

## RECORD OF TELEPHONE CONVERSATION

### Conference Call Participants

Roger Kirchen and Marc Holma, Virginia Department of Historic Resources

Phone Number – (804) 482-6069

Ben Leatherland and Randy Lichtenberger, Hurt and Proffitt – (434) 522-7686

Call Originator – Wayne Dyok – (916) 719-7022

Date – December 16, 2015

**SUBJECT:** Proposed Scott's Mill Hydropower Project, Cultural Resources Work Scope

### Summary of Discussion

#### Update on Dam Repairs

Ben provided an overview of last week's meeting among the U.S. Army Corps of Engineers, the Virginia Marine Resources Commission and Luminaire Technology on permitting requirements for necessary dam repairs to Scott's Mill dam. Permits needed for the repairs will depend upon the repairs to be conducted. It is likely that a nationwide permit will be needed and that Luminaire Technology will need to submit a pre-construction application. The Virginia Department of Historic Resources (DHR) will have a future opportunity to review any filed permit applications. Ben added that as the Federal Energy Regulatory Commission (FERC) licensing process moves forward, DHR will have an opportunity to review that information as well. Responsibility for implementing the National Historic Preservation Act (NHPA) rests with FERC.

#### Discussion on Scott's Mill Licensing

Wayne provided a summary of the December 2<sup>nd</sup> Joint Meeting including a description of the project. DHR representatives said that they had numerous questions on the project. In particular Marc and Roger asked to see maps showing the alternative powerhouse layouts as the Pre-Application Document (PAD) was not clear on the specific location of the powerhouse. **Action Item.** Wayne and Ben agreed to provide a map of the alternative layouts of the powerhouse.

#### Cultural Resource Issues and Study Plan

Randy began a discussion of potential cultural resources issues by noting that an Area of Potential Effect (APE) has not been firmly established. He continued that there are two known cultural resources: Scott's Mill dam is Virginia Landmark Register (VLR)/ National Register of Historic Places (NRHP) eligible but not listed. There are multiple properties listed. The canal lock on river right is identified as an archeological resource.

Randy stated that Figure 9 in the PAD shows the preliminary APE, but Ben added that that was just for the repair work. Roger said that typically the FERC project boundary serves as the APE for FERC projects, but other facilities outside the boundary may be included. For Scott's Mill, Roger thought that for the new powerhouse there may be a

need to include other areas downstream. Randy further stated that the Daniel's Hill Historic District is in the viewshed, but Marc thought that unlikely.

Wayne noted that the powerhouse would likely be about the same height as the dam so water could flow over it during flood conditions. Randy commented that the old Scott's Mill on river left is being considered as an alternate location for a powerhouse. If the powerhouse is not on that side then there is likely to be some type of recreation bypass facility (e.g. portage or sluiceway) and/or a possible cut for fish passage. Roger stated that the Scott's Mill ruins have not been recorded. **Action Item.** Ben agreed to provide DHR with an historic photo of the ruins showing what is currently at the site. Roger asked that the ruins be included in the cultural resources study.

Randy continued that the Liberty University (LU or applicant) plans to solicit feedback from the consulting parties on the study plan in early 2016. The applicant proposes to develop an inventory of cultural resources in 2016. In response to a question from Marc on who the consulting parties are, Wayne responded that the applicant has an initial list of contacts including a number of Indian tribes, but it is preferable if the applicant could work with DHR to ensure that the list was comprehensive. A list of parties consulted to date is included in the PAD. It was agreed that the Virginia Canals and Navigations Society (VC&NS) should be a consulting party.

**Action Item.** Wayne agreed to prepare a Record of Conversation for the conference call.

Randy said that an intensive survey of the dam would be needed as part of the cultural resources study. Roger responded that it may be useful to have a full inventory. The dam is listed as part of the NPD and several aspects may be impacted by the proposed project. Marc concurred that because the dam contributes to a larger resource it would be a good idea to do the inventory.

Roger said that if the pool is raised, potential impacts to cultural resources that could be flooded and subject to erosion would need to be considered. Wayne responded that the applicant plans to provide a Digital Elevation Terrain (DEM) model of the upstream area, but that the applicant does not plan to raise the flood pool. Randy added that the shoreline of the upstream islands was relatively steep (e.g., Daniel's Island) so he did not anticipate that shoreline erosion would be a problem.

Roger said he would take a look at the upstream water level changes and then make a determination as to whether a survey would be needed. Wayne noted that the island immediately downstream of the project was flooded during the Joint Meeting site visit on December 2<sup>nd</sup> when flows were about 10,000 cfs.

Randy stated that the transmission line would be a buried 500 foot-long line across the Griffin Pipe yard and this would require a cultural resources survey. Wayne suggested that because this area has been highly disturbed, it should only need a Phase 1 survey.

Roger said that he has already been receiving calls about the project. He recommended that all cultural resources elements be discussed in LU's license application even if they are later dismissed as not being affected.

Randy asked if Roger could pass on the names and numbers of the consulting parties who have expressed an interest in the project. Roger responded that DHR has not coalesced the list yet. The parties agreed that they would share contacts as appropriate among LU, FERC, and DHR.

Wayne proposed that similar to the FERC licensing process for the upstream Cushaw project, the cultural resources effort should include the cultural resources study which would feed into a Programmatic Agreement (PA) and a Historic Properties Management Plan (HPMP). Roger responded that that was DHR's expectation as well.

**Action Item.** Randy proposed to conduct a reconnaissance level survey and then develop a draft study plan for DHR review in January. Randy agreed to include photographs in the study plan. The study plan will be circulated to consulting parties. Roger noted that underwater archeological resources should be considered in the study plan.

Roger asked that LU consult directly with DHR on cultural resources issues. Wayne responded affirmatively, adding that as FERC's designated Federal representative that was appropriate. Randy will be LU's principal contact with DHR. LU will also add DHR to the project e-list so Roger and Marc will receive addition correspondence associated with the project to keep them informed of other developments as well.