

**Virginia State Corporation Commission
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August 10, 2026

Sent via email only

Ms. Janine Howard
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 Department of Environmental Quality
 Office of Environmental Impact Review
 P.O. Box 1105
 Richmond, VA 23218

**Re: Charlottesville-Gordonsville 230kV Rebuild Project, PUR-2026-00050
 DEQ #26-062S**

Subject: Additional Comments

Dear Ms. Howard,

The Virginia Outdoors Foundation (VOF) provides the following additional comments as part of the coordinated review process of Dominion Energy Virginia's (Dominion) Application for the Charlottesville-Gordonsville 230kV Rebuild Project (the Project). More specifically, VOF would like to address Dominion's response to Section II. A. 9. of the Application¹, and the oral arguments presented by counsel for Dominion and the Keswick Respondents before the Chief Hearing Examiner, during the hearing of the Keswick Respondent's Motion to Stay Dominion's Application at the State Corporation Commission (SCC).

The Project as proposed will cross 16 properties held in open-space easements by VOF, including one property under open-space easement co-held by VOF and Albemarle County.² Dominion asserts that expansion of the pre-existing right-of-way is not required to complete the Project.³

Based on submissions made by the Keswick Respondents (which include four landowners⁴ whose properties are encumbered by open-space easements held by VOF) during oral arguments, the pending matter⁵ before the Circuit Court of Albemarle County will continue, and a declaratory judgment determining the scope of Dominion's deeded rights-of-way will be sought by the

¹ Application Appendix pages 289-291.

² See the table provided in the Application Appendix at page 290.

³ Application at page 5, paragraph 9.

⁴ East Belmont Farm, LLC; Castalia-Cismont Investment, LLC; Clover Hill, LLC; and Jaffray Woodruff.

⁵ *East Belmont Farm, LLC et. al., v Virginia Electric and Power Company* Case No. CL26-859 in the Circuit Court of Albemarle County.

Keswick Respondents⁶. As previously noted, VOF's rights in these properties are derivative of the landowners'. Accordingly, if the court determines that the scope and character of Dominion's deeded rights-of-way are limited, and as a result, Dominion must acquire additional property rights on property held in open-space easement by VOF, such acquisition is likely prohibited by the terms of the open-space easement and thus Section 10.1-1704 of the Open Space Land Act will apply.

Furthermore, most of the 16 properties held in open-space easement by VOF (including those four involved in the Albemarle litigation) are subject to substantially similar deeded rights-of-way in favor of Dominion (all deeds dating between 1926 and 1928). If the Albemarle Court determines that Dominion's existing property rights are not sufficient to accommodate the Project on any of the four properties in the litigation, it is likely the existing Dominion rights of way on the other properties subject to VOF open-space easements are insufficient to accommodate the Project. Thus, Dominion will need to acquire additional rights of way on those other properties, and the Section 10.1-1704 conversion or diversion process may also apply to those other properties.

Section II. A. 9. of Dominion's Application

In March 2026, VOF staff met with Dominion to discuss the Project. At that meeting, Dominion mentioned an option for undergrounding the entire project and that Dominion had already determined this option was not feasible for several reasons including, that this option would involve acquiring additional property rights from the localities as well as significant additional acreage of property subject to VOF open-space easements. VOF staff outlined the Section 1704 conversion or diversion process in general terms, citing recent examples of conversion or diversion of a portion of a VOF open-space easement. At the time, the discussion proceeded solely on the understanding that Dominion already held the property rights required for the Project as presented in the Application.

Further, in its Application, Dominion states that “[c]onverting VOF's easements would entail a multi-year, seldom-granted Board approval process, as well as substantial 30:1 mitigation obligations.”⁷ VOF objects to that characterization. While it is true that the conversion or diversion of a portion of a VOF open-space easement has rarely occurred in the 60-year history of VOF, it is also true that such conversion or diversion has rarely been sought. The VOF Board of Trustees meet three times a year, VOF provides the application and guidance documents to interested parties, VOF staff provide support and guidance throughout the process, and the substitution of other real property is determined on a case-by-case basis as required by Section 10.1-1704.⁸

During oral arguments, Dominion's counsel argued that the need to pursue a conversion or diversion on portions of VOF's open-space easements pursuant to Section 10.1-1704 would not be dispositive for the “overhead” Project⁹, yet in the Application such need is argued by Dominion

⁶ Transcript of Hearing page 9.

⁷ Application Appendix at page 290.

⁸ Section 10.1-1704 A. (ii). Requires the substitution of “...other real property which is (a) of at least equal fair market value, (b) of greater value as permanent open-space land than the land converted or diverted and (c) of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land converted or diverted.”

⁹ Transcript of Hearing page 45.

to render undergrounding of any, or all of the Project “impractical.”¹⁰ From VOF’s perspective the need to pursue conversion or diversion of portions of VOF’s open-space easements ought not be considered dispositive for either the “overhead” option presented in the Application, or the undergrounding of the Project, or a portion of the Project.

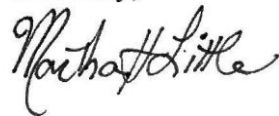
VOF would appreciate the opportunity to discuss with Dominion directly, and more specifically, both underground options developed by the Underground Engineering Group referred to in the Application¹¹ as undergrounding may reduce any potential impacts to the conservation values of the properties held in open-space easement by VOF and will more generally reduce scenic impacts on the broader area.

In accordance with Memorandum of Agreement regarding coordination of Impact Reviews between the Department of Environmental Quality (DEQ) and the State Corporation Commission dated August 14, 2002, and pursuant to Paragraph 8; VOF is willing to coordinate with DEQ to provide expert assistance to the Commission’s Staff on issues relating to conversion or diversion of VOF’s open-space easements, including mitigation requirements, the substitution of other real property as required pursuant to Section 10.1-1704 in cases of conversion or diversion, and the reduction of impacts to the conservation values of the properties held by VOF in open-space easement.

VOF would like to be absolutely clear that its open space easements and the provisions of Section 10.1-1704 should not be viewed by Dominion or the SCC as a bar to pursuing underground options for the Project. While VOF staff cannot predict with certainty the outcome of any application under Section 10.1-1704, VOF staff is ready and willing to provide any necessary assistance to the parties to assess the viability of undergrounding the Project.

Thank you for the opportunity to provide these additional comments.

Sincerely,



Martha H. Little

cc: Dominion Energy Virginia
16 VOF landowners
James Van Vranken, *Conservation Program Planner*, Albemarle County

¹⁰ Application Appendix at page 290.

¹¹ Application Appendix at page 289.