

part 2

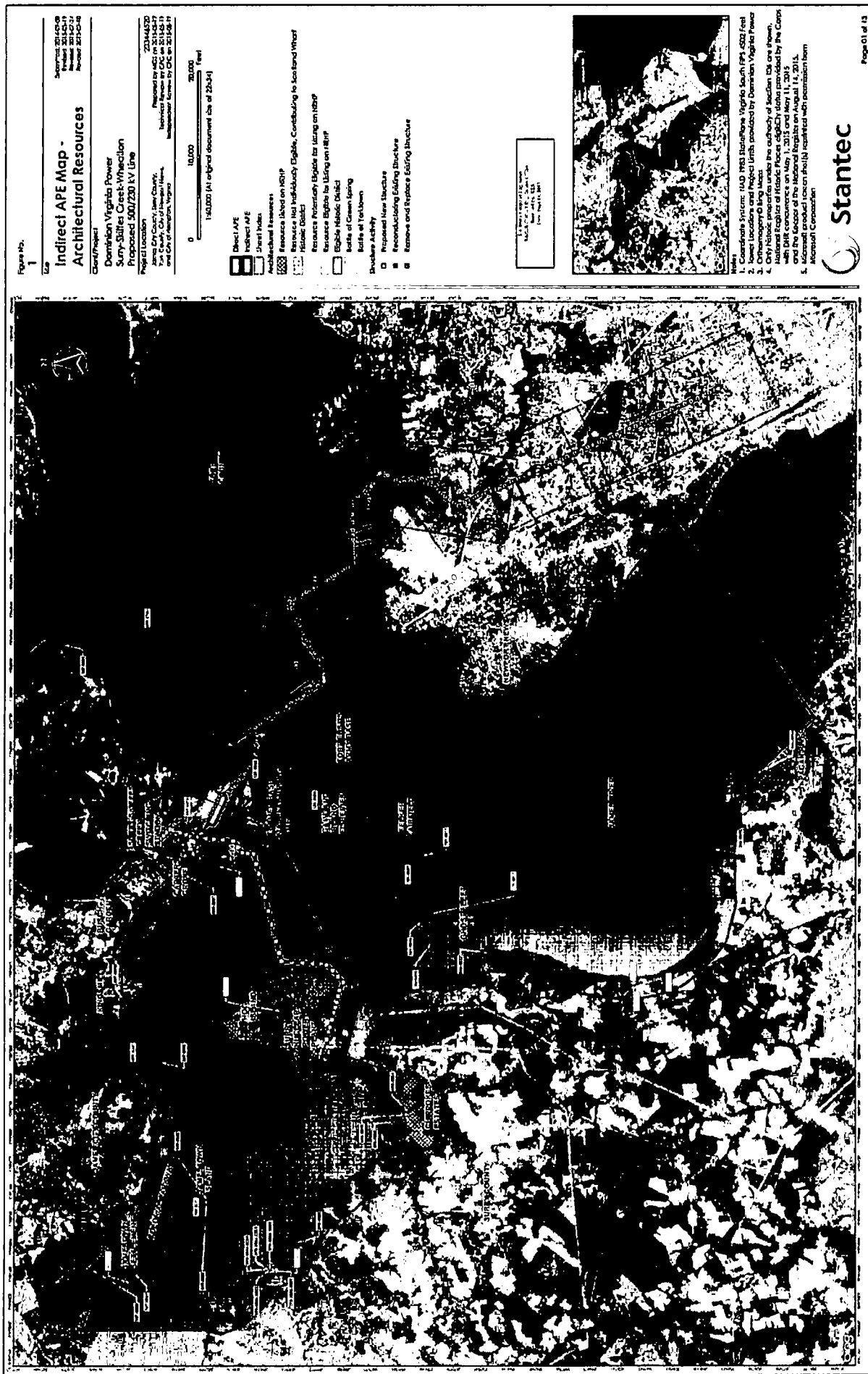
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Attachments

ATTACHMENT A: DIRECT AND INDIRECT PROJECT APE MAPS



1692226



ATTACHMENT B: LIST OF DOCUMENTS SUBMITTED BY DOMINION IN SUPPORT OF CONSULTATION

- 1) *Phase II Evaluation Site 44JC0662 for the Dominion Virginia Power Skiffes Switching Station, James City County, Virginia (CRI, May 2012).*
- 2) *Phase I Cultural Resources Survey of the Proposed Approximately 20.2-mile Dominion Virginia Power Skiffes Creek to Whealton 230kV Transmission Line in James City and York Counties, and the Cities of Newport News and Hampton, Virginia, Volumes I and II (CRI, July 2012).*
- 3) *Phase I Cultural Resources Survey of the Proposed Dominion Virginia Power Skiffes Creek to Surry 500 kV Transmission Line Alternatives in James City and Surry Counties, Virginia, Volumes I and II, (Stantec, July 2013, Revised April 2014).*
- 4) *Memoranda Titled: Phase IA Walkover and Phase I Archaeological Survey - BASF Corridor Realignment – Surry to Skiffes Creek 500 kV Transmission Line Project (Stantec, July 2014).*
- 5) *Addendum to the Phase I Cultural Resources Survey of the Proposed Dominion Virginia Power Skiffes Creek to Surry 500 kV Transmission Line in James City, Isle of Wight and Surry Counties, Virginia (Stantec, October 2014). (Additional information regarding three properties (i.e. 047-5307; Artillery Site at Trebell's Landing, 090-0121; Hog Island, and 099-5282; Battle of Williamsburg) per VDHR's request was provided in Stantec's letter dated February 2, 2015.)*
- 6) *Addendum to A Phase I Cultural Resources Survey to the Proposed Approximately 20.2-mile Dominion Virginia Power Skiffes Creek to Whealton 230 kV Transmission Line in James City and York Counties, and the Cities of Newport News and Hampton, Virginia, Volumes I: Technical Report (Stantec, July 2015).*
- 7) *Visual Effects Assessment for the Proposed Dominion Virginia Power Surry to Skiffes Creek 500kV Transmission Line Project and Skiffes Creek 500-230-115 kV Switching Station James City, Isle of Wight, and Surry Counties (Stantec, March 2014).*
- 8) *Addendum to the Visual Effects Assessment for the Proposed Dominion Virginia Power Surry to Skiffes Creek 500 kV Transmission Line Project James City, Isle of Wight, and Surry Counties (Stantec, October 2014).*
- 9) *Addendum to the Visual Effects Assessment for the Proposed Dominion Virginia Power Surry to Skiffes Creek 500 kV Transmission Line Green Spring Battlefield (Stantec, November 2014).*

- 10) *Interactive Simulations Surry-Skiffes Creek 500 kV Transmission Line James River Crossing (Dominion/TRUESCAPE, March 2015).*
- 11) *Cultural Resource Affects Assessment, Surry-Skiffes Creek-Whealton Transmission Line Project, Surry, James City, and York Counties, Cities of Newport News and Hampton, Virginia (Stantec, September 2015).*
- 12) *Photo Simulation Overview Surry-Skiffes Creek-Whealton Transmission Line Project, Surry, James City and York Counties, Cities of Newport News and Hampton, Virginia. (Dominion/TRUESCAPE, April 2016).*

**ATTACHMENT C: LIST OF EFFECTED HISTORIC PROPERTIES UNDER
CONSIDERATION**

DEIR ID #	Resource Name/Address	VLR/NRHP Status	Distance	COE Effect Determination
046-0031	Bourne-Turner House at Smith's Beach	Potentially Eligible - Criterion C	8.75	No Adverse Effect
046-0037	Fort Huger	NRHP-Listed - Criterion D	3.21	No Adverse Effect
046-0044	Bay Cliff Manor on Burwell's Bay/James C. Sprigg, Jr. House	Potentially Eligible under Criterion C	7.11	No Adverse Effect
046-0094	Basses Choice (Days Point Archeological District, Route 673)	NRHP-Listed; Archaeological Sites 44IW0003-44IW0237 - Criterion D	9.85	No Adverse Effect
046-0095	Fort Boykin Archaeological Site/Herbert T. Greer House and Gardens, Route 705	NRHP-Listed - Criterion D	8.84	No Adverse Effect
046-5045	Barlow-Nelson House, 5374 Old Stage Highway	Potentially Eligible Under Criterion C	6.33	No Adverse Effect
046-5138	Bay View School, 6114 Old Stage Hwy	Potentially Eligible Under Criteria A and C	6.84	No Adverse Effect
046-5415	USS Sturgis (MH- 1A Sturgis, Nuclear Barge, James River Reserve Fleet)	Eligible	1.92	No Adverse Effect
047-0001	Carter's Grove	NHL; NRHP-Listed - Criterion C	0.43	Adverse Effect
047-0002	Colonial National Historic Park; Colonial Parkway Historic District	NRHP-Listed - Criteria A and C	3.16	Adverse Effect
047-0009	Jamestown National Historic Site / Jamestown Island / Jamestown Island Historic District	NRHP-Listed - Criteria A and D	3.26	Adverse Effect
047-0010	Kingsmill Plantation	NRHP-Listed - Criteria A and D	3.16	No Adverse Effect
047-0043	Ambler's (Ablers- on-the-James)	Eligible (Recently NRHP- Listed) - Criterion C	6.64	No Adverse Effect
047-0082	Governor's Land Archaeological District	NRHP-Listed - Criteria A and D	5.7	No Adverse Effect
047-5307	Artillery Landing Site at Trebell's Landing	Potentially Eligible - Criterion D	0.52	No Adverse Effect
047-5333	Martin's Hundred Graveyard (Cemetery)	Eligible - Criteria A and D	0	No Adverse Effect
047-5432	4H Camp, 4H Club Road	Potentially Eligible - Criteria A and C	9.2	No Adverse Effect
090-0020	Pleasant Point (Crouches Creek Plantation)	NRHP-Listed - Criteria A and C	4.32	No Adverse Effect
090-0024	New Chippokes (Jones-Stewart Mansion)	NRHP-Listed; associated with Chippokes Plantation Historic District - Criterion C	2.07	No Adverse Effect
090-0070/ 090-0003	Chippokes Plantation Historic District (Chippokes State Park)	NRHP-Listed - Criteria A, C, and D	1.26	No Adverse Effect

090-0121	Hog Island Wildlife Management Area	Potentially Eligible - Criteria A and D for purposes of 106 review	0	Adverse Effect
090-5046	Scotland Wharf Historic District	Potentially Eligible - Criteria A and C	5.03	No Adverse Effect
90-5046-0001	House, 16177 Rolfe Hwy (Rt 31)	Not Individually Eligible; Contributing to Scotland Wharf Historic District	5.16	No Adverse Effect
90-5046-0002	House, 16223 Rolfe Hwy (Rt 31)	Not Individually Eligible; Contributing to Scotland Wharf Historic District	5.16	No Adverse Effect
090-5046-0003	House, 16239 Rolfe Hwy (Rt 31)	Not Individually Eligible; Contributing to Scotland Wharf Historic District	5.16	No Adverse Effect
090-5046-0004	House, 16271 Rolfe Hwy (Rt 31)	Not Individually Eligible; Contributing to Scotland Wharf Historic District	5.14	No Adverse Effect
090-5046-0008	House, 16206 Rolfe Hwy (Rt 31)	Not Individually Eligible; Contributing to Scotland Wharf Historic District	5.12	No Adverse Effect
099-5241	Yorktown and Yorktown Battlefield (Colonial National Monument/Historic al Park)	Listed (as part of Colonial National Historical Park) - Criteria A, C, and D	1.37	No Adverse Effect
099-5283	Battle of Yorktown (Civil War)	Eligible - Criteria A and D	0	Adverse Effect
121-0006	Matthew Jones House	Listed - Criterion C	1.93	No Adverse Effect
121-0017	Crafford House Site/ Earthworks (Fort Eustis)	Listed (as part of 121-0027) - Criteria A and D	3.38	No Adverse Effect
121-0027	Fort Crafford	Listed - Criteria A and D	3.28	Adverse Effect
121-0045	S.S. John W. Brown	Listed - Criterion A	2.18	No Adverse Effect
121-5068	Village of Lee Hall Historic District	Eligible - Criteria A and C (Public Notice notes that Lee Hall NRHP- Listed - Criterion C)	0.25	No Adverse Effect
121-5070	Ghost Fleet (James River Reserve Fleet/ Maritime Admin. Non- Retention Ships)	Eligible - Criterion A	1.64	No Adverse Effect
N/A	Battle of Green Springs	Eligible - Criterion A	5.7	No Adverse Effect
N/A	Historic District (formally Jamestown Island-Hog Island Cultural Landscape) including CAJO	Eligible - Criteria A, B,C, and D	0	Adverse Effect
44JC0048	17th Century Cemetery Martin's Hundred	Eligible - Criteria A and D	0	No Adverse Effect
44JC0649	Indet. Historic	manage as unevaluated	0	No Adverse Effect
44JC0650	Indet. 18th Cent	manage as unevaluated	0	No Adverse Effect

44JC0662	18th to 19th Cent Dwelling	Eligible - Criterion D	0	Adverse Effect
44JC0751	Prehistoric Camp, 18th to 19th Century Dwelling	Manage as Unevaluated	0	No Adverse Effect
44JC0826	19th Century Farmstead	Manage as Unevaluated	0	No Adverse Effect
44NN0060	Indeter. Woodland	Potentially Eligible - Criterion D	0	No Adverse Effect
44YO0092	Civil War Earthworks	Potentially Eligible - Criterion D	0	No Adverse Effect
44YO0180	Prehistoric Camp	Manage as Unevaluated	0	No Adverse Effect
44YO0181	Indet. Late Archaic	Manage as Unevaluated	0	No Adverse Effect
44YO0183	18th Century Domestic	Manage as Unevaluated	0	No Adverse Effect
44YO0184	Indet. 19th to 20th Century	Manage as Unevaluated	0	No Adverse Effect
44YO0233	Civil War Military base	Potentially Eligible - Criterion D	0	No Adverse Effect
44YO0237	Archaic & Woodland Camp	Manage as Unevaluated	0	No Adverse Effect
44YO0240	Historic Bridge & Road	Manage as Unevaluated	0	No Adverse Effect
44YO0592	Mid 18th to 19th Century Military Camp	Potentially Eligible - Criterion D	0	No Adverse Effect
44YO1059	Prehistoric Camp, Early to Mid-18th Century Dwelling	Potentially Eligible - Criterion D	0	No Adverse Effect
44YO1129	Historic Dwelling	Manage as Unevaluated	0	No Adverse Effect
44YO1131	19th Century Dwelling	Manage as Unevaluated	0	No Adverse Effect
N/A	76 submerged anomalies, managed in 23 buffer	Potentially Eligible - Criteria A and D	0	No Adverse Effect

ATTACHMENT D: KEEPER'S DOE LETTER AND MAP



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, DC 20240

AUG 14 2015

H32(2280)

Mr. William T. Walker
Chief, Regulatory Branch
Department of the Army
U.S. Army Corps of Engineers
Norfolk District
Fort Norfolk
803 Front Street
Norfolk, VA 23510-1011

Dear Mr. Walker:

We have received your letter dated July 2, 2015 (arrived at the National Register of Historic Places on July 6, 2015), requesting a determination of eligibility for the National Register for properties located within the vicinity of the Dominion Virginia Power-proposed Surrey-Skiffes Creek-Wheaton aerial transmission line project. The proposed project calls for construction of 7.4 miles of overhead transmission lines from Surry, Virginia, to a proposed switching station in James City County, Virginia. The proposal calls for the transmission line to cross the James River, thus requiring a permit from the U.S. Army Corps of Engineers, which would constitute a Federal undertaking subject to Section 106 of the National Historic Preservation Act.

You have requested that the National Register provide a determination of eligibility for properties located within the project's "Indirect Area of Potential Effect" (Indirect APE) which the Corps of Engineers defines as having both inland land-based and water-based components. The water-based section of the APE extends from just west of Jamestown Island to include portions of the James River downstream to the Pagan River near Smithfield, VA, and its boundary is drawn to include adjacent lands extending several thousand feet from the river's shoreline. The Indirect APE is defined in U.S. Army Corps of Engineers report *Dominion Virginia Power Surry-Skiffes Creek-Wheaton Proposed 500/230kV Line, NAO-2012-00080/13-V0408*, May 7, 2015, p. 1, (hereafter referred to as *Corps of Engineers report*) and is shown as a blue line drawn on the map titled "Indirect APE Map, Surry-Skiffes Creek-Wheaton Proposed 500/230kVline" included as Enclosure 1 with the Determination of Eligibility request.

This request for a determination of eligibility does not extend to the inland, land-based portion of the Indirect APE, which is comprised primarily of an existing overhead utility right-of-way that extends generally from Skiffes Creek south to Hampton, VA (*Corps of Engineers Report*, p. 1).

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All further references in this letter to the Indirect APE should be understood to exclude the inland land-based portion referenced above. You have specifically requested a determination of eligibility for the portion of the Captain John Smith Chesapeake National Historic Trail (CAJO) and the Washington-Rochambeau Revolutionary Route National Historic Trail that are located within the Indirect APE.

The Captain John Smith Chesapeake National Historic Trail (CAJO) was established by Congress in 2006, following a feasibility study by the National Park Service and a determination by the National Park System Advisory Board that the trail was nationally significant. The initial trail route extended approximately 3,000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, and Delaware, and the District of Columbia; it traced the 1607-1609 voyages of Captain John Smith to chart the land and waterways of the Chesapeake Bay. The trail was extended by order of the Secretary of the Interior in 2012 through designation of four rivers as historic components of CAJO. This action extended the trail by 841 miles to include: the Susquehanna River Component Connecting Trail (a 552-mile system of water trails along the main-stem and West Branch of the Susquehanna River in Maryland, Pennsylvania and New York); the Chester River Component Connecting Trail (a 46-mile system of the Chester River and its major tributaries); the Upper Nanticoke River Component Connecting Trail (23-miles of the Nanticoke River, Broad Creek and Deep Creek); and the Upper James River Component Trail (a 220-mile water trail of the James River in Virginia). CAJO, the first designated national historic trail that is composed primarily of a water trail route, now extends along waterways from Cooperstown, New York, to Norfolk, Virginia.

The Washington-Rochambeau Revolutionary Route National Historic Trail (designated in June 2007) includes over 680 miles of land and water trails that follow the route taken by General George Washington and the Continental Army and French General Jean-Baptiste de Rochambeau and the Expédition Particulière to and from the siege of Yorktown, a pivotal event in the American Revolution. The Washington-Rochambeau Revolutionary Route National Historic Trail passes through Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Washington, D.C., and Virginia.

After considering all documentation submitted, we have determined that the entire area encompassed by the Indirect APE is eligible for the National Register of Historic Places as a historic district under National Register Criteria A, B, C, and D, in the areas of significance of Exploration/Settlement, Ethnic Heritage, and Archeology. This historic district forms a significant cultural landscape associated with both the American Indian inhabitants of the area and the later English settlers.

The English colonization of North America was an extraordinary undertaking which had a profound impact on the Old World and the New and much of what was to come had its origins here along the James River: the establishment and growth of the first permanent English settlement in the New World; some of the earliest and most sustained interactions (both cooperative and antagonistic) between the original inhabitants of the area - the American Indians - and the Europeans; the initial English voyages of discovery which took them throughout the Chesapeake Bay and into the interiors following the numerous rivers and led to expanding

contact with the American Indians and the spread of English settlement; the foundation and development of the tobacco economy which would dominate the Chesapeake Bay world; the introduction and firm establishment of chattel slavery; the architectural evolution of buildings in the James River area from the first crude huts built by the English to the flowering of the dominant Georgian architectural style; and the growth of the unique political and social institutions which would lead to the development of representative democracy and the growing impulse of the colonists to gain independence and self-rule from the corporate founders of the colony and later their royal master the King.

The Indirect APE includes numerous significant historic properties already listed in the National Register of Historic Places including all or parts of: Colonial National Historical Park; Jamestown National Historic Site; Colonial Parkway; Yorktown Battlefield; Kingsmill Plantation (which includes a series of important archeological sites); Carter's Grove National Historic Landmark, one of colonial America's most impressive examples of Georgian architecture (built 1750-1755) noted for its exquisite brickwork and finely crafted, fully-paneled interior; the archeological site of Martin's Hundred located at Carter's Grove (established in 1619 as one of the earliest English settlements outside of Jamestown Island, it was destroyed in the American Indian uprising of 1622); and a number of other archeological sites. A significant contributing feature of the district is Hog Island, which was fortified in 1609 to help defend Jamestown Island. In a letter dated March 11, 2015, to the Corps of Engineers, the Virginia State Historic Preservation Office notes that three 17th century archeological sites have been identified on Hog Island and that in their opinion the island is individually eligible for the National Register. In addition to the properties enumerated above, the Virginia State Historic Preservation Office, in letters dated June 12, 2014, and June 19, 2015, to the Corps of Engineers, identify an additional twelve properties within the Indirect APE which are either listed in the National Register or they are considered to be potentially eligible (including the James River National Defense Reserve Fleet, also known as the Ghost Fleet).

The Indirect APE encompasses a portion of the Captain John Smith Chesapeake National Historic Trail (CAJO). The boundary of CAJO extends from shore to shore of the James River. Jamestown Island and Hog Island (an isthmus) are located within the James River and are thus within the boundary of CAJO.

The National Park System Advisory Board in March, 2006, found that the trail was nationally significant for its association with the following historic patterns of events:

- Captain John Smith's Chesapeake Bay voyages are nationally significant because they accelerated the process that destroyed the Powhatan polity and disrupted the native people's world throughout the region.

The Water Trail is significant as:

- a) the route that John Smith followed in his voyages to American Indian towns and territories;
- b) a symbol of the independence of the English colonists from Powhatan's control;
- c) a symbol of the impact on and eventual collapse of the Powhatan polity

and the native peoples' world of the Chesapeake Bay and beyond.

- Captain John Smith's Chesapeake Bay voyages are nationally significant because of their impact on the exploration and settlement of North America.

The Water Trail is significant as:

- a) the route that John Smith followed in his program of exploration and discovery in the Chesapeake Bay and its tributaries;
- b) a symbol of the spirit of adventure and wonder that were important components of Smith's voyages and the English exploration;
- c) the route by which Smith gathered information vital to the survival and growth of the English settlements in North America.

- Captain John Smith's Chesapeake Bay voyages are nationally significant because of their impact on the commerce and trade of North America.

The Water Trail is significant as:

- a) the route by which John Smith surveyed the Bay and explored for gold, silver, copper, and the Northwest Passage, for the benefit of the commerce and trade of the colony and England;
- b) the route by which Smith made contact with American Indian tribes, established trade agreements with them, and increased the chances that the English colony would survive;
- c) a symbol of England's trading power, soon to be increased by the production of tobacco for export from the colony;
- d) a symbol of the long-term impact on the cultural contact between the native peoples and European colonists.

This segment of CAJO is among the most historically significant portions of the overall National Historic Trail's 3,000 plus miles of waterways. Jamestown was the starting and ending point for all of Smith's voyages and was Smith's base of operations and center of political power over the new colony. Properties within and along this segment of the trail are directly associated with the historic patterns of events for which the trail was found to be nationally significant and thus this section of the trail itself is eligible for the National Register of Historic Places as a contributing element in the larger historic district defined by the Indirect APE boundary.

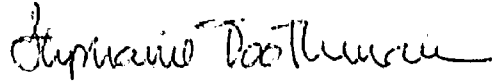
We note that the Virginia State Historic Preservation Office, in a letter to the Corps of Engineers dated May 11, 2015, advised that, in their opinion, what they describe as an eligible cultural landscape within the APE may extend further upstream beyond the boundary of the Indirect APE. We do not have sufficient information to evaluate properties upstream from the district at this time.

As to the Washington-Rochambeau Revolutionary Route National Historic Trail, no information has been provided with this determination of eligibility request regarding the trail section located within the APE, thus we cannot provide a determination of the trail's eligibility.

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Please let us know if you have any questions concerning this determination of eligibility.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephanie S. Toothman".

Stephanie S. Toothman, Ph.D.
Associate Director, Cultural Resources, Partnerships,
and Science
Keeper, The National Register of Historic Places

Enclosure

IDENTICAL LETTER SENT TO:

Cc: Ms. Julie Langan
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ATTACHMENT E: CORPS' SECTION 106 CONSULTATION AND PUBLIC INVOLVEMENT PLAN

**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. 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. During the 106 process, general information has been, and continues to 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.

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.

At the initial stages of the project, when consulting parties were invited (summer, 2014), 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 had expressed an interest in Virginia. In an effort to consider tribal interest, USACE consulted on August 25, 2014 with the aforementioned federally recognized Tribes on a government to government basis. In addition, USACE 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 Pamunkey Tribe, which became federally recognized on January 28, 2016, was consulted on August 25, 2014 when the tribe was state-recognized. 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 has maintained a complete list of active "Consulting Parties" (*See Attachment A*). Consulting parties have been 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.

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 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

Numerous additional meetings have been held between various consulting parties at various stages in the process.

Resolution of Adverse Effects

MOA development process has included requests for written comments from all consulting parties on a draft MOA that was circulated on December 30, 2015, and discussions of resolution of adverse effects at several consulting party meetings.

After consideration of comments, a revised draft MOA will be shared with consulting parties. This coordination will be the final opportunity to inform a decision on whether Dominion's proposed mitigation plan adequately avoids, minimizes, and/or mitigates adverse effects to historic properties. At the conclusion of a 30-day comment period, the Corps will use the input received to inform a decision on whether to fulfill responsibilities under Section 106 of the NHPA through either an executable MOA or termination of consultation. A teleconference may be scheduled at a later date to discuss mitigation if it is determined to be beneficial.

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.

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.

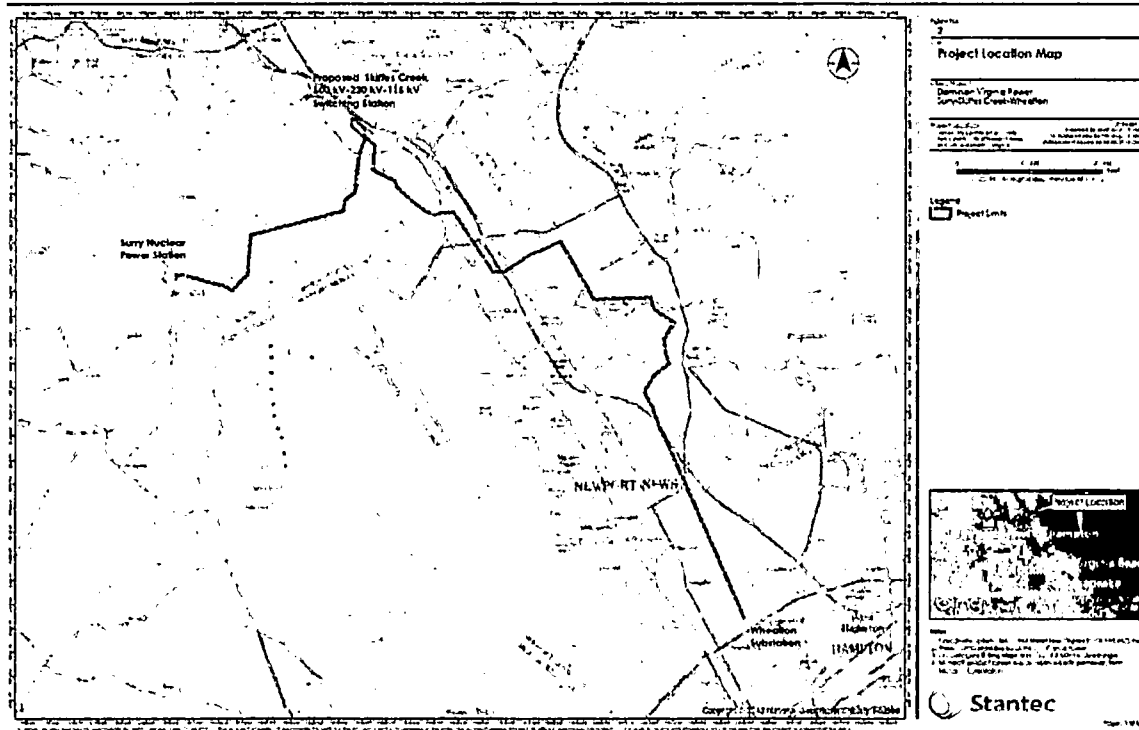


Exhibit 1: Project Location

Attachment A: Section 106 List of POC's (updated as of 04-06-16)

- 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); Corey Gray – corey.gray@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_eggleson@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@cwfb.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@jra.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 Bacher; 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 (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 list based on PN & coordinated w/ SHPO for any add'l parties - Mar 3, 2014 notified all requesting parties of their acceptance - Mar 5, 2015 Add'l Party Invites were sent based on SHPO recommendations - June 20, 2014 sent invites to Local Governments to participate - August 25, 2014 invited Tribes to Participate - November 21, 2014 Invited Mr. Menco, new 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"> > 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) - 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, and potential effects. - 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 SHPO 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 SHPO 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 	<ul style="list-style-type: none"> • Ongoing

		<ul style="list-style-type: none"> - 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. - October 15, 2015 Consulting Party Meeting - December 30, 2015 consulted with SHPO, 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 SHPO 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 - Stanlec 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

ATTACHMENT F: MOA CONTEXT DOCUMENT

160620226

Surry-Skiffes Creek-Whealton Transmission Line**NOA -2012-00080/13V0408****Basis for Proposed Memorandum of Agreement
to Resolve Adverse Effects to Historic Properties**

June 8, 2016

EXECUTIVE SUMMARY

This document explains the basis for the proposed Memorandum of Agreement ("MOA") to satisfy the National Historic Preservation Act ("NHPA") requirements for resolution of adverse effects on historic properties that would occur from the proposed Surry – Skiffes Creek – Whealton project, located in Surry, James City, and York Counties and the Cities of Newport News and Hampton, Virginia (the "Project"). The Project requires permits from the United States Army Corps of Engineers ("Corps" or "USACE"), which is required to comply with Section 106 of the NHPA. That statute requires the Corps to "take into account the effect of the undertaking on any historic property" (54 U.S.C. § 306108). This document provides (i) an introduction and background on the Project including the NHPA process completed to date; (ii) a discussion of considerations for developing mitigation under the applicable NHPA regulations and the general characteristics of the historic properties that will be adversely affected by the Project; and (iii) a description of the specific mitigation, the eight historic properties, the steps taken to avoid and minimize adverse effects and how the mitigation imposed by the MOA will mitigate the unavoidable minimized effects. With this document, Dominion concludes that the MOA will mitigate for the adverse effects to historic properties that will result from the project.

DISCUSSION**1. Introduction and Procedural Background****a. Project Purpose and Need**

Virginia Electric and Power Company, d/b/a Dominion Virginia Power ("Dominion"), proposes to construct the Project, a new electrical transmission line infrastructure in the Hampton Roads area of Virginia. The Project is required to resolve projected violations of the North American Electric Reliability Corporation Reliability Standards resulting from the closure of two coal-fired power generating units at the Yorktown Power Station, which will be deactivated no later than in 2017 and to meet projected growth in regional demand. The Project is designed to provide sufficient and reliable electricity to residents, businesses, and government agencies located on the Virginia Peninsula for public health and human safety, and national security interests.

Over one-half of a million people live in the North Hampton Roads Load Area ("NHRLA") in 14 counties and 7 cities, which will be served by the Project. The area also has a diverse mix of government defense facilities, industrial sites, and commercial sites that are both major employers in the region, as well as important contributors to the regional, state, and national economy. Some of these facilities are Joint Base Langley-Eustis, Yorktown Naval Weapons Station, NASA, Newport News Shipbuilding, Cannon, Anheuser-Busch Brewery, Thomas Jefferson National Accelerator Facility, College of William and Mary, Christopher Newport University, Busch Gardens, Water Country USA, Distribution Centers (like Wal-Mart, Food Lion), and the Historic Jamestown-Colonial Williamsburg Complex. All of these residents, governmental entities, facilities, and businesses currently rely primarily on the Yorktown Power Station units to maintain reliable electric service. They would be significantly affected by the loss of a reliable source of electricity (*i.e.*, rolling blackouts or load shedding) without a replacement. Similarly, critical services in the area such as 911 call centers, fire and emergency response centers, water and sewer treatment facilities and hospitals located in the NHRLA localities would also be impacted by the required blackouts. Rolling blackouts are not optional and required to preserve the reliability of the larger electrical grid.

Without replacing the power from Yorktown Power Station, during peak load days, customers in the NHRLA may experience outages of electrical service on a rotating basis (sometimes referred to as rolling blackouts) due to transmission capacity shortage and lack of generation. In addition, blocks of load in the NHRLA may experience sustained outages in varying lengths of time due to reliability issues from unplanned outages. The SCC concluded that these reliability risks in this case are far reaching and significant. SCC Order at 12 (Nov. 26, 2013).

After reviewing extensive information from Dominion, the consulting parties, the Virginia State Corporation Commission and PJM Interconnection (the Regional Transmission Organization), the Corps has found that the relevant analysis "demonstrates there is a need for this project from both Dominion's and the general public's perspective." Letter from Colonel Jason E. Kelly, U.S. Army, Commanding, Norfolk District Army Corps of Engineers to Ms. Charlene Dwin Vaughan, Advisory Council on Historic Preservation, dated April 5, 2016 ("Corps April 5 Letter") pp. 2-3; see also USACE Preliminary Alternatives Conclusions White Paper; RE: NAO-2012-0080 / 13-V0408 (October 1, 2015) pp. 1-2.

b. Project Description

The Project involves construction of a new high voltage aerial electrical transmission line that 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. 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. The transmission lines will cross portions of the James River, Woods Creek, and Skiffes Creek. In addition to structures

being built within the James River, structural discharges are proposed in non-tidal wetlands. The proposed activities will require a Corps permit pursuant to Section 10 of the Rivers and Harbor Act and Section 404 of the Clean Water Act. Prior to issuance of a permit, the Corps is required to comply with the provisions of Section 106 of the NHPA and its implementing regulations 36 CFR Part 800, and 33 CFR Part 325, Appendix C, Processing of Department of the Army Permits: Procedures for Protection of Historic Places.

c. Section 106 Compliance Process

The Corps April 5 Letter describes the steps taken starting in August of 2013, in coordination with the Virginia Department of Historic Resources acting as the State Historic Preservation Office ("SHPO"), to identify the Area of Potential Effect ("APE") (both direct and indirect) and historic properties that would be adversely affected by the Project (pp. 4-6). On January 29, 2016, the Corps informed the SHPO that it determined that under 36 C.F.R. § 800.5 the following historic properties were adversely affected by the Project and the Corps' issuance of a Clean Water Act and Rivers and Harbors Act permit authorizing the Project:

1. Carter's Grove;
2. Colonial National Historic Park/Colonial Parkway Historic District;
3. Jamestown National Historic Site;
4. Hog Island Wildlife Management Area ("WMA");
5. Archeological Site 44JC0662;
6. Jamestown National Historic Site/Jamestown Island/Jamestown Island Historic District ("Historic District"),¹ including the contributing section of the Captain John Smith Chesapeake National Historic Trail ("CAJO Trail");
7. Battle of Yorktown; and
8. Fort Crafford.

The SHPO sent two letters to the Corps confirming its concurrence with the Corps' determination.² The procedures to identify adversely affected properties completed the necessary requirements under the NHPA regulations through 36 C.F.R. § 800.5.³

¹ When the Keeper of the National Register determined this district was eligible for the National Register, it did not establish a formal name for it as a historic property. In the record, it has been referred to as the Eligible Historic District, and, before the Keeper's determination, was known as the Jamestown Island-Hog Island Cultural Landscape. The SHPO has referred to this property as the Captain John Smith Trail Historic District. In the MOA, the name for this historic property is the Jamestown Island-Hog Island-Captain John Smith Trail Historic District.

² Corps April 5 Letter at p. 6 (discussing SHPO's concurrence letters of November 13, 2015 and February 17, 2016).

To satisfy the remaining requirement to resolve adverse effects under 36 C.F.R. § 800.6, the Corps is seeking final comments on a draft MOA that sets forth stipulations to mitigate the Project's adverse effects on the above listed historic properties. The draft MOA has been revised a number of times following consultation among the Corps, SHPO, ACHP, Dominion, and the consulting parties.

2. General Considerations

Before discussing the efficacy of the specific mitigation set forth in the draft MOA in addressing specific adverse effects to specific properties, it is important to describe the relevant context, *i.e.*, (a) the general approach to mitigation, (b) the general characteristics of the historic properties, how they relate to one another, and the nature of the adverse effects in a general sense, (c) the public interest served by the Project (d) how mitigation is approached in the context of the historic properties and the Project, and (e) some additional information about the mitigation proposed for the Project.

a. General Approach to Mitigation

When seeking to resolve adverse effects through avoidance, minimization, and mitigation for certain adverse effects, such as adverse visual effects that affect a historic property's setting, sense of place, essential character, or contribution to a larger landscape or district, it often is not possible, or even feasible or prudent, to develop or think of mitigation in quantitative terms. This is because, as the record reflects in this case, the types of resources at issue have qualities and values that are not quantifiable in a rational and useful way, and thus, the effects to those qualities and values cannot be assessed or measured in a quantifiable way. Instead, as is the case here, these qualities and values and the potential effects thereto have been assessed and measured qualitatively. Thus, because there is no exact science or measure to quantify these types of effects, there also is no exact science or measure in determining the amount of mitigation necessary to resolve an adverse effect.

In such situations, the action agency, in consultation with the consulting parties, and relying on guidance and prior examples of mitigation in similar circumstances, among other things, uses its best judgment to reasonably and conservatively determine the types and extent of mitigation activities needed to adequately compensate for and enhance the affected values and integrity of the historic properties, while also providing added value beyond mitigation. This approach is consistent with the National Trust for Historic Preservation's ("NTHP") presentation at the October 15, 2015, consulting parties' meeting, as well as NTHP's more recent January 29, 2016 letter regarding mitigation. There can be no doubt that NTHP's opinions regarding the extent of the

³ The consulting parties and the public have been involved at each stage. See, e.g., Initial Public Notice (Aug. 28, 2013); Public Notice and Request for Comments re Identification of Historic Properties within the APE and regarding Alternatives (Nov. 13, 2014); Public Notice and Request for Comments on Adverse Effects Determination (May 21, 2015); Public Hearing Notice and Public Hearing (Oct. 1 & 30, 2015); Consulting Parties Meetings (Sept. 25, 2014, Dec. 9, 2014, June 24, 2015, Oct. 15, 2015, and Feb. 2, 2016).

adverse effects in this case, and thus, the appropriate amount of compensatory mitigation, differ from other parties' opinions on these subjects. What is clear, however, is that the use of compensatory mitigation to resolve adverse effects is a tried and accepted method to mitigate adverse effects. *Nat'l Parks Conserv. Ass'n v. Jewell*, 965 F. Supp. 2d 67, 75–77 (D.D.C. 2013) (upholding the National Park Service's ("NPS") mitigation decisions, including compensatory mitigation to account for, among other things, effects to historic properties).⁴

In such circumstances, as the record reflects in this case, experts consider appropriate mitigation activities that provide benefits to the historic properties by enhancing the values of the historic properties that have been affected, even if the enhancement is not addressing directly the precise aspect of the value adversely affected. Examples of acceptable compensatory mitigation include: the acquisition in fee or by easement lands that would protect or enhance a historic property's values; activities that implement, continue, restore, and enhance a historic property's values; and, activities that implement, continue, restore, and enhance ongoing landscape initiatives and historic resource preservation strategies and plans. See, e.g., NPS, *Susquehanna to Roseland 500 kV Transmission Line Right-of-Way and Special Use Permit Final Environmental Impact Statement* at 72–73 (Aug. 2012) ("NPS FEIS"). In the case of the *Susquehanna-Roseland* project, NPS identified data recovery and treatment plans as acceptable mitigation for effects to archeological sites that could not be avoided. NPS FEIS at F-12.

For visual effects to historic properties that could not be avoided or further minimized, NPS identified the funding or preparation of educational materials to interpret the history and architecture of the study area related to the project for the public, including publishing histories, making National Register of Historic Places ("NRHP" or "National Register") nominations, and creating informational websites, brochures, exhibits, wayside panels, and driving/walking tours. NPS also identified the funding or completion of improvements to physical aspects of historic properties. *Id.* at F-12 to F-13. The NPS FEIS was upheld against challenge in the *Jewell* case cited above.

As set out below in Section III, the draft MOA identifies compensatory mitigation that falls directly in line with the compensatory mitigation identified in the NPS FEIS, and approved of in *Jewell*. The mitigation also is consistent with the SHPO's guidance regarding visual effects. See Virginia Dep't of Historic Resources, *Assessing Visual Effects on Historic Properties* at 6 (2010). The draft MOA also provides additional avoidance or minimization of effects, which lends further credibility and reasonableness to the identification and selection of compensatory mitigation.

⁴ See also 40 C.F.R. § 1508.20(e) (National Environmental Policy Act regulations saying that mitigation includes "[c]ompensating for the impact by replacing or providing substitute resources or environments").

b. General Considerations of the Adversely Affected Historic Properties

Many of the individual historic properties located within the APE are distinct and significant enough to be either listed or considered eligible for inclusion in the NRHP by themselves. Moreover, their thematic connections make them significant contributing elements to the broader cultural landscape, and as a whole eligible for designation as a historic district, which documents a continuum of American history up through today from both a cultural and natural perspective. Similarly, the cultural landscape contributes historic context to each individual element.

As recognized by the Keeper of the National Register ("Keeper") and the consulting parties, the entire river crossing APE, direct and indirect, is located within a historic district, which is a cultural landscape of national historic significance.⁵ As a cultural landscape, this area illustrates the specific local response of American Indian, European, and African cultures, land use, and activities to the inherent qualities of the underlying environment. The landscape reflects these aspects of our country's origins and development through the natural, relatively unaltered river and segments of undeveloped shoreline, evoking the ways it was used by the early inhabitants and continuing to reveal much about our current evolving relationship with the natural world.

c. Public Interest Served by the Project

The MOA also offers the best alternative to mitigate adverse effects consistent with the need for the Project to maintain reliable electric service and avoid unacceptable threats to human health, public safety, and national security that would result from the loss of electrical service. As indicated in the Corps April 5 Letter, the Project is needed to provide electrical reliability in light of the scheduled retirement of two units at the Yorktown Power Station to comply with environmental regulations for mercury and air toxic substances emissions. The need is real and urgent. In its December 10, 2015 letter, the ACHP requests that the Corps confer with the U.S. Environmental Protection Agency ("EPA") on the time constraints imposed by the Mercury and Air Toxics Standard Rule ("MATS") that will require cessation of operations of Units 1 and 2 at Yorktown Power Station. Dominion applied to EPA for an extension of the deadline to April 16, 2017. FERC has supported that request for extension. EPA granted that extension on April 16, 2016. Dominion has built the extension into its schedule. Congress has provided no mechanism for EPA to grant further extensions. Thus, time is of the essence for the Corps, SHPO, and ACHP to resolve the adverse effects that are the subject of the MOA.

⁵ More specifically, the Keeper stated that the Indirect APE was eligible for the National Register as a historic district under The National Register Criteria A, B, C, and D, in the areas of significance of Exploration/Settlement, Ethnic Heritage, and Archeology. "This historic district forms a significant cultural landscape associated with both the American Indian inhabitants of the area and the later English settlers." "This segment of CAJO is among the most historically significant portions of the overall National Historic Trail's 3,000 plus miles of waterways." Letter from the Keeper to W. T. Walker, USACE dated August 14, 2015.

As the federal agency, the Corps is required through the Section 106 review process and the public interest process to take into account historic properties during project planning, allow the ACHP a reasonable opportunity to comment, and to seek an appropriate balance between historic preservation interests and the need for the Federal undertaking (36 CFR § 800.1(a)). In this particular instance, the need for sufficient and reliable electricity to Peninsula residents, businesses, government agencies, and the Department of Defense, for public health and human safety, and national security is in the public's great interest.

d. The Process of Identifying Appropriate Mitigation that Also Creates Added Value

After the Corps' initial determination of adverse effects, which later was expanded based on comments from the SHPO, ACHP, the consulting parties, and the public, Dominion consulted first with the SHPO, and then the Corps, ACHP, and the consulting parties, on appropriate mitigation projects to address the identified adverse effects, and their scope. This was done by looking at projects and activities within the APE that could enhance the aspects of integrity found to be adversely affected, namely setting and feeling. Dominion considered projects or activities located outside of the APE that would have beneficial effects on the adversely affected aspects of integrity for the sites at issue. Dominion also recognized that there may be additional, not currently identified projects that could have beneficial effects.

Once the list of potential projects were developed, and due consideration was allowed for potential, future projects not currently identified, Dominion considered potential, conservative funding amounts to allow for the completion of such projects, while allowing for additional funds for projects and activities to add value beyond what is believed to be necessary to adequately mitigate the adverse effects. In so doing, Dominion did not assign a fixed amount to any one potential project. Instead, Dominion believed a more flexible approach was appropriate. Dominion determined a total funding amount for each category of project or activity set out in the current draft MOA (which were designated in the funds described above), and provided guidelines for the timing and use of money from those funds by qualified third-parties to effectuate the mitigation with oversight by the Corps, SHPO, ACHP, Dominion, and the consulting parties.

Working with the Corps and SHPO, Dominion has identified a suite of many different types and kinds of projects and activities that are designed to enhance qualitatively the integrity and values of the historic properties at issue, although each in different ways, to resolve the identified adverse effects, nearly all of which are visual effects. In so doing, the parties do not assign relative mitigatory values to individual activities and projects, because, consistent with accepted mitigation practices, those values ultimately are subjective, to experts as well as to visitors to historic properties; the parties find that the numerous types of mitigation that this MOA employs and contemplates (e.g., land acquisition, natural and cultural resource restoration or preservation, cultural interpretation, historical education, etc.) all create acceptable mitigatory value. As such, the parties also do not deem any one type or kind of mitigation, or any particular project or activity, as mandatory. Instead, to account for any subjective differences of opinion,

historical properties have been determined to be eligible for listing, it reflects the effects to setting and feeling of the individual historic properties and the cultural landscape that will result from the Project. The remaining question is whether the current characterization of adversity of effects and the amount of proposed mitigation is sufficient to allow a determination that the proposed mitigation is appropriately targeted and more than adequate to resolve the adverse effects, in full compliance with the requirements 36 C.F.R. § 800.6.

f. Additional Information on the Proposed Mitigation

In the selection of the alternative and proposed Stipulations in the MOA, the adverse effects will be avoided and minimized to the greatest extent possible. Thereafter, the MOA defines a series of mitigation initiatives that in addition to enhancing the affected values and integrity of the historic properties and the cultural landscape, will strengthen the general public and visitor's understanding of and experience at significant places within and related to this landscape through enhanced heritage tourism opportunities including development of additional interpretive and orientation facilities. Proposed mitigation also seeks to ensure future permanent preservation of existing above-ground cultural landscape features, such as natural resources and systems, vegetation, landform and topography, land uses, circulation, buildings and structures, Native American settlements, views, and small-scale features through land acquisition, and acquisition of historic preservation and open space easements.

Mitigation to support water quality improvement of the James River watershed is also provided and will have direct benefits to waters within the APE, which will further enhance visitor experience and enjoyment of the district's cultural and natural features. Lastly, mitigation for shoreline protection at Jamestown Island, the Colonial Parkway, and Carter's Grove is intended to help address expected effects from erosion and sea level rise at these iconic resources, that, along with the Captain John Smith Chesapeake National Historic Trail and Hog Island, are the key character-defining elements of the eligible historic district. Other more traditional mitigation is proposed to address direct effects to archaeological site 44JC0662, as well as avoidance of effects to identified underwater cultural anomalies and terrestrial archaeological sites.

The proposed mitigation components are both specific to identified adversely affected resources and broad-based to recognize the landscape attributes of the historic property and the entire historic district. Landscape enhancement, shoreline protection and water quality improvement mitigation measures collectively recognize the individual significance and integrity of the segment of the Captain John Smith Chesapeake National Historic Trail, as well as its connection to the individual sites of Jamestown, the Colonial Parkway, Hog Island, and Carter's Grove. The proposed mitigation will also ensure that the visitor experience and understanding of Virginia's prehistory and colonial experience is enhanced beyond today's story with additional viewshed preservation of the Captain John Smith Chesapeake National Historic Trail on the York River and the permanent protection of Werowocomoco, the seat of Virginia Indian society, culture, and governance during the time of the English settlement at Jamestown. Preservation of this Native American settlement provides a mirror image of

the Jamestown site in which a more fulsome understanding of the confluence of cultures is reflected. Other mitigation alternatives within the APE involve Chippokes Plantation State Park in Surry, Virginia directly across the James River from Jamestown. Chippokes Plantation is the oldest, continuously farmed site in the Nation established in 1619. The site possesses archeology associated with the first wave of settlement for agricultural and other pursuits outside of James Fort. Also, mitigation activities may include scholarly exhibits and facilities at the Jamestown-Yorktown Settlement on the landscapes and watershed before, during and after the convergence of the three cultures in the area and their role in understanding the newly defined Jamestown Island-Hog Island-Captain John Smith Trail Historic District. In the event some of the mitigation activities cannot proceed, the parties to the MOA will work collaboratively to identify projects at Ft. Monroe which is linked to Virginia's pre-colonial period, Captain John Smith's journeys of exploration of the Chesapeake Bay, and the first landing place of Africans brought forcibly to the colony. The adverse effects are unavoidable, but the proposed mitigation will result in future long-term positive and expanded benefits to the historic district and related properties and visitor experience that are both substantial and meaningful.

3. How the Draft MOA Mitigates the Adverse Effects to the Historic Properties

The following provides a discussion about how the projects and activities committed to in the MOA are designed to mitigate fully the identified adverse effects on the above listed historic properties, and provide additional value. The Stipulations are first explained, followed by an explanation of how the adverse effects to each historic property are mitigated.

a. Effects to Historic Properties

When Dominion developed and proposed the Project, it incorporated project designs to avoid and minimize the visibility of the transmission line infrastructure, while still meeting state and federal requirements. Avoidance and minimization occurred through selection of the alternative and the specific route of the river crossing, given all of the constraints imposed by conservation easements, land use regulations, and military and aviation restrictions. This minimization helps reduce the unavoidable visual effects discussed above. Through the MOA, under Stipulation II(c), Dominion has agreed to reexamine all viable and feasible tower coatings and finishing materials and methods to determine if they can further minimize the visibility of the transmission line infrastructure, and if they can be applied such that they adhere initially and over the longer term and are consistent with federal and state law. If Dominion can identify suitable coatings and methods (e.g., that will adhere to the galvanized steel after it weathers sufficiently to accept the coating and that further minimize the visibility of the towers used in the river crossing), it will apply them when conditions allow effective application.

b. Additional Mitigation by the Enhancement of Heritage Tourism

According to the NTHP, heritage tourism is "traveling to experience the places, artifacts and activities that authentically represent the stories and people of the past," which can

include cultural, historic and natural resources.⁶ Heritage tourism has a symbiotic relationship with historic preservation. As NTHP states, “[h]eritage tourism helps make historic preservation economically viable by using historic structures and landscapes to attract and serve travelers. . . . [S]tudies have consistently shown that heritage travelers stay longer and spend more money than other kinds of travelers.”⁷ “As an added bonus,” NTHP states, “a good heritage tourism program improves the quality of life for residents as well as serving visitors.”⁸ Information from NPS regarding the number of heritage tourists over the years to certain historic properties in the APE and in the Historic Triangle generally demonstrates that the number of heritage tourists visiting this area varies seasonally throughout the year. It also demonstrates that the overall annual levels of tourism do not appear to be impacted by the construction of industrial facilities (e.g., the Surry Power Plant, BASF facility) nearby or within view of the historic properties or other heritage tourist destinations, as well as with the advent of modern developments and recreation nearby (e.g., Busch Gardens). Similarly, the information shows that heritage tourism levels also do not appear to be impacted significantly by heavily advertised events showcasing one or more historic properties (e.g., the 400th Anniversary at Jamestown). Nevertheless, the parties agree that heritage tourism would benefit from further study and targeted enhancement.

Through the MOA, the parties have agreed to take advantage of the symbiotic link between heritage tourism and historic preservation to enhance the integrity (namely, the setting and feeling) of the historic properties, as well as the visitor experience to those properties. Specifically, under Stipulation V, within 90 days of the effective date of this MOA, Dominion, in consultation with the Corps, SHPO, ACHP, and other consulting parties as appropriate, will undertake a heritage tourism and visitor experience study regarding such tourism within the Indirect APE. The purpose of the study is to evaluate current heritage tourism and visitor experience within the Indirect APE to allow for the development of a marketing and visitation program (program) to promote and enhance heritage tourism sites and visitor experiences within the Indirect APE. The study will be done in collaboration with the heritage tourism site stakeholders (e.g., historic property site operators and tourist amenity (e.g., hotels, theme park) owners/operators). When completed, the study will recommend a program to the Corps, SHPO, ACHP, and other consulting parties as appropriate for review and comment. Following review and comment, Dominion shall address any comments received, and submit the final study and program to the Corps and SHPO for concurrence. Upon receiving concurrence, Dominion will make a onetime contribution to fund the implementation of the program.⁹

⁶ NTHP, Heritage Tourism, at <http://www.preservationnation.org/information-center/economics-of-revitalization/heritage-tourism/> (last visited Mar. 14, 2016).

⁷ *Id.*

⁸ *Id.*

⁹ The mitigation of adverse effects to historic properties through the enhancement of heritage tourism also would act as mitigation for potential adverse effects to heritage tourism itself as a result of the Project. Based on available information regarding heritage tourism in the Historical Triangle area, specifically including the historic properties at issue here, it does not appear that the Project will have an effect on heritage tourism, adverse or otherwise. Instead, it appears that seasonal weather patterns, large storms and park closures may impact heritage tourism temporarily, while the construction and placement of

The results of the study will also be used to inform development of the various visitor experience and interpretation enhancement projects identified in the draft MOA and these stipulations are cross-referenced in the draft MOA accordingly.

c. Stipulations that Compensate for Visual and Physical Effects to Historic Properties (aside from Archeological site)

Stipulation II(a) contemplates that, prior to construction within the James River, Dominion will develop interpretative signage to inform visitors about the historic significance of the Jamestown Island-Hog Island-Captain John Smith Trail Historic District, and the process and results of the cultural resource investigations conducted as a part of the Project development process. Twenty signs will be developed in consultation with the Corps, ACHP, SHPO, and the concurring parties to the MOA, and will be located on publically accessible lands, including recreation and heritage tourism destinations. In addition to the mitigation discussed below, this project will enhance and improve the setting and feeling of the CAJO Trail within the historic district, the district itself, and all of the historic properties located therein by establishing and providing for education and recreation missions that focus on supporting the reasons the district was determined to be eligible for the National Register (*i.e.*, for its significance regarding Exploration/Settlement, Ethnic Heritage, and Archeology).

Stipulation II(b) contemplates that, prior to construction within the James River, Dominion will complete the necessary photography to complete a Historic American Landscapes (HALS) photo-document the Jamestown Island-Hog Island-Captain John Smith Trail Historic District, and all of the other adversely affected historic properties identified in Attachment C to the MOA in a manner consistent with NPS Heritage Documentation Program Standards and Guidelines. Dominion will complete the HALS Survey, in consultation with the Corps, SHPO, and other concurring parties to the MOA, prior to completing construction and shall submit the final HALS document to the NPS heritage Documentation Program for acceptance. In addition to the mitigation discussed below, this project will provide a permanent visual record of the historic district and its setting as it existed prior to construction of the project. This documentation will be placed in the Library of Congress and available to the general public in perpetuity. The documentation may also be used to inform preservation and education missions that focus on supporting the reasons the district and the properties were determined to be eligible for the National Register.

Stipulations II(e)(1) through II(e)(4) of the draft MOA contemplate that Dominion will establish four legally separate mitigation compensation funds. The four funds are titled and/or focus on effects related to: 1) Jamestown National Historic Site/Jamestown Island/Jamestown Island Historic District; 2) Hog Island Wildlife Management Area; 3) Water Quality Improvements; and 4) Landscape and Battlefield Conservation. These provision of these funds will all be enforceable as a permit term- Dominion will provide

modern intrusions, including, for example, the Surry Nuclear Power Plant, had no impact on tourism. Indeed, during the time the Surry plant was constructed and thereafter, the evidence shows that tourism numbers increased.

a total of \$85,000,000 in mitigation funds, to be distributed to the four funds as set forth in Stipulation II(e)(5). Generally, Stipulation II(e)(5) allocates \$52,700,000 to projects and activities at and related to Carter's Grove, Colonial National Historic Park/Colonial Parkway Historic District, Jamestown National Historic Site, and Jamestown National Historic Site/Jamestown Island/Jamestown Island Historic District including the contributing section of the CAJO Trail (with no less than \$25,000,000 for the projects related to the York River and the York River State Park as the gateway to visitor understanding of Werowocomoco) and alternative projects at Ft. Monroe, Chippokes Plantation and the Jamestown Settlement by the Jamestown-Yorktown Foundation, \$4,205,000 for enhancement and improvement projects at and related to Hog Island, \$15,595,000 in water quality improvement projects, and \$12,500,000 for landscape and battlefield improvement projects associated with the Battle of Yorktown, Fort Crafford, and the Jamestown National Historic Site/Jamestown Island/Jamestown Island Historic District.

While Dominion ultimately will be responsible for funding these projects and ensuring implementation of agreed upon mitigation, each fund sets out specific projects and activities, along with certain guidelines and requirements, about the allocation of these funds for those projects and activities. Each fund will be operated and administered by a third party along with independent subject matter experts. To ensure the funds are used to mitigate effects as they occur within the Project's life, the funds must be obligated within 10 years of the effective date of the MOA.

The projects and activities contemplated by the funds have been designed to directly enhance and improve the various aspects of integrity of the historic properties that have been identified as adversely affected, as discussed above, as well as otherwise enhance all aspects of the historic property and increase its value. As discussed above, the visual effects on the historic properties affect their setting and feeling. Physical effects can also affect location. Setting "is the physical environment of a historic property that illustrates the character of the place"; feeling "is the quality that a historic property has in evoking the aesthetic or historic sense of a past period of time. Although it is itself intangible, feeling is dependent upon the significant physical characteristics that convey historic qualities;" and association "is the direct link between a property and the event or person for which the property is significant." CREA § 1.4 (quoting NPS guidance). As the projects below demonstrate, they work to enhance the physical environment and characteristics of the historic properties, as well as their ability to evoke the historic sense of the past through a number of diverse projects, all of which have been recognized as important ways to mitigate unavoidable effects. *See supra* discussion in Section 2, General Considerations.

In light of the foregoing, below is a property-by-property list of the historic properties, along with the characteristics for which they are eligible for listing on the NRHP, how they will be adversely affected by the Project, and an identification of the projects and activities that enhance and improve those properties' values or otherwise mitigate for the unavoidable adverse effects. In reviewing this information, it is important to remember that each property is a contributing element of the historic district, therefore,

in reviewing the effects and mitigation, each effect on a property applies to the district and all mitigation for the district applies to each property and vice-versa.

1. Carter's Grove

- Eligibility: Carter's Grove was listed on the National Register in 1969 and specified as a National Historic Landmark in 1970 for its significance under Criterion C (architecture). Its well-preserved architectural features are indicative of its period of significance dating from the eighteenth century through the early twentieth century. Further, significant archaeological resources are located within the grounds of the property; thus, the property is also eligible for listing under Criterion D for information potential.
- Effects: The Project has avoided any direct effect on Carter's Grove because there will be no ground disturbing or physical effects to the resource's assets or character defining elements, which include the mansion, grounds, archaeological sites, and associated resources. Indirect effects to the property were determined to be visual. At its closest point, the property is approximately 3,000 feet from the Project's switching station, but it is not visible at Carter's Grove. The property is also in close proximity to the Project's river crossing. The photographic simulations indicate that the Project is visible some 1.76 miles from the manor house and 1.49 miles from the shore of the James River at Carter's Grove, which would detract from the resource's characteristics of setting and feeling.
- Mitigation: Stip. II(e)(1)(A)(i)– landscape enhancement and shoreline protection activities will be the focus of mitigation to ensure the ongoing preservation strategies and efforts and to physically protect the setting and feeling of the National Historic Landmark.

2. Colonial National Historical Park/Colonial Parkway Historic District

- Eligibility: The Colonial National Historical Park is comprised of the Colonial Parkway Historic District, the Jamestown National Historic Site/Jamestown Historic District, and Yorktown and Yorktown Battlefield, each of which are discussed specifically below. The Colonial Parkway Historic District was listed on the National Register in 1966 under Criterion A and C. The Parkway is eligible under criterion A for its association with the early twentieth-century trends of recreation and conservation with respect to the NPS's conservation ethic as applied to historic resources and as an intact example of an early twentieth-century recreational parkway constructed partially in response to the popularity of recreational "motoring" during the period of construction. The Parkway is eligible under Criterion C for landscape architecture as an intact example of Parkway Design and

for its architectural features, which reflect the Colonial Revival style utilized during the renovation of Colonial Williamsburg. The parkway exhibits integrity of setting, location, feeling, association, design, materials, and workmanship.

- Effects: The Project has an adverse visual effect on certain portions of the Parkway in the APE adjacent to the James River which area not blocked by vegetation. The Project will detract from the resource's characteristics and integrity qualifying it for listing on the National Register.
- Mitigation: Stip. II(e)(1)(A)(ii). – Funds shall be allocated for landscape enhancement and shoreline improvement to preserve setting and feeling of the Colonial Parkway in a manner consistent with NPS's Cultural Landscape Inventory (2008), and to physically protect the integrity of the property.
- Mitigation: Stip. II(e)(C)(i). – Funds shall be allocated for heritage tourism enhancement projects for the Colonial National Historic Park that include additional visitor interpretation and visitor engagement opportunities. These projects will enhance and improve the historic properties' setting and feeling and promote their preservation, educational, and recreational missions and strategies.

3. Jamestown National Historic Site

- Eligibility: Jamestown Island was listed on the National Register in 1966 under Criterion A as the first permanent English settlement and its association with the colonization of Virginia, and under Criterion D for its archaeological potential. This site is part of the larger Colonial National Historical Park. Character defining characteristics of Jamestown Island Historic District include its numerous archaeological resources and its significance in history. The site retains integrity with respect to association, location, setting, feeling, workmanship, materials, and design.
- Effects: The Project would have an adverse effect on Jamestown National Historic Site due to the visual effects from the transmission lines. While the transmission lines will not be visible from the Jamestown National Historic Site itself, visitors to Black Point, located about a mile down a trail toward the James River, will be able to see the transmission lines about 3.52 miles in the distance. This detracts from the site's characteristics and integrity qualifying it for listing on the National Register.
- Mitigation: Stip. II(e)(A)(iii). – Funds shall be allocated to rehabilitate or replace the seawall at Historic Jamestowne to physically protect the

setting and feeling of the larger island property from erosion and sea level rise.

- Mitigation: Stip. II(e)(A)(iii). – Funds shall be allocated to build a series of breakwaters, sills, and revetments to provide greater physical protection to the larger island property than provided by revetments installed in 2004, which will protect its setting and feeling.
- Mitigation: Stip. II(e)(A)(iii). – Funds shall be allocated to restore Back Creek at Historic Jamestowne to enhance and improve an important historic feature to this property, protecting and improving its location, setting, feeling, and association.
- Mitigation: Stip. II(e)(A)(iv). – The preservation of Werowocomoco with associated supporting facilities at York River State Park will allow visitors there to see the landscape as it existed in pre-colonial days.
- Mitigation: Stip. II(e)(C)(ii). – Funds shall be allocated for heritage tourism enhancement projects at the NPS visitor center on Jamestown Island that include additional visitor interpretation and visitor engagement opportunities. These projects will enhance and improve the historic properties' setting and feeling and promote their preservation, educational, and recreational missions and strategies.

4. Hog Island WMA

- Eligibility: The Hog Island WMA has been determined as potentially eligible for listing in the National Register under Criterion A for Broad Patterns in History as one of the earliest settlements outside of Jamestown and under Criterion D for its archaeological potential to yield important information in prehistory and history. Hog Island WMA exhibits integrity of association, setting, feeling, and location. The extant resources are not individually eligible or outstanding and therefore the aspects of the integrity including workmanship, materials, and design are not applicable.
- Effect: The Project would have an adverse effect on the Hog Island WMA as the visual effects from the transmission lines would detract from the site's characteristics and integrity qualifying it for listing on the National Register. The line-of-sight modeling indicates that the Project's transmission lines would be visible from the site.
- Mitigation: Stip. II(e)(2)(A). – Funds shall be allocated for natural resource enhancement and cultural resource identification and interpretation for the Hog Island WMA, including for: the enhancement of 1,100 acres of palustrine emergent marsh; shoreline restoration; acquisition of 400 acres of upland/emergent marsh at adjacent to the

Chickahominy WMA, which is upriver of the Hog Island WMA, to improve water quality in the APE; creating a history and viewing interpretation facility on Hog Island that connects to the Jamestown National Historic Site/Jamestown Island/Jamestown Island Historic District including the contributing section of the CAJO Trail; and a comprehensive archeological identification survey of Hog Island. These projects will enhance and improve the physical location of Hog Island, as well as its setting and feeling as a historic property, as well as promote its preservation and education missions and strategies. It also will do the same for the historic district and the CAJO Trail.

5. Jamestown National Historic Site/Jamestown Island/Jamestown Island Historic District including the contributing section of the CAJO Trail

- Eligibility: Historic Jamestowne is the cultural heritage site that was the location of the 1607 James fort and the later 17th century city of Jamestown. The site was designated the Jamestown National Historic Site on December 18, 1940 and listed on the National Register in 1966 and the Virginia Landmarks Register in 1983. The island contains both above ground elements as well as archaeological sites related to the first permanent settlement in the New World. This resource is listed on the National Register for its significance as the first permanent English settlement in the New World, and also for its potential to yield significant information about the past related to both English and Native American settlement in the James River region. On August 14, 2015, the Keeper determined that the portion of the CAJO Trail located in the Indirect Area of Potential Effect is a contributing factor to the Eligible Historic District, which is eligible for listing in the National Register and coterminous with the limits of the Indirect Area of Potential Effect. The Eligible Historic District, which encompasses a portion of the CAJO Trail, is eligible for listing on the National Register under Criteria A, B, C, and D, in the areas of significance of Exploration/Settlement, Ethnic Heritage, and Archeology.
- Effect: The Project would have an adverse effect to the Jamestown National Historic Site/Jamestown Island/Jamestown Island Historic District, including the contributing section of the CAJO Trail, as the visual Effects from the Project's transmission lines would detract from the resource's integrity of feeling and would diminish the character defining elements qualifying the resource for listing on the National Register.
- Mitigation: Stip. II(e)(1)(A)(iv). – Funds shall be allocated to acquire land and create and develop visitor site interpretation and related facilities to create enhanced visitor experiences for the CAJO Trail. These projects will enhance and improve the setting and feeling of the

CAJO Trail within the historic district, as well as to further and continue its preservation, education, and recreation missions and strategies.

- Mitigation: Stip. II(e)(1)(A)(iv). – Funds shall be allocated for the archeological investigation and preservation of Werowocomoco, including natural and cultural values on the James River and on the north and south sides of the York River near Werowocomoco. Werowocomoco was the principle residence of Powhatan, who was the paramount chief of the Indian Tribes in Virginia's coastal region at the time the colonists arrived in 1607 along what is now the CAJO Trail. Because of the temporal, physical, social, political, and economic relationships, among others, between Captain John Smith and the colonists and the native tribes, this work will preserve and provide visitors with an undisturbed landscape and vista that evokes the setting and feeling of the rivers during the period of Captain John Smith's exploration. This will enhance and preserve the setting and feeling of the CAJO Trail, as well as further and continue its preservation, education, and recreation missions and strategies.
- Mitigation: Stip. II(e)(1)(B)(i). – Funds shall be allocated to support ongoing archeological investigations and identification around Memorial Church at Historic Jamestowne, which are focused on discovering the early churches that stood on the site of the 1617 church. This project will further and enhance ongoing preservation, investigation, and education missions and strategies at this property, as well as enhance and improve its setting, feeling, location, and workmanship.
- Mitigation: Stip. II(e)(1)(C)(ii) and II(f). – Funds shall be allocated for heritage tourism enhancement projects for the historic district and the CAJO Trail that include visitor interpretation and visitor engagement opportunities, including at the NPS's visitor center on Jamestown Island. These projects will enhance and improve the historic properties' setting and feeling and promote their preservation, education, and recreation missions and strategies.
- Mitigation: Stip. II(e)(3)(A). – Funds shall be allocated for riparian buffer creation and replacement, and erosion and sediment control projects in the James River watershed with priority given to projects located within the Indirect APE. These projects will protect and enhance the water quality of the James River, including within the historic district and CAJO Trail. The projects will further the preservation and recreation goals of the historic district and the CAJO Trail, as well as promote river health as a symbol of the center of the area's economy and security, as it was during the colonial periods, and thus, enhance and improve the location, association, setting, and feeling of the historic district and CAJO Trail (as well as Jamestown Island).

- Mitigation: Stip. II(e)(4)(A)(ii). – Funds shall be allocated for landscape preservation including through land and easement acquisition to preserve river and shoreline landscapes, as well as to promote water quality and river health for the James River. These projects will enhance these properties' preservation, education, and recreation missions and strategies, as well as strengthen their setting and feeling. They also will provide mitigation for any temporary effects to water quality from the construction of the towers in the river, as well as help compensate for any loss of values from the permanent effects to the river bottom.
- Mitigation: See also projects and activities for the Hog Island WMA and Underwater Archeological Sites.

6. Battle of Yorktown and Fort Crafford

- Eligibility: The Yorktown Battlefield comprises an area of approximately 63,960 acres. Although portions of this battlefield have been surveyed independently for a variety of undertakings, very little comprehensive survey has been conducted. The site is eligible for listing on the National Register under Criterion A for its association with the Civil War as well as Criterion D for potentially significant archaeological resources that have the potential to yield significant information about the Civil War. Fort Crafford served as a line of defense for the mouth of the Warwick River and served as the extreme right flank of the Warwick Line of ground defenses working in conjunction with Fort Huger on the opposite bank of the James River. The site is listed in the National Register, and includes the Crafford House, under Criterion A for association with the Civil War and its strategic importance and Criterion D for the potential to yield significant information.
- Effect: While archaeological sites within the Battle of Yorktown battlefield and Fort Crafford will be avoided, the indirect visual effects associated with the Project would have an adverse effect because they would detract from the resources' overall integrity and diminish the character defining element qualifying the resources for listing on the National Register.
- Mitigation: Stip. II(e)(4)(A)(i) – funds shall be allocated for land conservation and preservation and open space easement projects on lands associated with the Battle of Yorktown and Fort Crafford to include preservation of landscapes associated with these properties. These projects will enhance these properties' preservation, education, and recreation missions and strategies, as well as strengthen their setting and feeling.

d. **Stipulations that Mitigate for Effects to Archeological Site 44JC0662 and Avoid Potential Effects to the Potentially Eligible Underwater and Other Archeological Sites**

1. **Archeological Site 44JC0662**

- **Eligibility:** Archeological Site 44JC0662 is a single dwelling dating from the 18th to the 19th centuries that is associated with the Bailey family, a low- to middle-income, slave-holding family in James City County. This site previously was subject to Phase I and Phase II investigation and data recovery work. This project would stand as a Phase III data recovery work that would record and preserve historic and archeological information related to the site and times, consistent with archeological preservation strategies, prior to any direct effects to the site. The site is eligible for listing on the NRHP under Criterion D for its potential to provide information regarding 18th and 19th century domestic occupation associated with middling farmers in James City County.
- **Effect:** The site would be directly affected by construction activities and the Project would have an adverse effect on the site as it would detract from the resource's characteristics and integrity qualifying it for listing on the National Register.
- **Mitigation:** Stip. I(a) – Dominion is required to fund, develop, and implement a Treatment Plan in consultation with the Corps, SHPO, and other consulting parties, consistent with Interior Department, SHPO, and ACHP guidelines for archeological investigations and documentations and data recovery, that specifies, among other things:
 - the areas where data recovery plans will be carried out;
 - the portion(s) of the site(s) to be preserved in place, if any, as well as the measures to be taken to ensure continued preservation;
 - any property, properties, or portions of properties that will be destroyed or altered without data recovery;
 - the research questions to be addressed through data recovery, with an explanation of their relevance and importance;
 - the methods to be used in analysis, data management, and dissemination of data, including a schedule;
 - the proposed disposition of recovered materials and records; and
 - proposed methods of disseminating the results of the work to the interested public and/or organizations who have expressed an interest in the data recovery

2. Underwater and Other Potentially Eligible Archeological Sites

- Eligibility:** Seventy-six submerged anomalies were identified in the James River during remote sensing surveys of three transmission line alternatives in 2012 and 2013. These anomalies were judged to retain high potential for representing potentially significant submerged cultural resources and have been grouped into 23 buffer areas within the general vicinity of the project Area of Potential Effect. In addition to the 76 underwater anomalies, the Corps identified seventeen archeological sites that were either eligible for listing on the National Register, potentially eligible, or their status was undetermined and managed as unevaluated. For the 76 underwater anomalies and seventeen sites that were potentially eligible or undetermined, the parties agreed to take precautions to avoid effects thereto. Under this stipulation, Dominion agrees to develop and implement avoidance plans for historic resources that may be eligible for listing on the National Register. While it is not known whether the 76 underwater anomalies would be eligible for the National Register, they essentially have been treated as such out of an abundance of caution. Surveying and avoiding these underwater sites within 200 feet of a proposed tower or mooring location preserves and enhances the setting, feeling, and association of the Jamestown National Historic Site/Jamestown Island/Jamestown Island Historic District including the contributing section of the CAJO Trail. It also is consistent with those sites' preservation, education, and recreation missions and strategies.
- Effect:** Defined buffers around each of the groups of anomalies will provide distance for attenuation of vibration associated with pile driving and, therefore, the Project will have no adverse effect on the submerged anomalies.
- Mitigation:** Stip. I(b). – Prior to construction in the James River, Dominion shall fund and complete an underwater archeological survey sufficient to determine the nature and extent of any underwater anomalies within 200 feet of a proposed tower or mooring location. The results of this survey shall be used to develop an avoidance plan that includes the location of the 76 potentially cultural anomalies and National Register Eligible or listed archeological sites within the direct APE, the boundaries of the buffered anomalies, and detailed steps and construction protocols for ensuring the avoidance of buffered areas and the handling of unanticipated activities that might affect underwater anomalies. Avoiding potential historic properties and maintaining their integrity preserves and enhances the integrity of the historic properties at issue. Avoiding effects to the underwater anomalies preserves and enhances the setting and feeling of the Historic District and CAJO Trail.

e. Additional, Forward-Looking Stipulations Benefiting Historic Properties within the Direct and Indirect APE at the River Crossing

In Stipulation VI.a, Dominion agrees that from the date of construction until the towers are dismantled, it will coordinate all maintenance and repair operations that have the potential to result in ground or underwater disturbance with the SHPO and other relevant resource agencies to avoid and minimize any additional effects to historic properties. In Stipulation VI.b, Dominion agrees that from the date of construction until the towers are dismantled, it will not construct or place any new or additional transmission line infrastructure, or increase the height or scale of existing tower infrastructure. These covenants ensure that the nature and extent of the adverse effects of the Project on the historic properties will remain constant, and the determination that those effects are mitigated appropriately and effectively in the MOA remains correct.

In Stipulation VI.c., Dominion agrees that if, at the conclusion of the Project life span (believed to be 50 years), Dominion determines the river crossing is no longer needed, Dominion will remove the Project and return the area to pre-Project conditions. In Stipulation VI.d., Dominion agrees that if, at the conclusion of the Project life span, Dominion determines the Project remains necessary, it shall evaluate the viability and feasibility of a submerged river crossing, and if at that time such a crossing is accepted and available and approvals are received, Dominion will replace the overhead line with a submerged crossing. These covenants represent a commitment to continue to evaluate the need for the river crossing and to remove the effects to historic properties to the extent possible.

CONCLUSION

Dominion finds that the proposed stipulations set forth in the MOA will resolve those adverse effects consistent with 36 C.F.R. § 800.6.

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of June, 2016, copies of the foregoing were hand delivered, electronically mailed, and/or mailed first class postage prepaid to:

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