

Draft Resolution: VOF public policy statement regarding Electric Transmission Corridors

Whereas, the Commonwealth of Virginia has established the Virginia Outdoors Foundation “to promote the preservation of open-space lands and to encourage private gifts of money, securities, land or other property to preserve the natural, scenic, historic, scientific, open-space and recreational areas of the Commonwealth” (Sections 10.1-1700 et. seq. and 10.1-1800 et. seq. of the Code of Virginia); and

Whereas, as a result of Virginia’s commitment to ensure a vibrant natural environment for today and future generations, VOF holds nearly 4,000 open-space easements across the Commonwealth, which easements protect in perpetuity nearly 800,000 acres of open-space; and VOF has an interest in specific conservation values of the property and a legal obligation to protect these values by means of an open-space easement. VOF easements provide important public benefits by protecting in perpetuity significant tracts of mostly undeveloped land, which may contribute to the protection of water quality, productive soils, natural heritage resources, historic resources, and scenic viewsheds; and

Whereas, VOF easements represent billions of dollars of public investment and fulfillment of Title XI of the Virginia Constitution and other public policies to ensure conservation of natural and cultural resources; and

Whereas, VOF, as a unit of state government, is part of the state’s Environmental Impact Report Review Process and provides comments on public works projects such as new and expanded roads, electric transmission lines, gas lines, water and sewer lines, railroads, airports, etc. as they pertain to VOF easement properties. As a continuing part of this process, VOF has worked collaboratively with regulators and regulated industries to avoid open-space easements and minimize impacts of public works projects whenever possible; and

Whereas as a part of this collaboration, VOF Guidelines state that, “when considering acceptance of an easement... (VOF) weighs whether an easement on a property may interfere with an anticipated or planned public works project. VOF considers the extent to which planning for the public works project has been finalized, and the practicality and availability of other options for achieving the purpose of the public works project. VOF could suggest provisions in the deed of easement to forestall a conflict between the public works projects or decide it cannot accept the easement. Where an existing road or railroad or utility expansion is in an existing plan, that expansion cannot be blocked, and must be accommodated within the easement’s terms”; and

Whereas, despite this collaborative approach, investments in conservation and future conservation opportunities may be jeopardized if large-scale utility development impair protected public resources and their character-defining setting. Degradation of protected public resources may result in a loss of confidence in the effectiveness of conservation easements by the public,

Whereas, Section 56-46. 1 B of the Code of Virginia states, “In making the determinations about need, corridor or route, and method of installation, the Commission (SCC) shall verify the applicant’s load flow modeling, contingency analyses, and reliability needs presented to justify the new line and its proposed method of installation. If the local comprehensive plan of an affected county or municipality designates corridors or routes for electric transmission lines and the line is proposed to be constructed outside such corridors or routes, in any hearing the county or municipality may provide adequate evidence that the existing planned corridors or routes designated in the plan can adequately serve the needs of the company. Additionally, the Commission shall consider, upon the request of the governing body of any county or municipality in which the line is proposed to be constructed, (a) the costs and economic benefits likely to result from requiring the underground placement of the line and (b) any potential impediments to timely construction of the line.”

THEREFORE, BE IT RESOLVED on this 24th day of March, 2016 that the VOF Board of Trustees urges the State Corporation Commission, when determining the public convenience and necessity of new or expanded electric transmission lines in the Commonwealth of Virginia, to consider the stature and importance of the public values protected by VOF open space easements, and be it

RESOLVED FURTHER that if the State Corporation Commission determines that any proposed transmission lines are necessary the VOF Trustees urge that they are routed, designed, constructed and operated in a manner that avoids and reasonably minimizes adverse impacts to VOF open space easements, and that appropriate mitigation measures be required to protect the scenic, historic, natural, scientific, and open-space resources protected by VOF easements, and be it

RESOLVED FURTHER that the VOF staff will work with counties and municipalities to consider the designation of planned corridors and routes for electric transmission lines in their comprehensive plans which will take into account VOF protected lands. VOF will share GIS data of conserved lands and other important information to assist localities in the designation of electric transmission corridors which will minimize impacts to open space easements.

RESOLVED FURTHER that the VOF staff expand the internal review for proposed new or expanded transmission lines from direct impacts to VOF easements to a radius of 1.5 miles surrounding the proposed project and to projects proposed within designated VOF Special Project Areas. VOF staff shall provide comments, within legal limitations of VOF authority, through the Commonwealth’s Environmental Impact Review Process requesting that the project proponents at a minimum:

Give full consideration to the importance of these open space properties and their extensive conservation values in the selection of the appropriate route and expansion of existing corridors. Adaptations to siting, location, materials and height in the design of the transmission line and facilities should be used as necessary to avoid/minimize any adverse impacts to these open space properties and their public values.

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