



# United States Department of the Interior

NATIONAL PARK SERVICE  
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IN REPLY REFER TO:

1.A.1. (NER-RS)

**JUN 12 2014**

U.S. Army Corps of Engineers  
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US Army Corps of  
Engineers  
Norfolk District  
Regulatory Office  
Received by: RLS  
Date: June 12, 2014

**Subject: Section 106 Coordination Package; Surry-Skiffes Creek-Whealton  
Transmission Line Project, Dominion Virginia Power, Joint Application for  
Federal Permits; NAO-2012-0080, 13-V0408 (James River)**

To the U.S. Army Corps of Engineers:

As a consulting party under Section 106 of the National Historic Preservation Act for the above-referenced project, the National Park Service (NPS) is responding to the request for review and comment on the Section 106 package submitted by the U.S. Army Corps of Engineers (USACE) to the consulting parties and to the Virginia State Historic Preservation Officer, Department of Historic Resources (VA-SHPO) for concurrence. The project involves construction of a new high voltage aerial transmission line over the James River, which will also include upgrades to existing land-based infrastructure. A joint permit application (13-V0408) for authorization under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act has been submitted to the USACE by Dominion Virginia Power (DVP) to perform this work in navigable waters and discharge fill material into wetlands and other Waters of the United States, within Surry, James City, Newport News, York, and Hampton Counties, Virginia.

Specifically, the undertaking involves construction of a new 7.76 mile 500kV aerial transmission line from Surry nuclear power plant to a proposed Skiffes Creek switching station, followed by the construction of 20.2 miles of 230kV overhead transmission line within an existing aerial power line easement from the proposed switching station site to the Whealton substation. The proposed overhead 500kV powerline from Surry Nuclear Power Plant to Skiffes Creek would make an approximately 4.1 mile crossing of the James River, requiring the placement of 17 towers and related infrastructure within the James River. The National Park Service submitted comments to the USACE on September 26, 2013, and two of the NPS units, Colonial National Historical Park and the Captain John Smith Chesapeake National Historic Trail have submitted comments in correspondence dated September 11, 2013 and May 13, 2013, respectively.

Based on a review of the proposed project during the state and federal permitting processes to date, the NPS determined that the following NPS units and areas of NPS interest would be effected by this project:

- Captain John Smith Chesapeake National Historic Trail
- Colonial National Historical Park
- The Washington-Rochambeau Revolutionary Route National Historic Trail
- Carter's Grove National Historic Landmark

As part of the Section 106 review process, the USACE has determined that activities associated with the DVP proposed transmission line project will have an adverse effect on only one NPS interest, Carter's Grove. However, the NPS believes that this project has the potential to cause adverse effects to all units and interests as discussed herein, and not only Carter's Grove. Therefore, with the exception of the National Historic Landmark property (NHL), Carter's Grove, the NPS does not concur with the USACE determinations of effect to NPS resources and interests within the Area of Potential Effect (APE). We outline our concerns based on the USACE preliminary Assessments of Effect below.

### **Overall Concerns**

Our primary concerns are for potential visual effects of the proposed project on NPS units and interests. NPS units and interests within the vicinity of the proposed project encompass cultural landscapes and their visual settings identified to be nationally significant. The USACE cites modern era development as a reason for a no adverse effect finding in their analyses. While modern era development may exist, it would instead be relevant to analyze the cumulative effects of modern development and the potential effects of additional development in the future, should the proposed powerline project move forward. The overall cumulative effects of the proposed undertaking on all NPS units and interests within the APE should be analyzed, as framed within the National Historic Preservation Act regulations, 36 CFR 800.5(a)(1). Without further visual simulation studies, as discussed in detail below, the NPS cannot appropriately determine the extent of the visual effects this project poses on our units and interests within the APE. Since the effected NPS interests include water trails, visual studies should be conducted from the perspective of the visitor boating along water routes. Further, as analysis proceeds, we ask that the USACE clarify the type of lighting required for the proposed infrastructure, and provide a nighttime simulation to show potential effects to dark night skies on all NPS resources and interests cited herein. The NPS can provide specific information regarding visual simulation locations.

We have concerns with the compression of the first three steps of this Section 106 review and consequently the limitations of the NPS to provide the USACE with informed comments and concerns regarding the analysis of NPS units and interests. We note that there has been no previous attempt by the USACE to discuss its findings with NPS. Additionally many of the materials presented in the current 106 review package were completed without NPS input, for the already completed State Corporation Commission (SCC) review process. Moving forward, the NPS would like to be provided with a schedule for the Section 106 review and consultation process.

Finally, we would like note the applicability of Section 110(f) of the National Historic Preservation Act to this review process, since a NHL is affected by the proposed project. Section 110(f) states that the federal agency (i.e., the USACE) "shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm" to NHLs. The NPS, NHL program looks forward to working with the USACE in these efforts. We submit the following specific concerns for your consideration.

### **Specific Concerns**

#### **Captain John Smith Chesapeake National Historic Trail**

The National Trails Systems Act identifies several elements of a historic or scenic trail, which combine to determine the feasibility and desirability of designation of such trails. These elements include characteristics of nationally significant, well preserved properties that can contribute to or connect to the trail, which should be utilized for scenic, historic, natural, cultural or developmental purposes. Congress recognized the Captain John Smith Chesapeake National Historic Trail's (CJS Trail) significance by designating it as a National Historic Trail (NHT), signed into law in December 2006 (PL 109-418). Importantly, while the CJS Trail route is not formally listed on the National Register of Historic Places (NRHP), it is treated by the NPS and the VA-SHPO as eligible for listing on the NRHP. We note that in its Section 106 review materials; (*DHR Section 106 Coordination Cont'd*) the USACE cites the VA-SHPO recommendation to consider the CJS Trail as an eligible resource for listing on the NRHP for the purposes of this project review.

The NPS Comprehensive Management Plan (CMP) for the CJS Trail (NPS 2011) identifies the significance of the natural history of the bay of the 17th century to include Evocative Landscapes, which are "unspoiled" landscapes and viewsheds evocative of the 17th century and areas of little or no outside noise or intrusive light pollution. The CMP also identifies the tidal portion of the James River as a High Potential Route Segment, defined in part as portions of the route possessing greater than average scenic values and affording an opportunity to vicariously share the experience of the original users of a historic route. Focus areas are targeted within the planning document *A Plan for the James River Segment* (NPS 2011) for enhancing the historical significance of the CJS Trail for visitors within the 2012-2015 timeframe, which also include evocative landscapes as important cultural resources. Two are identified in the vicinity of the proposed James River powerline crossing: the Jamestown/Powhatan Creek focus area; and the Chippokes Plantation State Park (SP) and Hog Island Wildlife Management Area (WMA) focus area. The proposed Surry-Skiffes Creek powerline would cut directly through the Chippokes SP and Hog Island WMA focus area.

In order to accurately assess the visual effects of the proposed transmission line crossing of the James River on the CJS Trail, additional visual simulations must be completed. The CJS Trail cannot agree with the assessment that "based on the overall extent of the Trail, the visual impacts of the undertaking will be consistent with other modern era intrusions the Trail has experienced in other areas along its route." We feel that without further visual assessment in these areas, particularly as seen from the water, it is not possible to make this determination. The visual

assessment report provided by the USACE in this 106 review and prepared by DVP's consultant, Stantec (formerly Cultural Resources, Inc.), contains no analysis or modeling of the effects of the Surry-Skiffes crossing on visual resources associated with the identified focus areas or evocative landscape elements from the national historic trail visitor perspective. We ask that visual studies include photo simulations and descriptions of the experience as it would change with the proposed project, from the perspective of traveling the route on the water. The simulations should indicate the view of the transmission line and towers as one approaches them from downriver and upriver, as well as the view in immediate proximity to the line of towers, as these are views significant to the focus areas and evocative landscapes described above that our waterborne visitors would experience. In particular, modeling of the effects as viewed from boaters traveling to and exploring Hog Island WMA, and as viewed from cruising boaters traveling along the trail up the James River to Jamestown would be most useful to the analysis of the assessment of effects. We ask that the USACE provide all information on the methodology used on this project to develop visual simulations. This includes methodology on any new simulations as well as the simulations DVP and its contractors used for the SCC approval process. This information would help us in accurately assessing potential effects to NPS resources and units under Section 106.

In summary, the NPS disagrees with the USACE assessment of no adverse effect to the CJS Trail. In contrast to much land-based development which often has the potential for being screened from the view of visitors traveling by water, structures crossing a river, including towers in the water and powerlines, are effectively un-screenable. The proposed Surry-Skiffes crossing is in the midst of: (a) a high potential route segment; (b) focus areas for concentrated trail experiences; (c) landscapes identified as evocative; and (d) an approximately fifty-one mile stretch of the James River with no overhead crossings, including the water-based entry route to Jamestown Island. Therefore, we believe that the proposed powerline crossing of the James River would constitute an adverse effect to the Captain John Smith Chesapeake National Historic Trail.

### **Carter's Grove National Historic Landmark**

Carter's Grove was designated by the Secretary of the Interior as a National Historic Landmark (NHL) on April 15, 1970. It was built in 1755-1756 for Carter Burwell, and is one of colonial America's most impressive examples of Georgian architecture. As noted by the Virginia Department of Historic Resources in their July 31, 2012, letter to the Virginia Department of Environmental Quality, "This remarkable property is intrinsically tied to the James River, with over one mile of frontage, and its river view is among its most important aspects." With regard to the USACE finding, we concur with the determination by the USACE that the project will have an adverse effect on Carter's Grove NHL. The presence of the towers in the river where the viewshed from this property is not only significant, but has been historically void of any such intrusion, will have the greatest risk for a negative visual impact.

## Colonial National Historical Park

The Colonial National Historical Park (the Park) was established in 1930 to commemorate the Colonial and Revolutionary periods in American History and consists of the Yorktown Battlefield, Jamestown Island, the Colonial Parkway, Green Spring Plantation, Tyndall's Point, and Cape Henry. The Park was administratively listed on the National Register of Historic Places (NRHP) in 1966. The proposed transmission line would be visible from two Park properties: the Colonial Parkway and Jamestown Island.

Colonial NHP cannot concur with the USACE effects determinations with regard to historic properties owned and managed by Colonial NHP. Furthermore, the APE Cultural Resource Inventory Map included with the USACE consultation package depicts the Park as being unevaluated for listing on the NRHP; however, as mentioned the Park, in its entirety, including all its components such as the Parkway, is listed on the NRHP. Additionally, the Section 106 review materials do not include an assessment of effects on the Park as a whole, and only assesses effects to two properties located within the Park; namely, the Jamestown Historic District (DHR# 047-0009) and the Colonial Parkway (DHR# 047-0002). While these are significant historic properties associated with Colonial NHP, the Park in its entirety is listed on the NRHP. As such, the adverse effect to it must be assessed.

The report entitled *Cultural Landscapes Inventory: Jamestown Island Area, Colonial National Historical Park* (NPS 1997; 2006), evaluates contributing and non-contributing resources and views from resources on Jamestown Island. The NRHP significance of the cultural landscape of Jamestown Island is defined as including the Jamestown Historic District and the Jamestown Loop Road, and the views from these resources. The USACE APE Cultural Resource Inventory Map indicates that the transmission line infrastructure will be visible from several points along this road; however, visual effects to this historic property were not assessed in the Section 106 consultation materials. The proposed transmission line will also be visible from portions of Black Point as well as the Jamestown Loop Road. Visual simulations should be completed for these areas, so that visual effects can be further analyzed as the Section 106 process proceeds.

Similarly, The Colonial Parkway (Parkway) and its associated landscape, as defined in the NPS *Cultural Landscape Report for Colonial Parkway, Colonial National Historical Park-Part I: Site History, Existing Conditions & Analysis* (NPS 1997), were evaluated for inclusion in the NRHP in 1997 and listed on the NRHP in 2001. The APE Cultural Resource Inventory Map indicates that the transmission structures will be visible at several locations along the Colonial Parkway, particularly the first views of the James River as a visitor approaches Jamestown from Williamsburg. In addition to the view from the roadway, the transmission line structures will be visible from several parking areas/overlooks along the Parkway, including College Creek Overlook, College Creek Parking Area, James River Overlook, and Archers Hope Overlook. All of the aforementioned overlooks and their associated viewsheds are contributing elements of the NRHP listing and historic significance of the Parkway, and should be evaluated in the visual assessment report for this project.

Finally, no effect determinations were applied by the USACE for the cited reason that modern improvements and infrastructure are present within these viewsheds. However, modern improvements and infrastructure existed when these resources were evaluated for significance

and listing on the NRHP, and it was determined that the viewsheds analyzed in the cultural landscape reports retained integrity from the period of significance. The VA-SHPO concurred with these findings. Thus, the transmission line poses an intrusion on the historic landscape and associated viewshed of these resources, regardless of modern development already present in the area, and therefore, we believe constitutes an adverse effect to Colonial National Historical Park.

### **The Washington-Rochambeau Revolutionary Route National Historic Trail**

As cited above, The National Trails Systems Act identifies several elements of a historic trail, including nationally significant, well preserved properties that can contribute to or connect to the trail, which combine to determine the feasibility of designation of such trails. The Washington-Rochambeau Revolutionary Route was designated a National Historic Trail (WR NHT) by Congress (PL 111-11), and signed into law by the President in March 2009. It is administered by the NPS. The Washington-Rochambeau Revolutionary Route NHT commemorates the over 700 miles of land and water routes followed by troops under General George Washington and the French general, the Comte de Rochambeau in 1781. This allied march led to the American-French victory over British forces under Lord Cornwallis at the siege of Yorktown, Virginia, a turning point in the War for Independence.

The WR NHT, as it passes through 10 states from Boston to Virginia Beach, connects and links many other units and interests of the National Park System, which share common themes and resources that contribute to the historic significance of the WR NHT. Therefore, adverse effects to these resources will constitute an adverse effect to the WR NHT. Such resources and interests related to the project under review include Colonial National Historical Park and particularly the Colonial Parkway, and the Captain John Smith Chesapeake National Historic Trail, which will be adversely affected by the transmission line project. Additionally, the transmission line will be visible from the water route of the WR NHT and the transmission line structures will be visible from several parking areas/overlooks along the Colonial Parkway associated with the WR NHT. These overlooks are College Creek Overlook, College Creek Parking Area, James River Overlook, and Archers Hope Overlook. Visual simulations should be taken from these vantage points and include the perspective of a traveler on the water route.

In summary, the nationally significant cultural resources associated with the WR NHT, which will be adversely effected by the proposed transmission line project, have a direct and significant tie to the route and could contribute to the interpretation of the WR NHT. Effects to these resources would directly affect the historic integrity and significance of the WR NHT. Therefore, the NPS believes that the proposed project will constitute an adverse effect to the WR NHT.

### **Conclusion**

Overall, with the exception of Carter's Grove where adverse effects have been acknowledged, the NPS cannot concur with the USACE assessment of effects to NPS resources and interests noted herein. The NPS has provided specific detail relating to the historic significance of these resources and looks forward to working with the USACE to insure that the Section 106 review process and subsequent analysis of NPS resources and interests are appropriately applied.

We note that the proposal by DVP would result in a transmission line crossing in a sensitive area of the river, as the proposed Surry-Skiffes crossing is located in the midst of an approximately fifty-one mile stretch of the James River with no existing overhead crossings. The NPS is aware of the concerns of our partners and others in the local community that mirror our own. We know from a review of the SCC proceedings that a number of other alternatives have been considered and that there is a desire for the consideration of additional alternatives, particularly those that do not include an overhead crossing of the river. For example, the NPS has learned that DVP is currently constructing the Hayes-Yorktown transmission line under the York River. This may also be a viable option for the proposed Surry-Skiffes project. Alternatives that avoid a new crossing and use either underground transmission, existing crossings or other means would be preferred by NPS and we believe are the only methods for avoiding or minimizing effects of the transmission line project. Given our concerns over the potential impacts to NPS resources and interests, and similar concerns shared by others in the local community, we strongly encourage the USACE to explore additional alternatives with DVP that would further minimize or eliminate the potential adverse effects outlined in this letter.

We look forward to working with the USACE as this review process moves forward. For any questions related to comments in this letter and reports cited within, please contact Mary Morrison at [mary\\_morrison@nps.gov](mailto:mary_morrison@nps.gov), or (215) 597-7067. We appreciate the opportunity to provide these comments.

Sincerely,



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