



*Protecting and restoring the lands and waters of the Virginia Piedmont,
while building stronger, more sustainable communities*

Piedmont Environmental Council
45 Horner St.
Warrenton, VA 20186

June 24, 2024

U.S. Department of Energy Grid Deployment Office
1000 Independence Ave. SW
Washington, DC 20585

To Whom It May Concern,

The Piedmont Environmental Council (PEC) is a non-profit organization established in 1972 to protect and restore the lands and waters of the Virginia Piedmont, while building stronger, more sustainable communities. Our work is focused primarily on a nine-county region stretching from Clarke and Loudoun counties in the north down to Albemarle County and Charlottesville in the south. We are commenting on the Mid-Atlantic NIETC designation due to the potential impact it has on the many aspects of our work including the protection of air and water quality, land conservation, preservation of historic resources, access and enjoyment of public parks and trails, energy sustainability, and meeting climate impact reduction goals. In addition, we have significant concerns about the process and impact to Virginia ratepayers.

Rushed and Inadequate Process

DOE has invited interested parties to comment on the information contained within the preliminary list of potential NIETCs and to submit additional information on geographic boundaries and potential impacts on environmental, community, and other resources based on the list included in the NIETC Guidance for Phase 2. The guidance document explains that DOE will prioritize which potential NIETCs from the preliminary list move to Phase 3 based on the

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available information on geographic boundaries and potential impacts on environmental, community, and other resources and preliminary review of comments.

A NEPA analysis will not be completed prior to selecting NIETC corridors to move to Phase 3. Landowners within the corridors have not been directly notified of the proposed designation. Detailed information submitted during Phase 1 including recommendations received, justifications, narrative description and maps, or the identities of submitting parties has not been shared with the public to the best of our knowledge. Documents state that the corridor is a rough approximation that may be adjusted to include additional areas making it impossible to comment on the potential full extent as we don't know what that might be. Finally, Phase 2 is limited to a 45 day comment period. This is wholly inadequate given the scope and potential impacts of the corridors. The DOE's designation process is rushed, includes no targeted or local outreach, and does not provide enough information or time for meaningful public engagement from stakeholders. This process seems to be merely an exercise of checking a box and not intended to really gather comprehensive information on environmental and community impacts or obtain robust community feedback.

A more comprehensive review and selection process would have:

- NEPA review of potential corridors prior to selecting National Interest Electric Transmission Corridors so that the public can have the benefit of that information when commenting on them
- Direct mailings to all persons owning land in the potential corridor
- Public informational meetings (in-person and virtual) to engage community members, and prior notice of those outreach opportunities in local newspapers
- Public access to all information from Phase 1, including recommendations DOE has received for potential NIETC designations, a narrative description and map of potential corridor boundaries, as well as identification of all transmission line(s) currently planned
- An extension for the preliminary comment period beyond 45 days to allow for informed public engagement from interested parties
- More clarity and better publication on how persons may obtain party status to be able to request rehearing or appeal of a NIETC designation as per DOE's Guidance Document section "Post-NIETC Designation"

Cost and Reliability

According to the guidance document, DOE intends to employ the NIETC designation to further the timely buildout of a reliable, resilient, and efficient transmission system that facilitates the achievement of national energy policy goals while reducing consumer energy costs. It is unclear how the Mid-Atlantic NIETC proposal fulfills this objective. Several of these lines are a part of the 2022 RTEP Window 3 set of proposals received by PJM in response to addressing load

growth in northern Virginia driven by data centers and deactivation of generation facilities, mostly planned retirements of coal fired power plants. The selected projects from the RTEP Window have a total price tag of 5 billion dollars.¹ Several projects that were not selected in that process are also proposed as corridors in this NIETC proposal, potentially adding even more to that cost. Further, it is unclear how this corridor would reduce consumer costs for ratepayers as coal fired power is one of the most expensive forms of energy and carries costly externalities that are not well quantified such as air pollution, water pollution, emissions, and social costs of health impacts to workers and nearby residents.

Reliability is a major justification for this project but is not currently a major problem in most of the PJM area. Reliability only becomes an issue with continued load growth from data centers which interestingly can't continue to be built if they don't have power. This logically begs the question; which is the actual driver here, the data centers or the promise of power? Within the Dominion territory, demand from all other sectors is flat to declining. Data center developers continue to come to northern Virginia, with numerous applications currently in the pipeline², because they believe they will continue to get power regardless of the severe capacity constraints. We are concerned that this designation would induce demand for even more data center development as other transmission line projects have done.

This is a vicious cycle that can only be addressed by state regulation of the data center industry and utility reform. Indeed, state policy makers have begun this effort. The Virginia General Assembly has assigned the bipartisan Joint Legislative and Audit Review Committee (JLARC) the task of reviewing the impact of data center development on energy infrastructure³ and there will likely be legislation addressing some of these issues in the 2025 session. It would be prudent for the DOE to wait until completion of this study before considering this designation as it could further exacerbate the problem. Additionally, the Virginia State Corporation Commission (SCC) is the state energy regulator with jurisdiction over transmission siting, consumer rates, and the electric utility industry generally. The SCC will evaluate electric demand in Dominion's PJM zone when it considers the utility's 2024 Integrated Resource Plan. Virginia law requires Dominion to file its next IRP no later than October of this year. The SCC likely has many tools at its discretion to mitigate the impacts of data center growth in northern Virginia. Both the Virginia General Assembly and the Virginia SCC are keenly aware of the challenges posed by

¹ PJM Staff (2023). Transmission Expansion Advisory Committee (TEAC) Recommendations to the PJM Board. Available at: <https://pjm.com/-/media/committees-groups/committees/teac/2023/20231205/20231205-pjm-teac-board-whitepaper-december-2023.ashx> (Accessed: June 24, 2024)

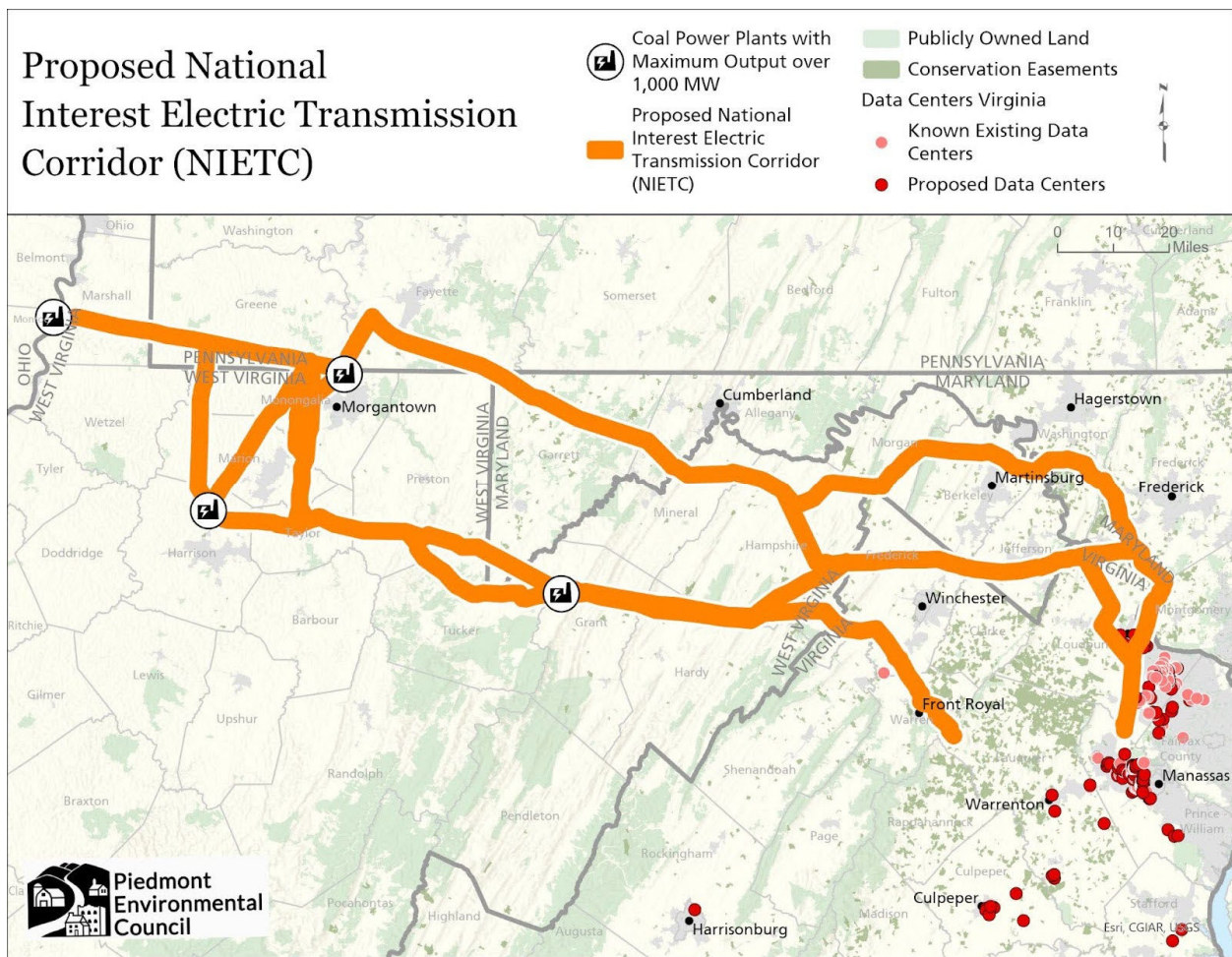
² Piedmont Environmental Council (2024) *Existing and Proposed Data Centers: A Web Map*. Available at: <https://www.pecva.org/work/energy-work/data-centers/existing-and-proposed-data-centers-a-web-map/> (Accessed June 24, 2024)

³ Joint Legislative Audit and Review Committee (2023) *Study Resolution: Data Centers*. Available at: https://jlarc.virginia.gov/pdfs/resolutions/2024_Data%20centers_JLARC.pdf (Accessed: June 24, 2024)

the data center industry. Virginia policy makers, including state energy regulators, should be given reasonable time to address these challenges.

Climate Impact

National and state energy policy goals of transitioning to clean energy are not met by enhancing the capacity of lines that primarily connect coal fired power plants in West Virginia to the energy hungry data center market in northern Virginia. The map below shows the four coal fired power plants with a maximum output of over 1,000 MW located directly along the corridor: Mt. Storm 1,700 MW, Fort Martin Coal 1,100 MW, Harrison Coal 2,000 MW, Mitchell Coal 1,600MW. Citing resource adequacy concerns in the PJM region, FirstEnergy has already announced plans to delay retirement of Fort Martin Coal and Harrison Coal.⁴



⁴ Power Engineering (2024) *FirstEnergy won't exit coal by 2030*. Available at: <https://www.power-eng.com/coal/firstenergy-wont-exit-coal-by-2030/#gref> (Accessed: June 24, 2024)

The Mid-Atlantic NIETC would force a costly investment in infrastructure that would commit Virginia to decades of relying on West Virginia coal for our electricity, harming the climate and communities in West Virginia and beyond. These anticipated impacts are not in alignment with federal priorities to reduce greenhouse gas emissions. These impacts are also contrary to the goals of the 2020 Virginia Clean Economy Act (VCEA). This transformational law is intended to reduce greenhouse gas emissions by directing Dominion to achieve 100% clean electricity sales by 2045 and to begin the process of retiring its fossil generating fleet. The law requires Dominion to prioritize distributed generation resources and battery energy storage systems to ensure electric demand can be met with 100% clean energy. The Mid-Atlantic NIETC would appear to perpetuate fossil fuel generation, potentially thwarting Virginia's climate policy goals.

Environmental and Community Impact

The proposed corridors up to 180 miles long and 2 miles wide (including a completely new 24 mile section through western Loudoun), would significantly impact natural and community resources throughout. With only a 45 day review period, generic high level information about the corridor, and only the rough approximation of a corridor, it is difficult to comment on the broad reaching environmental and community impacts. PEC has attempted to digitize the corridor and overlay it on resource maps which can be viewed here: www.pecva.org/work/energy-work/initial-transmission-proposals-pec-web-map. However, there are a number of layers that either cannot be shown (such as archaeological sites and endangered species) or are costly and time consuming to obtain (such as county specific layers). Further assessing and quantifying all the potential impacts in such a short comment period was not possible.

Generally, what we can see is that the corridor goes through several existing communities where there appears to be little room for expansion without severe impacts. It goes through recreational, agricultural, and historical tourism areas that are particularly sensitive to visual impacts and encroachment from electrical infrastructure. Some examples are outlined below but this list is far from exhaustive.

Within the proposed corridor are a number of public trails and parks such as the Appalachian Trail, Washington and Old Dominion Trail, Chesapeake and Ohio Canal National Historic Park, Sweet Run State Park, South Mountain State Park, Sleepy Creek Wildlife Management Area (WMA), Short Mountain WMA, Nathaniel Mountain WMA, South Branch WMA, Blackwater WMA, Quebec Run Wild Area, Dans Mountain WMA, White Horse Mountain WMA, Monongahela National Forest, Forbes State Forest, and Savage River State Forest.

Much of the land impacted is private land, some of which has been protected through conservation easements. Many of these conservation easements protect nationally important historic sites or scenic areas. Some of these include the Journey Through Hallowed Ground National Heritage Area, Waterford Historic District and National Historic Landmark, Paenonian

Springs Historic District, Balls Bluff Battlefield Historic District, Turner's Gap Historic District, and the Goose Creek State Scenic River.

Agriculture, which remains a major economic sector in Virginia, especially in the Shenandoah Valley and the Virginia Piedmont region, will be directly and indirectly impacted by the proposed corridors. A complete analysis of the impact on farms and farm operations, including the risk to nationally important prime farm soils should be completed prior to any decision by the Department of Energy. Both through local comprehensive planning and zoning, local governments have established where farming is a preferred land use.⁵ Conservation easements are encouraged by local, state, and federal policy to protect farms and farm soils, which are put at risk by new and expanded transmission lines. Many of the conservation easements potentially impacted by the proposed corridors protect prime and important farm soils.

Agritourism, including wineries, pick your own orchards and fields, cut your own Christmas Tree farms, equestrian centers, and llama and alpaca farms are very popular in the agricultural areas near D.C. such as western Loudoun. These farms benefit greatly from the shared resource that is the natural beauty and scenery which can be destroyed by new transmission lines.

Finally the inherent value of the individual resources that may not be a part of a conserved or designated area should not be ignored. A quick survey shows that there are a number of wetlands, streams, steep slopes, core forest, and other ecologically sensitive resources within the corridor as well as a number of cemeteries, historic sites, and archaeological resources.

Failure to Consider Alternatives

We are concerned that the DOE has failed to consider non transmission alternatives in their analysis. There is no evidence within this NIETC process that the use of advanced technologies (e.g., sensors, advanced conductors, and High Voltage Direct Current lines) or other non transmission alternatives has been considered. This process in fact makes it easier to take land from private owners and further encourages energy companies to keep proposing expensive and highly impactful solutions. It is unclear how, if at all, the NIETC process has encouraged the energy industry to be innovative and use least impact solutions. There is nothing in the NIETC process that seems to incentivize companies willing to use advanced technologies that enhance the capacity of existing lines in lieu of building yet more transmission lines. To the contrary it seems like companies that build conventional lines are at less risk and would see a higher profit margin. Avoiding the expensive build out of new towers and the acquisition of new rights of way, it is possible that more power capacity and resilience could be achieved at a comparable cost. We have heard that companies are looking at these technologies, but most in the industry will not even submit a proposal with such technologies, arguing that the regulators will reject the

⁵ Loudoun County, Virginia. *Planning in Loudoun County*. Available at: www.loudoun.gov/1058/Planning (Accessed on June 24, 2024)

proposals because of the potential risks of using new and different technologies. We urge the Department of Energy to take a more active role in encouraging these technologies.

We oppose the Mid-Atlantic NIETC designation due to the far reaching negative impact it will have on the community and natural environment as well as its inconsistency with national and state climate goals. However, we also ask that the DOE extend its comment period to give the public more time to comment and to improve transparency and outreach to Virginia residents per the recommendations above. Only then can the agency make a fair and informed decision on this far-reaching and hugely impactful NIETC designation.

Thank you for your attention to this important and urgent matter.

Sincerely,

A handwritten signature in cursive script that reads "Julie Bolthouse".

Julie Bolthouse
Director of Land Use
Piedmont Environmental Council