

FINAL 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: Project Location*)

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 Roads Load Area. The NHRLA consists 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 (Corps) 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), the Corps provided opportunities for consulting parties and the general public to provide comments concerning project effects on historic properties and districts listed or eligible for listing in the National Register of Historic Places (NRHP), as detailed below

Key elements of the Section 106 process included the Corps 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 the Corps integrated reviews and conducted consultation and public involvement.

Approach

In accordance with the requirements of National Environmental Policy Act (NEPA) and Section 106, the Corps solicited public comments on the undertaking via an initial public notice on August 28, 2013. Comments received in response to this notice helped

facilitate the initial steps of Section 106 review process and were considered as part of the 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 used 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. The Corps consulted with agencies and organizations that demonstrated an interest in cultural resource impacts resulting from the undertaking.

The Corps provided the public with information about the undertaking and its effects on historic properties, and sought their comments and input at various steps of the process. Members of the public provided views on their own initiative for Corps officials to consider during the decision-making processes.

Public Involvement

Official opportunities for public comment regarding historic resource identification and effects were provided through the Corps August 28, 2013, November 13, 2014, and May 21, 2015 public notices. Requests for a public hearing due to concerns regarding historic resources, in addition to other issues, were acknowledged by the Corps. After careful consideration, the Corps conducted a public hearing on October 30, 2015. Throughout the Section 106 process, general information was made, available at the following web link (<http://www.nao.usace.army.mil/Missions/Regulatory/SkiffesCreekPowerLine.aspx>). This website contained links to the applicant's and consulting party websites, which contained additional information and perspectives on the project.

Consulting Parties

As a result of the August 2013 Public Notice and the State Corporation Commission review process, the Corps, in coordination with the Virginia Department of Historic Resources (VDHR), identified organizations that demonstrated an interest in the effects of the undertaking on historic properties. In addition to requests received in response to the first public notice, Kings Mill Community Services Association and Southern Environmental Law Center (SELC) were also invited to participate as consulting parties in a letter dated March 5, 2014. On June 20, 2014, the Corps 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. Due to Kings Mill, SELC, and the localities failure to respond, it was assumed they declined to participate. A separate invite included First California Company Jamestowne Society who 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. On March 16, 2017, written correspondence was received from Kingsmill Resort requesting participation. The Corps accepted the request and engaged the Resort, offering them a brief opportunity to provide input on the projects potential effects on historic properties and resolution of any adverse effects. The Resort provided no additional follow-up.

Tribal Consultation

To address Tribal Trust Responsibilities and NHPA Section 106 requirements to involve tribes, the Corps consulted with several Federally recognized tribes. The initial consultation began with a letter sent to several tribes on August 25, 2015. Dominion's consultants developed a summary of the historic properties potentially affected by the project, with an emphasis on properties with prehistoric Native American components, and this summary was included with the August 25, 2014 letters the Corps provided to all tribes. At the initial stages of the project, when consulting parties were invited (summer, 2014), no federally recognized tribes or tribal lands were located within the Commonwealth of Virginia. However, tribal consultation initiated for other projects indicated potential interest in this area of Virginia for the Delaware Tribe of Indians, the Delaware Nation, and the Catawba Indian Nation. Therefore, the Corps consulted with the aforementioned federally recognized Tribes on a government to government basis through the correspondence dated August 25, 2014 as mentioned above. The Delaware Tribe of Indians accepted the consulting party invitation, and the Catawba Indian National and the Delaware Nation declined to participate. In addition, the Corps coordinated with the following state recognized tribes to determine their interest in participating as consulting parties: Cheroenhaka, Chickahominy, Eastern Chickahominy, Mattaponi, Upper Mattaponi, Nansemond, Nottoway, and Rappahannock Tribes. The Chickahominy Tribe elected to participate, but the other state-recognized tribes either declined or provided no response. The Pamunkey Tribe, which became federally recognized on January 28, 2016, was consulted on August 25, 2014 when the tribe was state-recognized. On October 5, 2016, Chief Robert Gray with the Pamunkey Indian Tribe reached out to the Corps requesting to participate. The Corps immediately acknowledged and accepted the Pamunkey Tribe's request. On October 31, 2016, the Corps held its first government to government meeting with Chief Gray and the Pamunkey Indian Tribe since obtaining federal recognition. The Corps helped facilitate other communication opportunities between Dominion and Chief Gray to discuss project related impacts and mitigation opportunities.

Throughout the process, the Corps maintained a complete list of active "Consulting Parties" (See *Exhibit 2: Section 106 List of Consulting Party POC's*). The majority of consulting parties were afforded opportunities to comment on all stages of the Section 106 process, including identification of historic properties, effect assessments, and resolution of adverse effects. However, any consulting party who joined at a later stage in the Section 106 process were only invited to provide comments moving forward. The Section 106 process was not restarted for steps completed prior to their participation.

Meetings

On September 25, 2014, December 9, 2014, June 24, 2015, October 15, 2015, and February 2, 2016 the Corps, VDHR, the Advisory Council on Historic Preservation (ACHP), and consulting parties held Section 106/110 National Historic Preservation Act Meetings 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

Numerous additional meetings or conference calls were held between the Corps and various consulting parties at several stages in the process.

Resolution of Adverse Effects

Discussions of potential resolutions for adverse effects were initiated at the Consulting Party meetings, along with information presented on the Corps' website. The Memorandum of Agreement (MOA) development process included requests for written comments from all consulting parties on draft MOA's that were circulated December 30, 2015, June 13, 2016, and December 7, 2016.

The December 7, 2016 coordination of a draft MOA was the final opportunity for consulting parties to inform a decision on whether Dominion's proposed mitigation plan adequately avoids, minimizes, and/or mitigates adverse effects to historic properties. A teleconference was held January 19, 2017 with Dominion, VDHR, ACHP, and consulting parties to discuss MOA comments and the path forward. The Corps used these consultations and the input received to inform a decision on whether to fulfill responsibilities under Section 106 of the NHPA through either an executed MOA or termination of consultation.

On March 24, 2017, the Corps solicited final comments from VDHR and ACHP. On April 24, 2017, the Corps circulated for signature a final MOA with Signatories, Invited Signatories, and consulting parties. On May 2, 2017, the MOA was executed. Signatures were received from all required Signatories (Corps, VDHR, and ACHP). Dominion and the Commonwealth of Virginia signed as Invited Signatories. The Chickahominy Indian Tribe and the Department of Interior, on behalf of the National Park Service, signed as concurring parties. All other consulting parties afforded the opportunity sign as concurring, either declined or provided no response.

Milestones and Tracking

A list of major milestones in the Section 106 process for the subject undertaking is provided as an attachment to this document (*See Exhibit 3: Section 106 Major Milestones*). The milestones table was updated throughout the review process and distributed to the all consulting parties during the various steps in the process. This document was also updated as necessary on our website.

The Corps received, tracked, and organized, with the help of Dominion, the comments received in conjunction to various steps throughout the process.

Exhibit 1: Project Location

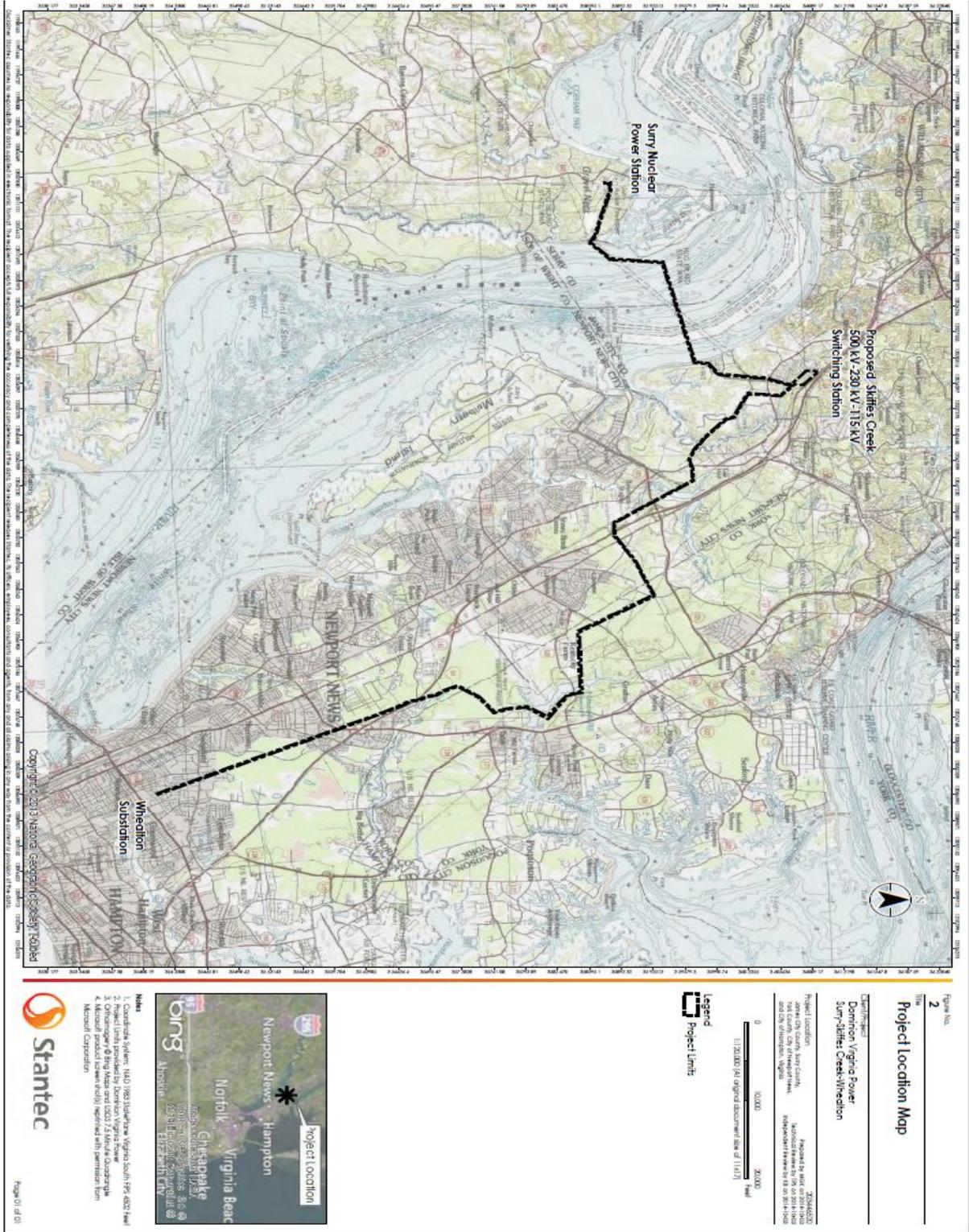


Exhibit 2: Section 106 List of Consulting Party POC's (updated as of May 9, 2017)

- Corps; 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); Corey Gray – corey.gray@stantec.com , Dave Ramsey – dave.ramsey@stantec.com , and Ellen Brady – ellen.brady@stantec.com
- VDHR; Roger Kirchen – roger.kirchen@dhr.virginia.gov
- ACHP; John Eddins – jeddins@achp.gov
- Other Consulting Parties
 1. National Parks Conservation Association; Pamela E. Goddard & Joy Oakes – pgoddard@npca.org and joakes@npca.org
 2. Save The James Alliance; Wayne Williamson – cwaynew3@verizon.net & Jim Zinn – jmzbuck@gmail.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);
Jonathan Doherty – jonathan_doherty@nps.gov;
Mary Krueger – mary_c_krueger@nps.gov;
Bob Krumenaker – bob_krumenaker@nps.gov;
Jennifer McConaghie – Jennifer_mcconaghie@nps.gov;
Cinda Waldbuesser – cinda_waldbuesser@nps.gov
Other – Captain Johns Smith National Historic Trail: Charles_hunt@nps.gov
 6. James City County; Bryan J. Hill, County Administrator – c/o: Max Hlavin – Maxwell.Hlavin@jamescitycountyva.gov
 7. The Colonial Williamsburg Foundation; Hazel Wong – hwong@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); Kristen McMasters – kristen_mcmasters@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
 19. Pamunkey Indian Tribe; Chief Robert Gray – Rgray58@hughes.net
 20. Escalante Kingsmill Resort LLC; John Hilker – John.Hilker@kingsmill.com

=====

Exhibit 3: Section 106 Major Milestones

| Milestone | Initiation Date | Description | Completion Date |
|--------------------------------------|-----------------|--|---|
| Initial Public Notice (800.3) | August 28, 2013 | <ul style="list-style-type: none"> - Established Undertaking - Identified State Historic Preservation Officer as (VDHR) - 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 Issued - Dec 3, 2013 Compiled consulting party list based on PN & coordinated w/ VDHR for any add'l parties - Mar 3, 2014 notified all requesting parties of acceptance as consulting parties - Mar 5, 2015 Add'l consulting party invites were sent based on VDHR recommendations - June 20, 2014 participation invitations sent to Local Governments - August 25, 2014 invited Tribal Participation - November 21, 2014 invited Mr. Menco, new owner of Carters Grove Plantation, to participate. - October 6, 2016 Pamunkey Indian Tribe joined as a consulting party. - March 23, 2017 Kingsmill Resort joined as a consulting party. | <ul style="list-style-type: none"> • May 2, 2017 |
| Identify Historic Properties (800.4) | August 28, 2013 | <ul style="list-style-type: none"> - August 28, 2013 Public Notice - Established APE w/ VDHR <ul style="list-style-type: none"> ➢ Initial APE concurrence Jan 28, 2014 ➢ Refined APE into Direct & Indirect boundaries; rec'd concurrence (verbal) Sept 2014, written Jan 15, 2015 ➢ Minor modification to Direct APE; concurrence Oct 5, 2015 (5 tower locations) ➢ Direct APE Exhibits were refined to accurately depict boundary around proposed fender protection systems; June 28, 2016 - Consulted surveys/data used in part for the VA State Corporation Commission process - May 8, 2014 coordinated w/ VDHR, ACHP, & consulting parties on Historic Property Identification, Surveys, and potential effects. - Re-coordinated June 20, 2014 with VDHR, 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 VDHR provided documentation of completion of 800.4. - Sept 4, 2015 VDHR concurrence with Addendum to Phase I Cultural Resources Report for five (5) tower locations not included in previous studies. - June 24, 2016 VDHR concurrence with Revised Phase I Remote Sensing Underwater Archaeological Survey & | <ul style="list-style-type: none"> • Initially completed May 11, 2015 • Updated Oct 5, 2015 to reflect minor APE expansions due to minor project modifications • Updated June 28, 2016 to capture Direct APE expansion and additional underwater survey work within the James River. |

| | | | |
|---|--------------------|--|---|
| | | Phase II assessment for buffer and cluster anomalies located within 200 feet of any construction activities. | |
| 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 <ul style="list-style-type: none"> ➤ 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"> - Within the indirect APE, several Historic Properties are present which are Listed on the National Register or were previously determined Eligible for the National Register No further evaluation of Historic Significance was required for those properties. - June 12, 2014 VDHR provided recommendations of eligibility for certain historic 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 that the Trail was eligible for the National Register - June 24, 2016 SHPO provided concurrence with additional Underwater Archaeological Survey work; including a Not Eligible determination based on the results of Phase II assessment for buffer and cluster anomalies located within 200 feet of any construction activities. <p>Note: Oct 22, 2015 Letter from NPS indicated satisfaction with the Corps 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 • Updated June 24, 2016 upon receipt of VDHR Eligibility Concurrence with Phase II Underwater Archaeological Assessments. |
| Assessment of Adverse Effects (800.5) | May 11, 2015 | <ul style="list-style-type: none"> - Applied Criteria of Adverse Effects in consultation with VDHR, 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 | <ul style="list-style-type: none"> • Completed May 21, 2015 |

| | | | |
|---|--|---|---|
| | | Note: Nov 13, 2015 VDHR concurred with the Corps that undertaking will have an Adverse Effect confirming the process is at 800.6 "resolution of adverse effect" | |
| 3 rd Public Notice (800.6) | May 21, 2015 | - Request Public Comments on effects to final list of historic properties and in preparation to moving to resolution of adverse effects. | • Comment Period Closed June 20, 2015 |
| 3 rd Agency & Consulting Party Meeting (800.6) | June 24, 2015 | - General Updates - Effects to individual historic properties - Discussion of Resolution of Adverse Effects | • June 24, 2015 |
| 4 th Public Notice (800.6) | October 1, 2015 | - October 1, 2015 Announced Public Hearing seeking input on views, opinions, and information on the proposed project. - November 5, 2015 f PN comment period extended | • Comment Period Closed November 13, 2015 |
| Resolve Adverse Effects (800.6) | May 21, 2015; Restated Oct 13, 2015 | - 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 the Corps Sept 29, 2015. ➤ CER was developed to address comments from VDHR and Consulting Parties. - October 15, 2015 Consulting Party Meeting - December 30, 2015 consulted with VDHR, ACHP, & consulting parties to seek input on Dominion's Draft MOA with Mitigation Stipulations and Context Document - January 6, 2016 Dominion's response to comments regarding the December 30 th MOA coordination were provided to VDHR, ACHP, and consulting parties by email. - Feb 2, 2016 Consulting Party Meeting - Feb 17, 2016 VDHR gave their concurrence with the Jan 29 th tables forwarded ahead of Feb 2 nd Consulting Party Meeting that show effect determinations for individual historic properties. - June 13, 2016 consulted with VDHR, ACHP, and consulting parties to seek input on Dominion's Draft MOA and Context Document. - July 27, 2016 VDHR confirms the MOA and its mitigation measures sets forth an acceptable framework to resolve adverse effects. - December 7, 2016 consulted with VDHR, ACHP, and consulting parties to seek input on Dominion's Draft MOA. - December 12, 2016 Dominion's response to MOA comments regarding the June 13 th coordination were provided by email, along with revised Context document and MOA attachments, to VDHR, ACHP, and consulting parties. | • Completed May 2, 2017 |

| | | | |
|---|------------------|---|---|
| | | <ul style="list-style-type: none"> - January 19, 2017 VDHR, ACHP, and Consulting Party Teleconference - January 27, 2017 facilitated meeting between the Pamunkey Indian Tribe and Dominion. - February 12, 2017 Chief Gray with the Pamunkey Indian Tribe confirmed mitigation measures are agreeable to the Tribe. - March 21, 2017 Chairman of ACHP Site Tour of Colonial Parkway and Jamestown Island. - March 24, 2017 coordinated final draft MOA with Signatory Parties for final comment. - April 24, 2017 coordinated final MOA with Signatories, Invited Signatories, and consulting parties for signature. - May 2, 2017 Final MOA Executed | |
| 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 <p>TOPICS:</p> <ul style="list-style-type: none"> ➤ 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 |
| Consulting Party Teleconference (800.6) | January 19, 2017 | <ul style="list-style-type: none"> - Opening Remarks - Discussion Topic <ul style="list-style-type: none"> ➤ Refine MOA & Identify Measures that may more effectively Resolve Adverse Effects ➤ Gather information to inform whether further consultation in the development of an MOA is warranted. | January 19, 2017 |