**DEPARTMENT OF THE ARMY**
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69-A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403-5107

REPLY TO
ATTENTION OF

January 21, 2011

Regulatory Division

Mr. Ronald B. Clary
Vice President
SCE&G New Nuclear Deployment
Post Office Box 88
MC P-40
Jenkinsville, South Carolina 29065

Dear Mr. Clary:

Attached please find an executed copy of the *Cultural Resources Management Plan and Agreement among The South Carolina Department Of Archives And History, State Historic Preservation Office; The U.S. Army Corps Of Engineers; and South Carolina Electric & Gas Company (SCE&G) regarding The V.C. Summer Nuclear Station Units 2 And 3 Site and associated New 230 KV SCE&G Transmission Lines.* This *Plan* and *Agreement* will serve as a guide for managing and protecting previously identified, and as yet unidentified, cultural resources associated with the Killian, Lake Murray, and St. George transmission line routes that are proposed to serve two new nuclear units at the V.C. Summer Nuclear Station. The *Plan* and *Agreement* is executed as part of the coordination between the U.S. Army Corps of Engineers and the State Historic Preservation Officer (SHPO) pursuant to Section 106 of the National Historic Preservation Act of 1966.

Please note that the proposed construction of elements of the V.C. Summer Nuclear Station and all associated transmission lines are subject to the issuance of a Department of the Army permit. Therefore, this *Plan* and *Agreement* does not constitute permission to construct the project, but will be referenced in any future permit documents. Note also that additional conditions may be included in a subsequent permit depending on additional information and based on further coordination with the SHPO during the Department of the Army permit review process.

If you have any questions concerning this matter, please contact Richard Darden at 843-329-8043 or toll free at 1-866-329-8187.

Sincerely,

Jason A. Kirk, P.E.
Lieutenant Colonel, U.S. Army
District Commander

Tina B. Hadden
Chief, Regulatory Division

Enclosure

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OCT 28 2010

SCE&G
A SCANA COMPANY

# SOUTH CAROLINA ELECTRIC & GAS COMPANY

*Columbia, South Carolina*

***CULTURAL RESOURCES MANAGEMENT PLAN and AGREEMENT***

***among***

***THE SOUTH CAROLINA DEPARTMENT OF ARCHIVES AND HISTORY, STATE HISTORIC PRESERVATION OFFICE; THE U.S. ARMY CORPS OF ENGINEERS;***

***and***

***SOUTH CAROLINA ELECTRIC & GAS COMPANY (SCE&G)***

***regarding***

***THE V.C. SUMMER NUCLEAR STATION UNITS 2 AND 3 SITE***

***and associated***

***NEW 230 KV SCE&G TRANSMISSION LINES***

*October 2010*

*Revision 0*

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**CULTURAL RESOURCES MANAGEMENT PLAN and AGREEMENT**
**among**
**THE SOUTH CAROLINA DEPARTMENT OF ARCHIVES AND HISTORY,**
**STATE HISTORIC PRESERVATION OFFICE; THE U.S. ARMY CORPS OF ENGINEERS;**
**and**
**SOUTH CAROLINA ELECTRIC & GAS COMPANY (SCE&G)**
**regarding**
**THE V.C. SUMMER NUCLEAR STATION, UNITS 2 AND 3 SITE**
**and associated**
**NEW 230 KV SCE&G TRANSMISSION LINES**

## I. INTRODUCTION AND BACKGROUND INFORMATION

To maintain an adequate supply of reliable, electrical energy to serve the projected future demand throughout central and southern South Carolina, South Carolina Electric & Gas Company ("SCE&G") and the South Carolina Public Service Authority ("Santee Cooper") submitted an application on March 31, 2008 to the United States Nuclear Regulatory Commission ("NRC") for a combined Construction and Operating License ("COL") for two nuclear generating units, each having a net electrical output of 1117 megawatts. The two new nuclear generating units will be constructed at the V.C. Summer Nuclear Station ("VCSNS") site in Jenkinsville, SC and will be called VCSNS Units 2 and 3.

The NRC has prepared and published Environmental Standard Review Plans ("ESRPs") for the guidance of the NRC staff responsible for environmental reviews for nuclear power plants. These documents are made available to the public as part of the Commission's policy to inform the nuclear industry and the general public of regulatory procedures and policies. ESRPs are not substitutes for regulatory guides or the NRC's regulations, and compliance with them is not required. The ESRPs are keyed to preparation of Environmental Reports for Nuclear Power Stations. NUREG-1555 is the Environmental Standard Review Plan for New Site / Plant Applications and requires the identification of any "....historic properties within 16 km (10-mi.) of the plant site and within 2 km (1.2-mi.) of proposed transmission line routes, access corridors, and offsite areas that are in or have been determined eligible for inclusion in the National Register of Historic Places ("NRHP") or are included in State or local registers or

inventories of historic and cultural resources.....". Moreover, NUREG-1555 provides guidance on specific studies, information and types of data that must be conducted and considered in order to determine the types and magnitude of potential impacts to cultural resources that may result from proposed actions.

Planned construction of the two new nuclear generating units at the existing V.C. Summer Nuclear Station will result in the placement of fill in waters of the United States. Additionally, new transmission lines that must be constructed in conjunction with the new nuclear generating units will cross federal and state navigable waters and will result in the conversion of forested wetlands to permanent herbaceous wetlands. Thus, the planned action will require federal permitting pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 and is, therefore, considered to be a federal undertaking.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, the effects of any federal undertaking on historical resources must be considered prior to the beginning of any construction. As part of their responsibilities related to the federal permits under their jurisdiction (Section 404 and Section 10 Permits), the U.S. Army Corps of Engineers ("USACE") has entered into consultation with the South Carolina State Historic Preservation Officer ("SHPO") to discuss the management of cultural resources as it relates to this project and compliance with Section 106 of the National Historic Preservation Act. This document provides a Management Plan that is intended to present the steps that SCE&G will implement and follow to protect cultural resources when constructing and operating the V. C. Summer Nuclear Station (VCSNS) Units 2 and 3 and associated transmission lines.

The USACE is a "cooperating agency" within the context of the National Environmental Policy Act where the NRC is serving as the lead agency preparing an EIS for the federal action related to issuance of a COL. The USACE must satisfy NEPA requirements and its internal regulations regarding consultation obligations associated with its Section 404 and Section 10 Permit decisions, which includes consultation with the SHPO regarding Section 106 compliance and is, therefore, a signatory to this Cultural Resources Management Plan and Agreement.

## II. MANAGEMENT PLAN AND AGREEMENT SCOPE

The Scope of this Management Plan and Agreement applies to the VCSNS Units 2 and 3 site (the tract of land on which the VCSNS Units 2 and 3 will be constructed) and the four (4) specific SCE&G 230 kV transmission lines discussed herein. It addresses how SCE&G will identify, assess, and protect cultural resources that could potentially be impacted by the construction, operation and maintenance of the VCSNS Units 2 and 3 and associated transmission lines.

### Part A: V. C. Summer Nuclear Station Site

SCE&G and the South Carolina Public Service Authority ("Santee Cooper") submitted an application on March 31, 2008 to the NRC for a combined construction and operating license ("COL") for two nuclear generating units, each having a net electrical output of 1117 megawatts. The COL, once approved, would authorize SCE&G and Santee Cooper to build and operate up to two additional nuclear generating units at the utilities' existing V.C. Summer Nuclear Station (Unit 1) site in Jenkinsville, SC, provided, however, that all other applicable licensing, certifications, and permits are properly issued prior to the beginning of activities for which they are required. The planned VCSNS Units 2 and 3 will be located approximately one mile south-southwest of the existing VCSNS Unit 1 (Figure 1).

### Part B: Transmission Lines

Santee Cooper and SCE&G each must build new 230 kV transmission lines to connect the electrical switchyards at the V.C. Summer Nuclear Station (Units 1, 2 and 3) to their respective transmission networks. Santee Cooper must build two (2) new 230 kV transmission lines and SCE&G must build four (4). This Management Plan and Agreement only addresses the four (4) new SCE&G transmission lines; Santee Cooper's lines will be addressed under a separate agreement. The following is a description of SCE&G's lines:

### VCSNS–Killian 230 kV Line

This SCE&G single-circuit line will be routed between the existing VCSNS Unit 1 Switchyard and SCE&G's existing Killian Substation. Based on a comprehensive siting study conducted by SCE&G, the line route will utilize both existing and new rights–of-way, and the length will be approximately 37-miles long. This line will be referred to as the VCSNS-Killian Line throughout this document.

**VCSNS–Lake Murray #2 230 kV Line**

This SCE&G line will be routed between the VCSNS Units 2 and 3 Switchyard and SCE&G's existing Lake Murray Transmission Substation. This new line will be constructed entirely within existing SCE&G rights-of-way and the length will be approximately 22-miles long. This line will be referred to as the VCSNS-Lake Murray #2 Line throughout this document.

**VCSNS–St. George #1 and #2 230 kV Lines**

The VCSNS-St. George #1 and #2 230 kV lines will be routed between the VCSNS Units 2 and 3 Switchyard to a new 230/115kV transmission substation that will be built on property owned by SCE&G near St. George, SC. The two new lines will be constructed within existing SCE&G rights-of-way and will be approximately 94-miles long. Construction within the existing rights-of-way will be a combination of removing and rebuilding existing single pole, single circuit structures and replacing with single pole, double circuit structures or building a new single pole, double circuit within the existing right-of-way. These two new lines will be referred in this document as the VCSNS-St. George lines.

## III. STIPULATIONS

Part A: V. C. Summer Nuclear Station Site

As part of the evaluations conducted for the COL, Section 404 and Section 10 Permits, SCE&G has performed cultural resource surveys of all land potentially impacted by construction activities at the VCSNS Units 2 and 3 site (Section IX). Survey reports have been submitted to the NRC and the SHPO. There are no known sites eligible for listing on the National Register of Historic Places or potentially eligible for listing in the areas where land disturbance is planned; there are eligible or potentially eligible sites located outside planned ground disturbance areas. Eligible or potentially eligible sites have been located on site plan drawings as "environmentally sensitive areas" and have been marked in the field with signage. To further protect these sites, awareness training on "environmentally sensitive areas" has been added to the construction site orientation training, which is mandatory for all personnel working on the construction project. Since all areas of potential ground disturbance within the construction site have been surveyed, the discovery of cultural resources during construction is not anticipated; however, if unanticipated cultural resources are discovered during construction activities, construction activities in that area will be halted and not resumed without consultation with the SHPO. If

human remains are discovered, construction will not be resumed until the SHPO and appropriate law enforcement agencies have been notified and proper consultation has occurred. After construction of Units 2 and 3 is completed, cultural resource protection programs for the construction site will be combined with existing VCSNS Unit 1 procedures.

Part B: Transmission Lines (Existing and New Rights-of-Way)

GENERAL

All new SCE&G 230 kV lines, except in cases where existing ones are being replaced by new ones that are determined to be a "like facility" by the S.C. Public Service Commission, must be sited pursuant to the S.C. Utility Facility Siting and Protection Act ("Act"), Code of Laws Title 58 (Section 58-33-10 et Seq), SC Code, Ann. (1976, as Amended) regarding licensing a "major utility facility". Before commencing construction of a major utility facility, which includes 230 kV lines by definition, SCE&G must file for and receive a Certificate of Environmental Compatibility and Public Convenience and Necessity from the South Carolina Public Service Commission pursuant to the Act. SCE&G's policy and standard practice is to execute its comprehensive, three-phase transmission line siting process when siting new or portions of new 230 kV lines that require the acquisition of right-of-way easements within new corridors. The siting process includes consideration of an array of environmental, land use, cultural resource, and aesthetic factors when developing alternate routes, evaluating them, and selecting final routes. All documented cultural resources within siting study areas are mapped, weighted to reflect sensitivity to transmission line construction, and applied in the siting study. Moreover, it is SCE&G's practice to conduct "windshield surveys" throughout siting study areas when executing its transmission line siting process for the purpose of identifying above ground resources that may not be documented but are, nevertheless, judged by expert investigators to be eligible or potentially eligible for the NRHP. Once final routes have been selected and their precise locations have been surveyed, SCE&G contracts with qualified cultural resource consulting firms to conduct detailed surveys within the rights-of-way, including any portions of existing SCE&G transmission line rights-of-way that will be utilized by the proposed line or lines. The completed cultural resources investigations are used by SCE&G as guidance in avoidance and mitigation planning, therefore, application of SCE&G's transmission line siting process ensures that SCE&G will meet or exceed the requirements of the Act when siting new corridors for 230 kV line routes.

## LIMITING FACTORS

SCE&G does not acquire title to the property occupied by its transmission lines. Rather, right-of-way easements are acquired for a specified area on individual properties that give SCE&G the rights necessary to construct, operate and maintain its transmission lines in perpetuity.

The terms and conditions of the rights-of-way (or easement) agreements provide owners of the property crossed by SCE&G transmission line rights-of-way a broad range of uses within these rights-of-way, such as farming and limited land grading. These and other uses may destroy or adversely affect sensitive cultural resource sites on transmission line rights-of-way that SCE&G commits to protect within the scope of its operations pursuant to this Cultural Resources Management Plan and Agreement. Although SCE&G cannot impose limitations on property owners from whom right-of-way is acquired that would ensure protection of cultural resources, SCE&G will practice prudent avoidance and take all reasonable measures to avoid any effects to cultural resources within its rights-of-way over private properties.

## INADVERTENT DISCOVERIES

If unanticipated cultural materials are discovered during archaeological investigations within new or existing SCE&G rights-of-way for the four (4) SCE&G transmission lines, SCE&G or SCE&G's cultural resource investigator will notify the SHPO and the USACE and immediately consult with them to determine whether additional investigations or excavations are needed.

If unanticipated cultural materials are discovered during construction within the rights-of-way for the four (4) SCE&G transmission lines, SCE&G will suspend operations that could adversely affect the materials, notify the SHPO and the USACE, and consult with their cultural resource investigator regarding actions to be taken to assess the materials and any needed investigations and / or excavations.

If human remains are found or suspected during archaeological investigations or construction, SCE&G will immediately suspend activities, protect the area and contact the appropriate law enforcement agencies, the SHPO and the USACE. Subsequent consultation with the law enforcement agency and the SHPO will determine appropriate actions to be taken regarding the discovery.

## IV. MANAGEMENT PLAN EXECUTION

Collection and evaluation of cultural resource data associated with the SCE&G transmission lines will be conducted according to the methodology described in this section (Section IV). The onsite cultural resource investigations associated with the VCSNS Units 2 and 3 site have previously been completed as discussed in Section III, Part A and in the Environmental Report submitted with the COL application.

1) Acquisition and application of baseline data regarding documented cultural resources associated with the SCE&G transmission lines (Section II, Part B).
   a) Upon request, the SHPO will provide SCE&G its current GIS database consisting of all known historical and archaeological resources in the counties within which SCE&G's individual siting study areas and / or existing rights-of-way reside.
      i) SCE&G will apply the SHPO GIS data in its siting studies in a rational, systematic manner that is designed to apply prudent avoidance practices for the purpose of minimizing likely adverse effects to architectural and archaeological resources that would result from the construction of the new transmission lines.
      ii) While siting new corridor portions for the new 230 kV transmission lines associated with VCSNS Units 2 and 3, SCE&G will collaborate with the SHPO regarding the possible collection of cultural resource data and information from Tribal Historic Preservation Officers ("THPO").
         (1) Any information received from THPOs will be appropriately considered and applied in the siting studies that will determine any new corridor portions of the final routes for the transmission lines associated with VCSNS Units 2 and 3.
   b) Execution of a "windshield survey".
      i) Upon SCE&G's completion of its comprehensive three-phase transmission line siting study for any new corridor portions and the selection of final routes, to include any existing SCE&G rights-of-way to be utilized for the four (4) new transmission lines, SCE&G will contract with a professional meeting the Secretary of the Interior's *Professional Qualifications Standards* in history or architectural history to conduct a "windshield" reconnaissance level architectural survey within the Area of Potential Effect (APE) relative to each of the three (3) line routes for the four (4) SCE&G transmission lines.
      ii) The key objectives of the windshield reconnaissance surveys will include the following:

(1) Visually assess all previously recorded architectural resources that are visible from public roads (if any);

(2) Identify any previously recorded architectural resources that no longer exist when such confirmation can be made by visual inspection from public roads or analysis of currently available aerial photography;

(3) Locate architectural resources or other above ground features not previously recorded that visually appear eligible, based on age and condition, to meet requirements for inclusion on the NRHP; and,

(4) Determine what effects, if any, construction and operation of the future lines may have on historic resources.

iii) The windshield survey will include an inventory of architectural resources within the area of potential effect ("APE"). The APE will extend 2-kilometers from the three (3) centerlines of the selected final routes for the four (4) planned transmission lines. The windshield reconnaissance survey will comply with the requirements set out in the South Carolina Survey Manual, including the completion of survey cards for all buildings that are fifty (50) years of age or older.

(1) As outlined in National Register Bulletin #24, windshield reconnaissance level surveys are useful in ascertaining "a general picture of the distribution of different types and styles [of architectural resources], and of the character of different neighborhoods" (Parker 1985:35-36). Windshield surveys are also useful for making preliminary assessments of eligibility based on the architectural integrity of properties, but not in ascertaining the historical associations a property might possess.

c) Comprehensive archaeological investigations along selected routes.

i) Following the selection and actual surveying of the selected final routes for the four (4) future transmission lines, including any existing SCE&G rights-of-way to be utilized, SCE&G will contract with a professional meeting the Secretary of the Interior's *Professional Qualifications Standards* in archaeology to conduct comprehensive cultural resource investigations within these rights-of-way.

(1) If existing, cleared SCE&G rights-of-way are utilized, the area investigated will include the area where ground disturbance will occur or within specific areas to be disturbed as determined in consultation between SCE&G, the SHPO, and the USACE, whichever is less. It is anticipated that the extent of ground disturbance within existing, cleared rights-of-way will occur only at planned new structure

locations and along new access roads requiring grading. It should be noted that SCE&G does not anticipate that it will be necessary to construct new access roads that will require grading.

(2) If the rights-of-way are new ones requiring new right-of-way easement agreements or existing unoccupied SCE&G rights-of-way that have not been cleared or investigated for cultural resources, the investigation will include the entire area within the new rights-of-way.

ii) The key objectives of the cultural resource investigations will be:

(1) To determine the location of any documented or undocumented cultural resources in the existing or new rights-of-way upon which the four transmission lines will be built.

(2) To determine what effects, if any, construction and operation of the future lines may have on archaeological and / or historic resources.

(3) To provide the information that can be used in the development of avoidance plans and / or mitigation measures.

iii) The execution methodology for the comprehensive archaeological investigations will include the following:

(1) Preparation of a study plan for submittal to and approval by the SHPO;

(2) Acquisition of the current SHPO GIS database consisting of all known historical and archaeological resources in the counties within which the four (4) new SCE&G transmission lines will be located.

(a) As necessary, the background research will include a review of the South Carolina archaeological site files in Columbia to determine the location and nature of any documented cultural resources in the vicinity of the selected transmission line routes.

(b) The background research will include a review of any reasonably available historical maps and documents for the regions through which the four (4) future transmission lines will run.

iv) The field investigations will involve systematic pedestrian inspections within the rights-of-way for the four (4) future transmission lines in the locations described herein above for existing and new rights-of-way using methods contained in the study plan and approved by the SHPO and USACE prior to the commencement of work.

(1) The investigations will include a combination of surface and subsurface observations to identify archaeological sites. All areas of exposed ground will be examined for artifacts and other evidence of past human activities. Subsurface observations will be made using shovel test (30 cm in diameter) excavations spaced at 30 meter intervals unless observed conditions dictate more intensive testing.

v) The archaeological surveys will include laboratory analysis of any artifacts found. The analysis will include the cleaning and identification of all recovered artifacts to determine the age and possible function of any archaeological sites identified.

(1) These data are necessary to provide adequate information regarding NRHP eligibility recommendations.

(2) SCE&G and / or its cultural resource investigator will consult with the South Carolina Institute of Archaeology and Anthropology and the SHPO regarding permanent curation of any recovered artifacts. The items prepared and presented for curation will include, but may not be limited to, material remains recovered (primarily artifacts, but includes anything recovered as a result of archaeological investigation), associated records produced (field notes and forms, analytical forms and cataloging systems, photographic records, documents, digital and electronic data, metadata, etc.), and publications resulting from those investigations.

vi) Documentation of cultural resource investigations.

(1) A "draft" report documenting the cultural resource investigations for each of the four (4) SCE&G transmission lines (windshield reconnaissance surveys and archaeological surveys) will be prepared that details the survey methodology and findings (a single report will be prepared for the VCSNS-St. George #1 and #2 Lines). Each report will include a brief overview of the natural and archaeological setting of the project area as well as a summary of any previous investigations in the region. Site descriptions will include individual maps.

(a) If any of the 230 kV line routes included in this Cultural Resources Management Plan and Agreement are sited in phases, reports may be prepared for each phase along the total length of each line.

(2) Using the data compiled during the background search, field investigations, and laboratory analyses, sites will be classified as eligible or ineligible for the NRHP

and the mapping included in each report will include GIS shape files that delimit the sites.

(3) The report will also include mitigation recommendations for any significant sites that may be affected by any of the four (4) SCE&G transmission lines.

(4) Following SCE&G's review of the draft report, it will be forwarded to the SHPO on SCE&G's behalf by the cultural resource investigator, and following SHPO concurrence with the report's findings, the report status will be changed from "draft" to "final" and will be published.

(a) Five bound copies and one electronic file of the final report will be delivered to SCE&G by the cultural resource investigator; the SHPO and USACE will be provided electronic and bound copies as requested.

vii) In the event cultural resource investigations conducted on SCE&G's behalf identify historical or archaeological properties that are not included in the SHPO's GIS database, SCE&G will provide the site location to the SHPO for inclusion in its GIS database in accordance with the "South Carolina Standards and Guidelines for Archaeological Investigations" and the "South Carolina Statewide Survey of Historic Properties Survey Manual."

## V. TRAINING AND EDUCATION

SCE&G will educate its personnel and / or contractors engaged in the construction, maintenance or operation of any of the four (4) transmission lines included in this Cultural Resources Management Plan and Agreement. SCE&G will furnish personnel engaged in construction, operations and/or maintenance activities within the rights-of-way of any of the four (4) transmission lines with mapping and other information that provide appropriate field identification of sensitive cultural resource sites and/or areas and will instruct them to practice appropriate avoidance in the identified areas.

Marking of any significant archaeological sites within any of the rights-of-way along the routes for the four (4) transmission lines will be as agreed upon with SHPO. It is understood, however, that marking of the sites may be subject to property owner consent since the placement of physical markers could introduce visual elements or obstructions to land use that are not explicitly allowed under the terms of SCE&G's right-of-way easement agreements. Upon refusal by property owners to allow marking of cultural resource sites, SCE&G will employ

other reasonable means to make their employees and contractors aware of sensitive locations, including the utilization of electronic mapping and global positioning technology.

## VI. POST CONSTRUCTION LINE OPERATIONS AND MAINTENANCE

Normal right-of-way and line maintenance activities for established transmission line rights-of-way have extremely low potential for ground disturbance; nevertheless, routine operations and maintenance activities will be conducted according to SCE&G's long-standing practices that are designed to promote long-term vegetative stabilization on rights-of-way and minimum disturbance to soils.

## VII. EMERGENCY RESPONSE

This Cultural Resources Management Plan and Agreement recognizes that power outages caused by transmission line failures are extremely critical to the general public health, safety and welfare because of the high numbers of people and businesses that are typically affected. As such, in times of emergency, the following approach shall be practiced:

1. When transmission lines must be repaired during times of emergencies that may result from hurricanes, tornados, ice, lightning, floods, etc., SCE&G will strive to avoid sensitive cultural resource sites that may reside in its rights-of-way; however, this Cultural Resources Management Plan and Agreement acknowledges that sensitive sites could exist and it may not always be possible to avoid these sites during emergency power restoration work.

2. Following any emergency restoration work, SCE&G will inspect the affected areas of the rights-of-way to determine if disturbance has occurred to any cultural resource site that has been previously documented in SCE&G's records following the investigations described in Section IV, hereinabove.

3. If sensitive sites have been disturbed during the emergency power restoration activities, SCE&G will notify the SHPO and USACE and consult with its cultural resource consultant to review and determine what steps may be taken to repair and restore the damaged site.

4. If site restoration is possible, SCE&G and SHPO will agree upon the restoration plan and SCE&G will take action to restore the site.

5. If the site is damaged beyond repair or restoration, SCE&G will consult with the SHPO regarding a retrieval plan. The retrieval plan will include consultation with the underlying property owner and include appropriate approval or concurrence from the property owner. Once the parties are in agreement with the plan, retrieval and agreed upon disposition of site findings (recovered artifacts) will proceed.

## VIII. DISPUTE RESOLUTION

Should SCE&G or the SHPO object to any plan or action proposed or taken by the other party pursuant to this Cultural Resources Management Plan and Agreement, they shall notify the other party of the objection promptly in writing (email correspondence from authorized persons to authorized persons can constitute written notification). Upon notification by either party of an objection to a plan or action pursuant to this Cultural Resources Management Plan and Agreement, both the SHPO and SCE&G shall agree to a time and place for a meeting to be held expeditiously, but in no case more than fourteen (14) days from the date of the written objection.

The SHPO and SCE&G will negotiate in good faith to resolve the objection. If either party determines the objection cannot be resolved in a timely manner, both parties will forward all documentation relevant to the objection, including each party's proposed resolution to the dispute, to the USACE with a copy of the transmittal to the NRC. The USACE shall notify the parties of any additional information needed to consider the objection within fourteen (14) days of receipt of the notification that an objection has been raised and cannot be resolved by the parties. The USACE will provide its final direction on the resolution of the objection within thirty (30) days of receiving adequate documentation. The direction of the USACE shall be final and binding on all signatories to this Cultural Resources Management Plan and Agreement.

The SHPO, SCE&G and USACE each agree that responsibilities to carry out all other actions subject to the terms of this Cultural Resources Management Plan and Agreement that are not the subject of the objection remain unchanged and will continue during dispute resolution.

## IX. BIBLIOGRAPHY


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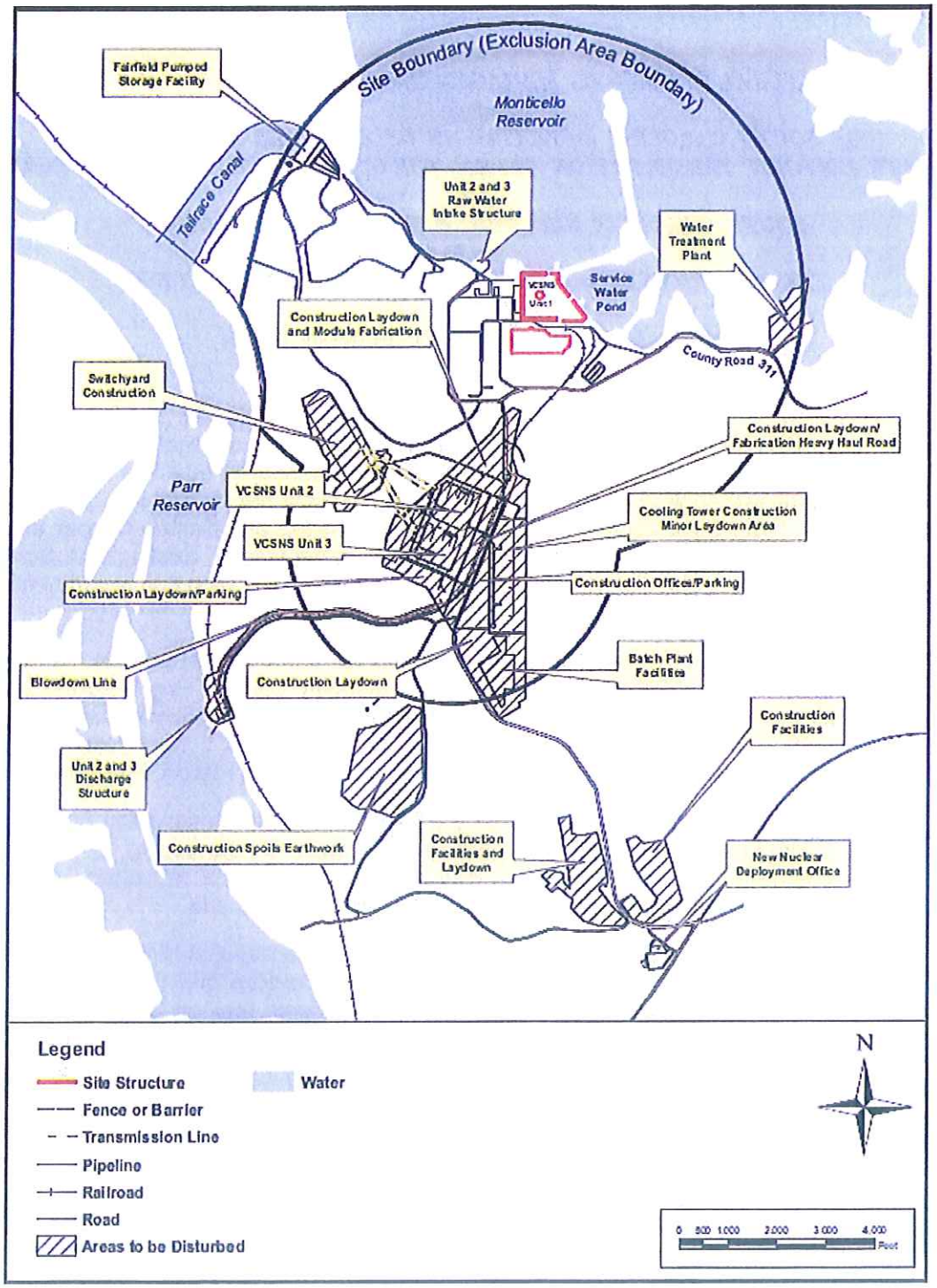


Figure 1. VCSNS Site and Proposed Plant Footprint

*CULTURAL RESOURCES MANAGEMENT PLAN and AGREEMENT*
*among*
*THE SOUTH CAROLINA DEPARTMENT OF ARCHIVES AND HISTORY, STATE HISTORIC PRESERVATION OFFICE; THE U.S. ARMY CORPS OF ENGINEERS;*
*and*
*SOUTH CAROLINA ELECTRIC & GAS COMPANY (SCE&G)*
*regarding*
*THE V.C. SUMMER NUCLEAR STATION UNITS 2 AND 3 SITE*
*and associated*
*NEW 230 KV SCE&G TRANSMISSION LINES*

**WHEREAS**, South Carolina Electric and Gas Company (SCE&G) and the South Carolina Public Service Authority ("Santee Cooper") submitted an application on March 31, 2008 to the Nuclear Regulatory Commission (NRC) for a combined construction and operating license ("COL") for two nuclear generating units, each having a net electrical output of 1117 megawatts. The COL, once approved, would authorize SCE&G and Santee Cooper to build and operate up to two additional nuclear generating units at the utilities' existing V.C. Summer Nuclear Station site in Jenkinsville, SC, which will be a federal undertaking due in part to fill that must be placed in waters of the United States; and,

**WHEREAS**, as part of their responsibilities related to the federal permits under their jurisdiction (Section 404 and Section 10 Permits), the U.S. Army Corps of Engineers ("USACE") is a "cooperating agency" and has entered into consultation with the South Carolina State Historic Preservation Officer ("SHPO") to discuss the management of cultural resources as it relates to this project and compliance with Section 106 of the National Historic Preservation Act.

**WHEREAS**, pursuant to Section 106 of the National Historic Preservation Act of 1966, the State Historic Preservation Officer ("SHPO") participates in the review of all federal undertakings that have the potential to impact historic and archaeological resources listed in, or eligible for listing in, the National Register of Historic Places ("NRHP"); and,

**WHEREAS**, to ensure compliance with Section 106 of the National Historic Preservation Act, the SHPO, USACE and SCE&G have cooperated to develop this Cultural Resources Management Plan and Agreement that will define the procedures that will be implemented to identify and protect cultural resources that could potentially be impacted by construction, operation and maintenance of the V. C. Summer Nuclear Station ("VCSNS") Units 2 and 3 and the four (4) planned transmission lines that are directly associated with the operation of VCNS Units 2 and 3.

**NOW, THEREFORE**, SCE&G, the SHPO and USACE agree by executing this Agreement that all undertakings associated with construction, maintenance and operation of the VCSNS Units 2 and 3 and the construction, operation and maintenance of the four planned transmission lines directly associated with operation of the VCSNS Units 2 and 3 will be carried out in accordance with the stipulations contained in this Cultural Resources Management Plan and Agreement.

**SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICER**

By Elizabeth M. Johnson Date 10/26/2010

**SOUTH CAROLINA ELECTRIC AND GAS COMPANY - New Nuclear Deployment**

By Ronald B Clary Date October 18, 2010

**SOUTH CAROLINA ELECTRIC AND GAS COMPANY - Electric Operations**

By W. Jeffrey Fissam Date 30 September 10

**U. S. ARMY CORPS OF ENGINEERS**

By Ima P. Hadden Date 21 Jan 2011