

*Agency Official 106 Effect Report*

*Replace Dominion Energy Overhead Transmission Towers on the Fredericksburg Battlefield*

**U.S. Department of the Interior  
National Park Service  
Fredericksburg & Spotsylvania County Battlefields Memorial National Military Park  
120 Chatham Lane  
Fredericksburg, Virginia 22405**

## Purpose

Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park was authorized by an act of Congress on February 14, 1927 (44 Stat. 1091). The purpose of the park, as stated in the act, is “to commemorate the Civil War battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church...and to mark and preserve for historical purposes the breastworks, earthworks, gun emplacements, walls, or other defenses or shelters used by the armies on the said battles...and together also with additional land as the Secretary of War may deem necessary for monuments, markers, tablets, roads, highways, paths, approaches, and to carry out the general purposes of this Act.” By Executive Order 6166 in 1933 the park was transferred to the Department of the Interior to be administered by the National Park Service.

Title 16 of the United States Code outlines the role of conservation in the United States Code. Chapter 1 pertains to the National Parks, Military Parks, Monuments, and Seashores, while Subchapter I deals with the National Park Service. Section 5 of that subchapter reads:

*16 USC §5. Rights-of-way through parks or reservations for power and communications facilities*

*The head of the department having jurisdiction over the lands be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights-of-way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to the extent of two hundred feet on each side of the center line of such lines and poles and not to exceed four hundred feet by four hundred feet for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right-of-way herein granted for any one or more of the purposes herein named: Provided, That such right-of-way shall be allowed within or through any national park or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: Provided further, That all or any part of such right-of-way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.*

In 1957, Dominion Energy, or its predecessor, constructed a transmission line that extends 34 miles from Hanover County, Virginia to Fredericksburg, Virginia. When the National Park Service acquired certain lands on the Fredericksburg Battlefield, the right-of-way for this line conveyed with the property. The National Park Service has since renewed the right-of-way, which exists today.

## **Need**

The aging infrastructure associated with the current 34-mile right-of-way corridor is in need of replacement. Additionally, Dominion plans to prepare for increased capacity to serve the high growth areas in the counties of Hanover, Caroline and Spotsylvania, as well as the City of Fredericksburg. The aging infrastructure must be rebuilt to ensure its continued safe and reliable operation.

## **Description**

The park proposes to allow Dominion Energy to replace the aging transmission towers along the approximately 3/4-mile right-of-way corridor that extends through NPS lands on the Fredericksburg Battlefield. There are eight towers within the right-of-way that are proposed to be replaced. Each existing tower is constructed of wood poles and are known as “H-frame” structures. The towers average 72 feet in height. The proposal is to replace each tower with a new structure comprised of steel poles, also in the form of “H-frame” design, but at an average height of 78 feet. The increased height and use of steel instead of wood will allow for increased carrying capacity and strength. Installation of the towers will involve excavation to pour concrete footers for the poles. The older wood towers will be removed.

## **Property Description**

### **A. Major Physical Components**

1. Fredericksburg Battlefield – The right-of-way is located along the western boundary of NPS lands on the Fredericksburg Battlefield. To the west of the right-of-way are residential neighborhoods in both Spotsylvania County and the City of Fredericksburg. To the east of the right-of-way, the park land is wooded and provides a buffer to Lee Drive, the primary park tour road through Fredericksburg Battlefield. The right-of-way is maintained by Dominion Virginia and is cut, mowed and devoid of trees.

### **B. Historical Significance**

1. Fredericksburg Battlefield – The area was directly behind the Confederate front lines during the December 1862 Battle of Fredericksburg. The area of the right-of-way saw no combat activity.

### **C. Archaeological Resources**

1. Fredericksburg Battlefield – In 2015, Dutton + Associates, LLC conducted a Phase I survey of the project area. Shovel tests and metal detector sweeps were excavated at the location of each tower. No features or significant archaeological resources were located. No additional work was deemed necessary. The result of the testing is

embodied in the report *Phase I Cultural Resources Survey of the Line 47 Transmission Line Rebuild Located Within the Boundaries of the Fredericksburg and Spotsylvania National Military Park* (2016), VDHR #2017-3176.

#### D. Historic Landscape Resources

1. Fredericksburg Battlefield – The right-of-way is on the Fredericksburg Battlefield. It is part of the battlefield landscape, but has not been assessed. The park tour road, Lee Drive, runs to the east of the right-of-way. All tour stops and visitor viewsheds are oriented to the east, away from the right-of-way. A raise in height of six feet for the new towers will not make the towers any more visible than they are now, which is not at all, from the park road and tour stops.

### **Description of Alternatives**

#### Alternative A – No Action

Under this action, no replacement of the towers will occur. This will lead to further degradation of the infrastructure and ultimately lead to safety concerns and reduced power services.

#### Alternative B – Replace Towers In-Kind

Under this action, the existing eight towers will be replaced with identical, in design and height, structures. This will improve the stability and condition of the towers, but will not provide for increased capacity.

#### Alternative C – Replace Towers with New Steel Higher Carrying-Capacity Towers (Preferred Alternative)

Under this action, the eight wood pole “H-frame” towers will be replaced with new structures comprised of steel poles, also in the form of “H-frame” design, but at an average height of 78 feet. The increased height and use of steel instead of wood will allow for increased carrying capacity and strength. Installation of the towers will involve excavation to pour concrete footers. The older wood towers will be removed.

### **Park Consultation**

The proposal is being circulated among the park’s Section-106 advisors for archaeology and historic landscape architecture.

This proposal is going through a 30-day public comment and review period. During this time, the project is posted on the National Park Service Planning, Environmental, and Public Comment System (PEPC) website. The park has contacted, and solicited comments from, representatives of interested organizations such as the University of Mary Washington’s Department of Historic Preservation, the Friends of the Fredericksburg Area Battlefields, the Central Virginia

Battlefields Trust, the City of Fredericksburg, Spotsylvania County, and the Pamunkey Indian Tribe.

The proposal will be sent to the State Historic Preservation Office (Virginia Department of Historic Resources) for a 30-day review.

The proposal is going through a review under the National Environmental Policy Act (NEPA).

### **Mitigation Measures**

The new tower structures will have a muted color, either brown or black.

### **Effect Analysis**

The park's opinion is that Alternative C will have "no adverse effect" on historic landscapes or archaeological resources associated with the Fredericksburg Battlefield and the Fredericksburg and Spotsylvania National Military Park.

### **Report Prepared By**

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