



**U.S. Army Corps
Of Engineers**
Norfolk District

Fort Norfolk, 803 Front Street
Norfolk, Virginia 23510-1096

DEPARTMENT OF THE ARMY PERMIT

Permittee: Virginia Electric and Power Company dba Dominion Virginia Power
Permit No.: 10-V1256/NAO-2008-2534
Issuing Office: Norfolk District, Corps of Engineers

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below pursuant to:

- (X) Section 10 of the Rivers and Harbors Act of 1899
(33 U.S.C. 403).
- (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
- () Section 103 of the Marine Protection, Research and
Sanctuaries Act of 1972 (33 U.S.C. 1413).

Project Description: The project involves the expansion of the existing North Anna Power Station (NAPS) near the town of Mineral in Louisa County, Virginia and includes components in Orange, Spotsylvania, Caroline, Hanover and King William Counties. The project proposes to impact Lake Anna and the waste heat treatment facility (WHTF), both formed from an impoundment of the North Anna River and its tributaries, and multiple tributaries to Lake Anna and the WHTF. The project also includes proposed impacts in the Mattaponi River near Walkerton in King William County, Virginia. The applicant proposes to construct and operate a new nuclear unit, Unit 3, at the existing NAPS as an addition to the existing operational Units 1 and 2. The project involves permanent impacts to waters and wetlands for the construction of excess spoil disposal fills and construction lay down areas, storm water basins, road crossings, culverts, cooling towers, water intake structure, outfalls, fills to accommodate separation of existing NAPS facilities, and the inundation of shoreline wetlands from a 3-inch water level increase in the normal pool elevations of Lake Anna and the WHTF as described and detailed in the application and drawings received in July 2010 and supplemented through December 2010. Total permanent impacts authorized by this permit are 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 WHTF. Total temporary impacts

authorized by this permit are 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. The project consists of the following components associated with construction and operation of the proposed nuclear unit:

1. Construction of the new unit and the cooling towers and associated storm water basin
2. Water intake structure modifications
3. Site separation activities
4. A heavy haul route from Walkerton landing to the NAPS with the roll off facility in the Mattaponi River as the only impact subject to Corps' jurisdiction
5. Excess spoil disposal for material excavated from the existing NAPS to accommodate the new unit and cooling towers
6. An increase in normal water levels in Lake Anna and the WHTF
7. Construction of a 500-kV transmission line with no impacts subject to Corps' jurisdiction

Project Location: The NAPS site is located at 1022 Haley Drive in Louisa County, Virginia. The impoundment and associated watershed which comprise Lake Anna and the WHTF are located in Orange, Spotsylvania, and Louisa Counties. The Mattaponi River impacts will occur in King William County, Virginia.

Project Specific Conditions:

1. Prior to the commencement of any work authorized by this permit, you shall advise the Norfolk District Engineer in writing at: Norfolk District Corps of Engineers, Northern Virginia Regulatory Section Chief, 803 Front Street, Norfolk, VA 23510 of the time the authorized activity will commence and the name and telephone number of all contractors or other persons performing the work. A copy of this permit and the approved drawings must be provided to the contractor and made available to any regulatory representative during an inspection of the project site.
2. The time limit for completing the work authorized ends on **September 30, 2026**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 120 days before the above date is reached. Should you be unable to complete the authorized activity in the time limit provided, you must submit your request for a time extension to this office for consideration at least 120 days before the permit expiration date.
3. Enclosed is a "compliance certification" form, which must be signed and returned within 30 days of completion of the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the permit terms and conditions.
4. Purchase of stream and wetland compensatory mitigation credits and completion of other compensatory mitigation requirements as detailed in the Special Conditions for this permit shall

be conducted prior to the initiation of the associated impacts authorized under this permit. Written confirmation of the credit purchase and/or requirement completion must be provided to the Corps' project manager.

Special Conditions:

Spoil Disposal

1. Upon any observation of potential contaminants in excavated or dredged material for disposal, the material will be isolated in an upland area, contained, tested, and appropriately handled and/or treated prior to disposal.

Navigation

1. The filled cofferdam and dolphins encroaching into the Mattaponi River shall be lighted and marked with cautionary signage that is adequate to alert all river users, including upstream, downstream, commercial, and recreational, to the presence of these structures in the waterway.
2. If at any time the structures present a hazard to navigation, the applicant will be responsible for all required actions to return the waterway to safe navigational use.

Historic Properties

1. All commitments and plans referenced in the February 3, 2009 and July 29, 2011 correspondence between the Virginia Department of Historic Resources (VDHR) and the applicant that resulted in the No Adverse Effect determination for the NAPS and the Walkerton roll off facility should be implemented as agreed upon by VDHR.

Threatened and Endangered Species

1. Surveys for federally listed threatened and endangered species and/or their habitat shall be conducted every two years, commencing in 2012, until initiation of impacts. If any survey results in a finding that differs from those prior to this permit authorization, the Corps' project manager shall be notified and impacts shall not be taken until a Corps' review and determination of effect has been completed.

Downstream Flows to the North Anna River

1. The dam releases identified in the Instream Flow Incremental Methodology (IFIM) study and approved by the Virginia Department of Game and Inland Fisheries (DGIF) should be implemented to ensure suitable flows to the North Anna River to support all uses.

Stream and Wetland Mitigation

1. Compensatory mitigation is authorized to be performed in phases that correlate to the impacts associated with the project elements. At no time shall the amount of impact exceed the amount

- of provided mitigation. The wetland and stream mitigation requirement that compensates for the corresponding impacts for each major component of the project, i.e. the Route 700 parcel spoil disposal, site separation, cooling tower and associated stormwater basin, etc. must be completed in their entirety prior to execution of that specific project element. The Corps' project manager shall determine the amount of mitigation suitable for each phase of impact in the event of any discrepancy.
2. Stream mitigation sufficient to provide 2,138 compensation credits shall be accomplished by preservation of 11,775 linear feet of stream channels with riparian buffers in accordance with plans submitted in September 2010. The permittee shall submit the draft deed restriction language and final survey plat of the proposed preservation reaches to the Corps' project manager for review and approval at least 60 days prior to stream impacts. Proof of recordation of the deed restriction shall be provided to the Corps' project manager within 30 days of the Corps' approval of the draft. Construction of a best management practice (BMP) as shown on plans dated June 2011 adjacent to the North Anna Nuclear Information Center (NANIC) and the associated stream preservation reach shall be completed prior to submittal of the stream preservation deed restriction.
 3. Stream mitigation for the remaining required compensation credits as determined by application of the Unified Stream Methodology (USM) shall be accomplished by the purchase of 5,624 stream compensation credits from the Woodford mitigation bank at least 30 days prior to initiation of impacts with proof of purchase provided to the Corps' project manager.
 4. Should sufficient stream mitigation credits not be available in the Woodford mitigation bank, the applicant shall contact the Corps' project manager with a proposal for purchase from another bank that includes the impact area in its' service area or to request a contribution to the Virginia Aquatic Resources Trust Fund (VARTF).
 5. Wetland mitigation for 4.15 acres of palustrine forested wetlands and 0.4 acres of palustrine emergent permanent impacts shall be accomplished by the purchase of 8.7 acres of wetland compensation credits from the Woodford mitigation bank at least 30 days prior to initiation of impacts with proof of purchase provided to the Corps' project manager.
 6. As offered in the Joint Permit Application based on the Virginia Department of Environmental Quality (DEQ)'s assessment of temporal loss of function of shoreline wetlands, you will purchase 8.14 acres of wetland compensation credits from the Woodford mitigation bank at least 30 days prior to initiation of impacts with proof of purchase provided to the Corps' project manager.
 7. Should sufficient wetland mitigation credits not be available in the Woodford mitigation bank, the applicant shall contact the Corps' project manager with a proposal for purchase from another bank that includes the impact area in its' service area or to request a contribution to the Virginia Aquatic Resources Trust Fund (VARTF).
 8. Mitigation for the temporary impacts at Walkerton in the Mattaponi River and the associated shoreline and wetlands shall be accomplished by the removal of all fills and dolphins and the

restoration of the impacted areas to pre-construction conditions within 90 days of the termination of the facility's use. The wetland and submerged aquatic vegetation (SAV) bed restoration and subsequent monitoring shall be completed in accordance with the plans revised and received in June 2011. Should the performance criteria identified in these plans not be achieved, the applicant shall provide wetland mitigation credits from an approved wetland mitigation bank to compensate for the impacts.

9. The stream preservation reaches shall be monitored in accordance with established surveillance protocols for the exclusion area. In the event of significant damage to the riparian areas or the identification of any invasive or exotic species' presence, the Corps' project manager will be notified and an adaptive plan shall be developed in accordance with Corps' recommendations.

General Conditions:

1. No discharge of dredged or fill material may consist of unsuitable material (e.g.: trash, debris, car bodies, asphalt etc.) and material discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
2. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.
3. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark, must be permanently stabilized at the earliest practicable date.
4. The construction or work authorized by this permit will be conducted in a manner so as to minimize any degradation of water quality and/or damage to aquatic life. Also, you will employ measures to prevent or control spills of fuels or lubricants from entering the waterway.
5. Any heavy equipment working in wetlands must be placed on mats or other measures must be taken to minimize soil disturbance.
6. Failure to comply with the terms and conditions of this permit can result in enforcement actions against the permittee and/or contractor.
7. In granting an authorization pursuant to this permit, the Norfolk District has relied on the information and data provided by the permittee. If, subsequent to notification by the Corps that a project qualifies for this permit, such information and data prove to be materially false or materially incomplete, the authorization may be suspended or revoked, in whole or in part, and/or the Government may institute appropriate legal proceedings.
8. All dredging and/or filling will be done so as to minimize disturbance of the bottom or turbidity increases in the water that tend to degrade water quality and damage aquatic life.

9. Your use of the permitted activity must not interfere with the public's right to reasonable navigation on all navigable waters of the United States.
10. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Conditions 3 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
11. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
12. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
13. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
14. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization:
 - a. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 3 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. Extensions. Project specific condition 2 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as a permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Diane Leopold
(Permittee) Senior Vice President

9/28/2011
(Date)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Nicholas L. Konchuba
Nicholas L. Konchuba
Chief, Northern Virginia
Regulatory Section

9-29-11
(Date)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(Transferee)

(Date)

Blair Kropf
(Signature)
Senior Vice President
9/28/2011
(Date)