Dominion Energy
Robert Sauer, Vice President - Operations
600 East Canal Street
Richmond, Virginia 23219

December 10, 2025

Ms. Julie Crocker
Acting Assistant Regional Administrator
Protected Resources Division
Greater Atlantic Regional Fisheries Office
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01932

Re: Dominion Energy Virginia Chesterfield Power Station, Chesterfield, Virginia; Incidental Take Permit No. 21516-02 Renewal Application and Conservation Plan

Dear Ms. Crocker,

Thank you for your letter dated December 5, 2025, requesting several minor corrections to Dominion Energy Virginia's Incidental Take Permit Renewal Application and supporting draft Conservation Plan for ITP No. 21516-02 that was submitted to NMFS on November 4, 2025. Your letter also requests refinements to the Conservation Plan and additional specifics as to three studies described therein. Each of these items are addressed in the attached revision. For your convenience, we have also provided tables in Attachment 1 indicating where each of your requests is addressed in the attached revision.

We appreciate your acknowledgement of our timely submission of the Renewal Application. However, we would like to clarify Dominion's position with respect to the statement in your letter that the application is incomplete. Although we acknowledge and are happy to make the revisions requested in your letter, Dominion was careful to ensure that its Renewal Application met the specific requirements set forth at 50 CFR § 222.304 to ensure there would be no gap in coverage while NMFS processes the application:

> When the permit is renewable and a permittee intends to continue the activity described in the permit during any portion of the year ensuing its expiration, the permittee shall, unless otherwise notified in writing by the Assistant Administrator, file a request for permit renewal, together with a certified statement, verifying that the information in the original application is still currently correct. If the information is incorrect the permittee shall file a statement of all changes in the original application, accompanied by any required fee at least 30 days prior to the expiration of the permit. Any person holding a valid renewable permit, who has complied with the foregoing provision of this section, may continue such activities as were authorized by the expired permit until the renewal application is acted upon.

As noted in our November 4, 2025 Renewal Application, pursuant to 50 CFR § 222.304, I certified:

- the information in the original application for ITP No. 21516-02 remains correct and minor updates are indicated in the ITP Renewal Application and Conservation Plan;
- the information contained in this ITP Renewal Application is correct; and

• this application is being submitted at least 30 days prior to the expiration of ITP No. 21516-02.

Accordingly, consistent with § 222.304, we understand that Dominion can continue the authorized activities until the Renewal Application is acted upon by NMFS.

Dominion recognizes that the application review process will involve additional communications, analyses, and information, as well as appropriate refinements to the terms of the Conservation Plan along the lines you have proposed. We look forward to additional work with NMFS to address any issues. Those further review processes, however, do not alter the sufficiency of the Renewal Application for purposes of section 222.304. Specifically, the comments received from NMFS involve a minor correction to the Renewal Application and refinements of the Conservation Plan on issues that generally would be addressed during the application review process, such as refining the description of the three studies (Genetic Relationship Research, Sturgeon Movements, and the Digital Holography Entrainment Pilot Study) and their role in minimizing or mitigating the impact of authorized incidental take, and adding cross references to existing measures such as examination of intake guards to prevent adult impingement. Continuation of the current ITP is not dependent on resolving these types of issues prior to the expiration of the current permit.

Nonetheless, we believe that the attached revision provides the information you requested and appreciate your efforts to review and resolve any issues before the end of the year. We look forward to discussing these materials and any comments or questions you may have. Please do not hesitate to contact me or Stephen Dwyer (860-287-7751 or Stephen.m.dwyer@dominionenergy.com) with any questions.

Sincerely,

Robert Sauer
Vice President – System Operations
Power Generation

Attachment 1: Response to NMFS Corrections and Comments on ITP No. 21516-02 Renewal Application and Conservation Plan

NMFS Minor Corrections	Dominion Energy Response
Section 1.1 (Overview) and throughout - The original authorized take was 54,745 Atlantic sturgeon larvae during normal operation of CPS plus one larva during CWA 316(b) (i.e., a total of 54,746 Atlantic sturgeon larvae).	Updated throughout Renewal Application and Conservation Plan
Section 1.2 (Background)	Corrected date of publication to December 20, 2024
Page 2, 2nd paragraph	Updated Shortnose Sturgeon capture verification
Page 2, 3rd paragraph	Removed reference to Shortnose Sturgeon
Section 2.1.5 (Thermal Discharge), Page 11	Added the omitted “not” to be consistent about temperatures not predicted to create a barrier
Section 2.1.6 (Vessel Movements), Page 12	Updated barge deliveries to reflect 2 to 3 per year from 2020 to 2025 period
Section 3.1.1 (Estimated Take of Atlantic Sturgeon Larvae from CWIS Operations), Page 19	Corrected estimates and timeframe in quote
Section 3.2 (No Estimated Impingement Resulting from CWIS Operations), Page 25	Corrected quote to include “information”

NMFS Substantive Comment	Dominion Energy Response
More specifics are needed in the description of each of the three studies (i.e., Genetic Relationship Research, Sturgeon Movements, and the Digital Holography Entrainment Pilot Study)	Additional information has been added for each Mitigation measure to section 4.5. Dominion Energy is committed to continued collaboration with NMFS as specific details and contracts are finalized for these mitigation projects.
What has been learned from these over the past five years, how that information has been used to mitigate or minimize the impacts of the take, and how Dominion will build off of those results over the course of a new 10-year Conservation Plan?	Added specific milestones and planned enhancements to each Mitigation measure where possible to section 4.5 A new section listing ITP No. 21516-02 Conditions that will continue to be implemented has been added as Section 4.3.
The real-time telemetry has been very useful for providing information on when adults are in the vicinity of the Chesterfield Power Station (CPS). However, these receivers are still miles away from the intakes. Given the take of larvae and given the unexpected take of eggs, Dominion might, for example, want to consider revising its contract with Virginia Commonwealth University to include Dominion's purchase and the maintenance of additional receivers closer to the CPS intakes, including locating some receivers outside of the James River navigation channel.	The real-time acoustic telemetry instruments installed on US Coast Guard daymarker G-155A is 1km upstream of CPS intakes and R-152 is 2km downstream. These receivers are strategically placed to form “gates” through which acoustically tagged fish are detected. To date, these locations have proven adequate at providing coverage showing sturgeon movements in the vicinity of CPS. Dominion Energy has discussed this suggestion in collaboration with Dr. Matt Balazik, and determined that at this time, a closer receiver would provide little added benefit. Should receiver technologies change or the mitigation measures demonstrate that additional information is needed elsewhere in the upper James River, Dr. Matt Balazik and VCU researchers will be consulted as to the most beneficial alternatives available for determining Atlantic Sturgeon locations and habitat use in the upper James River and in the vicinity of CPS.

Dominion could also consider using the results of the past five years of tracking to further inform the best time periods for dredging and barge shipments, and commit as part of the Conservation Plan to restrict those activities to the times when the previous five years of tracking data has shown that sturgeon are not likely to be present.	Results from the "Sturgeon Movement Research" and "Digital Holography" studies will be used to better define the Atlantic sturgeon spawning season and will be used by Dominion to plan and implement routine maintenance outages, when practicable, to coincide with peak spawning movements to minimize incidental take. Any dredge activities will abide by time of year restrictions and inspectors will monitor dredging operations for the presence of Atlantic Sturgeon.
Another option would be for Dominion to include the existing permit conditions, where appropriate, as part of its Conservation Plan measures.	Section 4.3 has been revised to include conditions that Dominion will continue to implement during the 10-year permit period.
Review the background information for the proposed mitigation measures to: (1) update any out-of-date information; and, (2) revise or moderate potential results or outcomes for which there is no certainty	Section 4.1 Background revised to reflect current known sturgeon research; Mitigation strategy sections revised to remove potential outcomes for which no certainty