



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1011

November 16, 2016

Executive Office

SUBJECT: U.S. Army Corps of Engineers, Department of the Army Permit Number
NAO-2008-2534

Dominion Virginia Power
Attn: Ms. Paula Hamel
Director of Generation Environmental Services
5000 Dominion Boulevard
Glen Allen, VA 23060

Dear Ms. Hamel:

On September 29, 2011, the U.S. Army Corps of Engineers (Corps) issued the subject Department of the Army permit, Number NAO-2008-2534 (the Permit), to Dominion Virginia Power (Dominion) for the proposed North Anna Power Station (NAPS), Unit 3 project. The Permit authorizes permanent impacts to 4.15 acres of palustrine forested wetlands, 0.4 acres of palustrine emergent wetlands, 0.26 acres of open water in Lake Anna, 6,380 linear feet of stream, and 8.14 acres of shoreline wetlands on Lake Anna and the Waste Heat Treatment Facility (WHTF). In addition, the Permit authorizes temporary impacts to 0.06 acres of palustrine emergent wetland, 0.18 acres of estuarine emergent wetland, 0.51 acres of open water in Lake Anna, 308 linear feet of Mattaponi River shoreline, and the 435-foot encroachment into the Mattaponi River.

Prior to issuing the Permit, the Corps determined that the activities authorized by the Permit (i.e., those within Corps jurisdiction) would have no effect on any threatened or endangered species. In correspondence dated August 19, 2016, the Virginia Chapter of the Sierra Club provided notice that it intends to sue the Corps for alleged violations of the Endangered Species Act (ESA). It is our understanding that the Nuclear Regulatory Commission (NRC), which has independent regulatory authority over your proposed project, is currently in consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service pursuant to Section 7 of the ESA. In accordance with 33 CFR §325.7(c), the Corps has determined that it is in the public interest to formally designate NRC as Lead Agency for Section 7 consultation and to suspend the Permit until NRC completes the ongoing consultation process.

You are ordered to stop any activities previously authorized by the suspended permit. Please be advised that performing these activities without authorization through a Department of the Army permit may constitute a violation of Section 404 of the Clean Water Act (33 U.S.C. § 1344) or Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). Within 10 days of receiving this letter, you may request a meeting with the Norfolk District and/or a public hearing to present information on this matter. After completion of the hearing or meeting, or within a reasonable period after this notification if no meeting or hearing is requested, the Corps will take action to reinstate, modify, or revoke the authorization under the regional permit.

If you have any questions, please contact Tucker Smith, at (757) 201-7653, or tucker.smith@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "J E Kelly".

Jason E. Kelly, PMP
Colonel, U.S. Army
Commanding