38.5394" north, longitude 76° 25' 12.8303" west, thence clockwise (northerly) to a point along the northern boundary of Public Ground No. 3, Middlesex County, being: latitude 37° 30' 41.8477" north, longitude 76° 25' 12.8599" west, thence clockwise (easterly) to a point along the northern boundary of Public Ground No. 3, Middlesex County, being: latitude 37° 30' 41.8510" north, longitude 76° 25' 12.2393" west, thence clockwise (southerly) to a point along the southern boundary of Public Ground No. 3, Middlesex County, being: latitude 37° 30' 38.6398" north, longitude 76° 25' 12.21066" west, thence clockwise (westerly) to the point along the southern boundary of Public Ground No. 3, Middlesex County, being the point of beginning and containing 0.38 acres. All values are in geographic datum NAD 1983(86).

The portion of the property described above in § 2 (Narrows Crossing adjacent to Hills Bay) that lies within the Baylor Survey is described below and shall not be considered part of the natural oyster beds, rocks and shoals in the waters of the Commonwealth:

Area within Additional Public Ground, as set aside by § 28.2-642 of the Code of Virginia, hereafter referred to as Additional Public Ground § 28.2-642: Beginning on the southern side of the Narrows adjacent to Hills Bay, the first point being along the southeastern boundary of Additional Public Ground § 28.2-642, Mathews County, at mean low water, said point being: latitude 37° 29' 15.7067" north, longitude 76° 18' 35.1665" west, thence clockwise (northwesterly) to an intersection point along the boundary of Additional Public Ground § 28.2-642, Mathews County, being: latitude 37° 29' 16.3774" north, longitude 76° 18' 36.9516" west, thence clockwise (northeasterly) to a point along the boundary of Additional Public Ground § 28.2-642, Mathews County, being: latitude 37° 29' 16.7449" north, longitude 76° 18' 36.4750" west, thence clockwise (southeasterly) to an intersection point along the southern boundary of Additional Public Ground § 28.2-642, Mathews County, at mean low water being: latitude 37° 29' 16.3072" north, longitude 76° 18' 35.3101" west, thence clockwise (southeasterly) along

the mean low water line to a point along the southern boundary of Additional Public Ground § 28.2-642, Mathews County, being the point of beginning and containing 0.15 acres; and

Area within Public Ground No. 5, Mathews County: Beginning along the southern boundary of Public Ground No. 5, at a point being: latitude 37° 29' 16.3774" north, longitude 76° 18' 36.9516" west, thence clockwise (northwesterly) to a point along the northern boundary of Public Ground No. 5, Mathews County, being: latitude 37° 29' 17.9482" north, longitude 76° 18' 41.1325" west, thence clockwise (northeasterly) to a point along the northern boundary of Public Ground No. 5, Mathews County, being: latitude 37° 29' 18.1976" north, longitude 76° 18' 40.3413" west, thence clockwise (southeasterly) to a point along the southern boundary of Public Ground No. 5, Mathews County, being: latitude 37° 29' 16.7449" north, longitude 76° 18' 36.4750" west, thence clockwise (southwesterly) to the point along the southern boundary of Public Ground No. 5, Mathews County, being the point of beginning and containing 0.41 acres. All values are in geographic datum NAD 1983(86).

§ 4. The instruments granting and conveying these easements and rights-of-way from the Commonwealth to Virginia Electric and Power Company shall be in a form approved by the Attorney General. The legal descriptions above may be modified to correct any errors discovered during the process of finalizing these easements.

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