

Section 106 Consultation and Public Involvement Plan
Dominion Virginia Power's Surry - Skiffes Creek - Whealton Project
NAO-2012-00080 / 13-V0408

Introduction

Dominion proposes to construct a new high voltage aerial electrical transmission line, known as the Surry-Skiffes Creek -Whealton project. The proposed project consists of three components; (1) Surry – Skiffes Creek 500 kilovolt (kV) aerial transmission line, (2) Skiffes Creek 500 kV – 230 kV – 115 kV Switching Station, and (3) Skiffes Creek – Whealton 230 kV aerial transmission line. In total, the proposed project will permanently impact 2,712 square feet (0.06 acres) of subaqueous river bottom and 281 square feet (0.01 acres) of non-tidal wetlands, and convert 0.56 acres of palustrine forested wetlands to scrub shrub non-tidal wetlands. (See *Exhibit 1*)

Dominion indicates the proposed project is necessary to ensure continued reliable electric services, consistent with North American Electric Reliability Corporation (NERC) Reliability Standards, are provided to its customers in the North Hampton Road Load Area. The NHRLA consist of over 285,000 customers, including Newport News Shipbuilding, Joint Base Langley-Eustis, Yorktown Naval Weapons Station, NASA, Cannon, and Thomas Jefferson National Accelerator Facility.

A permit is required from the Norfolk District Corps of Engineers under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899, and constitutes a Federal undertaking, subject to Section 106 of the National Historic Preservation Act (NHPA). Section 106 of the NHPA requires Federal agencies to take into account the effects of their actions, including permitted actions, on historic properties.

In accordance with Section 106 of the National Historic Preservation Act (36 Code of Federal Regulations [CFR] 800.2), USACE will provide opportunities for consulting parties and the general public to provide comments concerning project effects on properties and districts listed or eligible for listing in the National Register of Historic Places (NRHP).

Key elements of the Section 106 process include USACE's plan to integrate Section 106 with other environmental reviews, in accordance with 36 CFR 800.3(b), and the plan for conducting consultation and public involvement per the requirements of 36 CFR 800.3 (e) and (f). This document provides further detail about how USACE will integrate reviews and conduct consultation and public involvement.

Approach

In accordance with the requirements of National Environmental Policy Act (NEPA) and Section 106, USACE solicited public comments on the undertaking via public notice on August 28, 2013. These comments helped facilitate the initial steps of Section 106 review process and will be considered when preparing an Environmental Assessment (EA) for NEPA compliance. The public notice also provided interested members of the public with an opportunity to comment on the identification of historic properties and potential effects. The Corps intends to use the studies and information generated during the Virginia State

Corporation Commission's review of Dominion's proposed project to inform, not to replace, the Section 106 consultation process. USACE will continue to coordinate with agencies and organizations that have demonstrated an interest in cultural resource impacts resulting from the undertaking.

USACE will continue to provide the public with information about the undertaking and its effects on historic properties, and seek their comment and input at various steps of the process. Members of the public may provide views on their own initiative for USACE officials to consider during the decision-making process.

Public Involvement

Opportunities for public comment regarding historic resource identification and potential effects have previously been provided through USACE's August 28, 2013, November 13, 2014, and May 21, 2015 public notices. USACE will continue to solicit input from the general public through the Section 106 public involvement process, as outlined in Attachment B, by inviting public views on effects to historic properties and on the resolution of any adverse effects. During the 106 process, general information will be available for review at <http://www.nao.usace.army.mil/Missions/Regulatory/SkiffesCreekPowerLine.aspx>. Our website also contains links to the applicant's and consulting party websites, which contain additional project information and perspectives on the project.

Requests for a public hearing due to concerns regarding historic resources, in addition to other issues were acknowledged by USACE. After careful consideration, USACE conducted a hearing on October 30, 2015.

Consulting Parties

As a result of the August 2013 Public Notice and the State Corporation Commission review process, USACE, in coordination with the SHPO, identified organizations that have a demonstrated interest in the treatment of historic properties associated with this undertaking. In addition to those requests received in response to the public notice, Kings Mill Community Services Association and Southern Environmental Law Center were also invited to participate as consulting parties in a letter dated March 5, 2014. On June 20, 2014, USACE notified local governments within the limits of the project (Surry County, City of Williamsburg, York County, City of Newport News, and City of Hampton) by mail, inviting their participation as consulting parties. To date, these parties have not responded positively to their participation invitation. A separate invite included First California Company Jamestowne Society who has accepted the invite to participate. On November 25, 2014, written correspondence was received from the new steward of Carter Grove Plantation indicating an inability to participate at this time. Any organization invited to be a consulting party may elect to participate in current and future steps of the process (but not previous steps) at any time.

Prior to February 2, 2016, The Commonwealth of Virginia had no federally recognized tribes within its state boundaries; however based on coordination through other projects, the Delaware Tribe of Indians, the Delaware Nation, and the Catawba Indian Nation have expressed an interest in Virginia. In an effort to consider tribal interest, USACE consulted

August 25, 2014 with the aforementioned federally recognized Tribes on a government to government basis. Should USACE be made aware of other federally recognized tribes that have an interest in the undertaking, additional consultation will be initiated. In addition, USACE coordinated with the following state recognized tribes to determine their interest in participating as consulting parties: Pamunkey (*now Federally Recognized*), Cheroenhaka, Chickahominy, Eastern Chickahominy, Mattaponi, Upper Mattaponi, Nansemond, Nottoway, and Rappahannock Tribes. Dominion's consultants developed a summary of the historic properties, with an emphasis on those with prehistoric Native American components, which was provided with the August 25, 2014 coordination letters USACE provided to the tribes.

Throughout the process, USACE will maintain a complete list of active "Consulting Parties" (See *Attachment A*). Consulting parties will be afforded an opportunity to comment on identification of historic properties, effect recommendations, proposed measures to avoid or minimize effects and suggested mitigation options for historic properties that would be adversely affected.

The USACE anticipates that a memorandum of agreement (MOA) would be executed to address the resolution of adverse effects. At this time, it is anticipated that the MOA signatories (including invited signatories) would include USACE, SHPO, ACHP and Dominion. It is also expected that all other consulting parties would be invited to concur in an MOA.

Meetings

On September 25, 2014, December 9, 2014, June 24, 2015, October 15, 2015, and February 2, 2016 USACE, SHPO, ACHP, and consulting parties have held Section 106/110(f) National Historic Preservation Act Meeting at Legacy Hall, 4301 New Town Avenue, Williamsburg, VA 23188. General meeting objectives:

September 25th:

- Status of permit evaluation
- Corps jurisdiction
- Project Overview, Purpose & Need, Alternatives, Construction Methods
- Historic Property Identification Efforts
- Potential Effects on historic properties

December 9th:

- General Item Updates
- Historic Property Identification
- Historic Property Eligibility
- Potential Effects
- Potential Mitigation

June 24th:

- General Updates
- Resolution of Adverse Effects
 - Avoidance, Minimization, Mitigation Considerations/Measures
 - Feedback/Ideas

October 15th:

- General Updates
- NPS Visual Effects Analysis
- Stantec Consolidated Effects Report
- Resolution of Adverse Effects

February 2nd:

- General Updates
- Resolution of Adverse Effects

Other meetings may be held with signatory and/or consulting parties, as needed.

MOA development process will include requests for written comments from all consulting parties on drafts of the MOA, together with teleconferences and/or face-to-face meetings if needed to discuss drafts and comments. Drafts will be shared with consulting parties for comment. The Corps will consider any timely written comments submitted when revising a draft of the MOA and before finalizing the MOA.

Milestones and Tracking

A list of major milestones in the Section 106 review of the undertaking is provided as an attachment to this document (*See Attachment B*). The milestones table will be updated throughout the review process and distributed to the SHPO, ACHP, Consulting Parties, and Dominion as deemed necessary by USACE.

USACE's Section 106 consultants will receive, track, and organize the responses received in conjunction to various steps throughout the process.

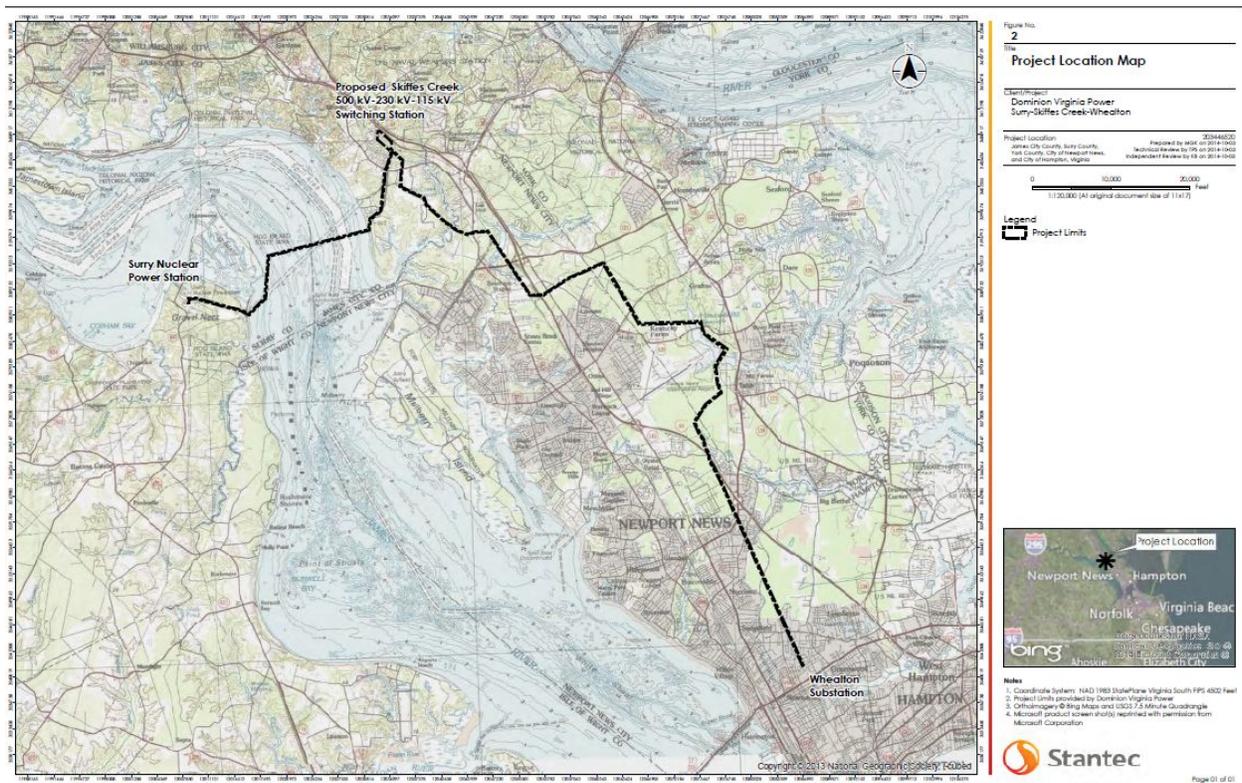


Exhibit 1: Project Location

Attachment A: Section 106 List of POC's (updated as of 11-16-15)

- USACE; Randy Steffey (Project Manager) – randy.l.steffey@usace.army.mil
- Applicant/Agents;
 1. Dominion (applicant); Courtney Fisher – courtney.r.fisher@dom.com
 2. Stantec (agent); Christine Conrad – christine.conrad@stantec.com , Dave Ramsey – dave.ramsey@stantec.com , and Ellen Brady – ellen.brady@stantec.com
- VDHR (SHPO); Roger Kirchen – roger.kirchen@dhr.virginia.gov and Andrea Kampinen – andrea.kampinen@dhr.virginia.gov
- ACHP; John Eddins – jeddins@achp.gov
- Other Consulting Parties
 1. National Parks Conservation Association; Pamela E. Goddard - pgoddard@npca.org
 2. Save The James Alliance; Wayne Williamson & James Zinn - taskforce@savethejames.com
 3. Chesapeake Conservancy; Joel Dunn - jdunn@chesapeakeconservancy.org
 4. United States Department of the Interior (National Park Service, Colonial National Historic Park); Elaine Leslie – Elaine_leslie@nps.gov
Rebecca Eggleston – becky_eggleston@nps.gov
Jonathan Connolly – jonathan_connolly@nps.gov
Dorothy Geyer – Dorothy_geyer@nps.gov
Kym A. Hall – kym_hall@nps.gov
 5. United States Department of the Interior (National Park Service, North East Region); Mike Caldwell – mike_caldwell@nps.gov - c/o: mary_morrison@nps.gov
Others – Captain Johns Smith National Historic Trail: Charles_hunt@nps.gov
Washington-Rochambeau Revolutionary Route: joe_dibello@nps.gov
Carters Grove National Historic Land Mark: bonnie_halda@nps.gov and NPS_NHL_NERreview@nps.gov
 6. James City County; Bryan J. Hill, County Administrator – c/o: Max Hlavin & Liz Young – Maxwell.Hlavin@jamescitycountyva.gov and Liz.Young@jamescitycountyva.gov
 7. The Colonial Williamsburg Foundation; Mark Duncan - mduncan@cwf.org
 8. Preservation Virginia; Elizabeth S. Kostelny - ekostelny@preservationvirginia.org
 9. Scenic Virginia; Leighton Powell - leighton.powell@scenicvirginia.org
 10. National Trust for Historic Preservation; Robert Nieweg - rnieweg@savingplaces.org
 11. Christian & Barton, LLP on behalf of BASF Corp; Michael J. Quinan - mquinan@cblaw.com
 12. James River Association; Jamie Brunkow jbrunkow@jrava.org
 13. American Battlefield Protection Program (National Park Service); Elizabeth (Ries) Vehmeyer – Elizabeth_vehmeyer@nps.gov
 14. First California Company Jamestowne Society; James McCall – jhmccall1@gmail.com
 15. Delaware Tribe Historic Preservation Representatives – Susan Bachor; temple@delawaretribe.org
 16. Chickahominy Tribe – Chief Stephen Adkins; stephenradkins@aol.com
 17. Council of Virginia Archaeologist (COVA) – Jack Gary; jack@poplarforest.org
 18. Margaret Nelson Fowler (Former POC under STJA) – onthepond1@gmail.com

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Attachment B: Section 106 Milestones

Milestone	Initiation Date	Description	Completion Date
Initial Public Notice (800.3)	August 28, 2013	<ul style="list-style-type: none"> - Established Undertaking - Identified SHPO (DHR) - Requested Public Comment - Identified Cultural Resources of Concern 	<ul style="list-style-type: none"> • Comment period closed September 28, 2013
Identify Consulting Parties (800.3)	August 28, 2013	<ul style="list-style-type: none"> - August 28, 2013 Public Notice - Compiled list base on PN & coordinated w/ SHPO for add'l parties - Sent Party Invites based on DHR recommendations - Notified All Parties of their Acceptance - June 20, 2014 sent invites to Local Governments to participate - August 25, 2014 invited Tribes to Participate - November 21, 2014 invited Mr. Menco, Owner of Carters Grove Plantation, to participate. 	<ul style="list-style-type: none"> • Process will remain open until the conclusion of the Section 106 process; however any new parties will only be afforded the opportunity to join the process at its present stage moving forward.
Identify Historic Properties (800.4)	August 28, 2013	<ul style="list-style-type: none"> - August 28, 2013 Public Notice - Established APE w/ SHPO <ul style="list-style-type: none"> ➢ Refined APE w/SHPO Sept 2014 ➢ Minor modification to Direct APE w/SHPO Oct 2015 (5 tower locations) - Consulted surveys/data used in part for the VA State Corporation Commission process - May 8, 2014 coordinated w/ SHPO, ACHP, & Consulting Parties on Historic Property Identification, Surveys. - Re-coordinated June 20, 2014 with SHPO, ACHP, & Consulting Parties to finalize Historic Property Identification - Sept 25th & Dec 9th Consulting Party Meetings - November 13, 2014 Public Notice - Comments rec'd were considered in part from the multiple coordination opportunities. - May 1st & May 11, 2015 SHPO provided completion of 800.4. - Sept 4, 2015 DHR concurrence with Addendum to Phase I Cultural Resources Report for five (5) tower locations not included in previous studies. 	<ul style="list-style-type: none"> • Initially completed May 11, 2015 • Updated Oct 5, 2015 to reflect minor APE expansions due to project modifications
1 st Agency & Consulting Party Meeting (800.4)	September 25, 2014	<ul style="list-style-type: none"> - Status of permit evaluation - Corps jurisdiction - Project Overview, Purpose & Need, Alternatives, Construction Methods - Historic Property Identification Efforts - Potential Effects on historic properties 	<ul style="list-style-type: none"> • September 25, 2014
2 nd Public Notice (800.4)	November 13, 2014	<ul style="list-style-type: none"> - Requested Public Comment on Historic Property Identification and Alternatives 	<ul style="list-style-type: none"> • Comment Period Closed December 6, 2014
2 nd Agency & Consulting Party Meeting (800.4)	December 9, 2014	<ul style="list-style-type: none"> - General Item Updates - Historic Property Identification - Historic Property Eligibility - Potential Effects - Potential Mitigation ➢ Requested written comments on identification, alternatives, effects, and potential mitigation from meeting participants. 	<ul style="list-style-type: none"> • Comment Period closed January 15, 2015

Evaluate Historic Significance (800.4)	May 8, 2014	<ul style="list-style-type: none"> - Several Historic Properties previously Listed on the National Register or determined Eligible. - June 12, 2014 SHPO provided recommendations of eligibility for certain properties and requested additional information on others. - September 2014- February 2015: Stantec conducted additional cultural resource surveys, submitted reports and other documentation. - May 11, 2015 SHPO provided final concurrence pertaining to individual eligibility for all identified historic resources. - July 2, 2015 Consulted with Keeper of the National Register on eligibility status of Captain John Smith Trail <ul style="list-style-type: none"> ➢ Aug 14, 2015 decision rendered by Keeper. <p>Note: Oct 22, 2015 Letter from NPS indicated satisfaction with USACE that CFR 800.4 was completed.</p>	<ul style="list-style-type: none"> • Initially Completed May 11, 2015 • Updated Aug 14, 2015 upon receipt of Keeper of the NPS Eligibility Determination
Assessment of Adverse Effects (800.5)	May 11, 2015	<ul style="list-style-type: none"> - Applied Criteria of Adverse Effects in consultation with SHPO, considering views of consulting parties and public <ul style="list-style-type: none"> ➢ Dominion's Effects Reports; which included visual assessments (Mar 2014, Oct 29, 2014, & Nov 10, 2014) ➢ Consulting Party Effects Analyses - May 21, 2015 Public Notice determined undertaking will have an Overall Adverse Effect <p>Note: Nov 13, 2015 VDHR concurred with USACE that undertaking will have an Adverse Effect confirming the process is at 800.6 "resolution of adverse effect"</p>	<ul style="list-style-type: none"> • Completed May 21, 2015
3 rd Public Notice (800.6)	May 21, 2015	<ul style="list-style-type: none"> - Request Public Comments on effects to final list of historic properties and in preparation to moving to resolution of adverse effects. 	<ul style="list-style-type: none"> • Comment Period Closed June 20, 2015
3 rd Agency & Consulting Party Meeting (800.6)	June 24, 2015	<ul style="list-style-type: none"> - General Updates - Effects to individual historic properties - Resolution of Adverse Effects 	<ul style="list-style-type: none"> • June 24, 2015
4 th Public Notice (800.6)	October 1, 2015	<ul style="list-style-type: none"> - October 1, 2015 Announced Public Hearing seeking input on views, opinions, and information on the proposed project. - November 5, 2015 Extension of PN comment period 	<ul style="list-style-type: none"> • Comment Period Closed November 13, 2015
Resolve Adverse Effects (800.6)	May 21, 2015; Restated Oct 13, 2015	<ul style="list-style-type: none"> - May 21, 2015 Public Notice requested comments on Resolution of Adverse Effects. - May 29, 2015 consulted with the Director NPS in accordance with 36 CFR 800.6 and 800.10 re: Carters Grove NHL and adverse effects. (No Response To date) - June 24, 2015 Consulting Party Meeting - October 1, 2015 provided Consulting Parties with Dominion Consolidated Effects Report (CER) dated September 15, 2015 and stamped rec'd by USACE Sept 29, 2015. <ul style="list-style-type: none"> ➢ CER was developed to address comments from VDHR and Consulting Parties. 	<ul style="list-style-type: none"> • Ongoing

		<ul style="list-style-type: none"> - October 15, 2015 Consulting Party Meeting - December 30, 2015 consulted with DHR, ACHP, & Consulting Parties to seek input on Dominion's Draft MOA with Mitigation Stipulations and Context Document - January 6, 2016 Dominion's response to Consulting Party comments coordinated with Consulting Parties by email. - Feb 2, 2016 Consulting Party Meeting - Feb 17, 2016 VDHR gave their concurrence with the Jan 29th tables forwarded ahead of Feb 2nd Consulting Party Meeting that show effect determinations for individual historic properties. - 	
4 th Agency & Consulting Party Meeting (800.6)	October 15, 2015	<ul style="list-style-type: none"> - General Updates - NPS Visual Effects Analysis - Stantec Consolidated Effects Report - Resolution of Adverse Effects <ul style="list-style-type: none"> ➤ Requested written comments on adverse effects from meeting participants. 	<ul style="list-style-type: none"> • Comment Period Closed November 12, 2015
Public Hearing (800.6)	October 30, 2015	<ul style="list-style-type: none"> - Hearing held for the purpose of seeking input on views, opinions, and information on the proposed project. 	<ul style="list-style-type: none"> • Comment Period Closed November 13, 2015
5 th Consulting Party Meeting (800.6)	February 2, 2016	<ul style="list-style-type: none"> - General Updates - Resolution of Adverse Effects <ul style="list-style-type: none"> TOPICS: ➤ Cumulative Effects ➤ Architectural Viewshed &. Cultural Landscape ➤ Socioeconomic Impacts ➤ Visitor Experience ➤ Tourism Economy Impacts ➤ CAJO Evaluated on its Own Merit ➤ Submerged Cultural Resources ➤ Washington Rochambeau Revolutionary Trail 	<ul style="list-style-type: none"> • February 2, 2016