

187 FERC ¶ 62,064
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Dominion Energy South Carolina, Inc.

Project No. 516-519

ORDER APPROVING MITIGATION PLAN AGREEMENT

(April 25, 2024)

1. On March 21, 2024, Dominion Energy South Carolina, Inc. (DESC), licensee for the Saluda Hydroelectric Project No. 516 (project),¹ filed a Mitigation Plan Agreement (MPA) to mitigate the adverse effect on historic properties associated with the reconstruction of five intake towers' masonry equipment buildings. The project is located on the Saluda River in Richland, Lexington, Saluda, and Newberry counties, South Carolina. The project does not occupy federal lands.

Background

2. Article 24 of the project's license requires the licensee to consult with the South Carolina State Historic Preservation Officer (South Carolina SHPO), prior to the commencement of any new construction, concerning the needs of cultural resources (i.e., historic properties). In addition, Article 24 also requires the licensee to develop any plan in consultation with the South Carolina SHPO to mitigate adverse effects for a historic property.

Licensee's Proposal

3. In its March 21, 2024 filing, DESC informed the Commission that it proposes the reconstruction of the five intake towers' masonry equipment buildings associated with life extension work; specifically the replacement of the project headgates to provide continued safety and operability of the Project (Undertaking). The project includes facilities that comprise the Saluda Dam Complex (SHPO Site Number 0127) (historic properties), which has been determined as eligible for inclusion in the National Register of Historic Places, as concurred with by SC SHPO. The five intake towers are discussed in relation to the Complex and are, thus, being treated as part of the Saluda Dam Complex.

4. On December 4, 2023, the Commission designated DESC as the Commission's non-federal representative for the purposes of conducting informal consultation with the South

¹ *South Carolina Electric and Gas Company* 27 FERC ¶ 61,332 (1984).

Carolina SHPO, Indian Tribes, and other consulting parties pursuant to section 106 of the National Historic Preservation Act (NHPA).

5. In compliance with section 106 of the NHPA, DESC consulted with the South Carolina SHPO and both parties agreed that the proposed action would result in an adverse effect on historic properties at the project. Both parties have determined that the Undertaking's adverse effects cannot be avoided, and the implementation of the treatments set forth in the stipulations of the MPA will mitigate the adverse effects from the Undertaking on the historic property.

6. DESC proposes to enact the following mitigation measures in the MPA: (1) develop and submit documentation on the history and significance of the masonry equipment buildings on top of the intake tower structures near the Lake Murray dam to South Carolina SHPO; (2) complete the Undertaking consistent with Secretary of Interior (SOI)'s Standards for the Treatment of Historic Properties (36 CFR Part 68) by using in-kind materials consistent with the SOIs standards for Reconstruction; (3) prepare and install one or more interpretive signs easily viewable by the public in the area of the dam describing the history of hydropower at the development and the prehistory and history of the region; and (4) DESC would prepare and submit an annual report to the South Carolina SHPO detailing work undertaken pursuant to terms of the MPA following its execution, until it expires or is terminated. The MPA will expire five years from the date of its execution.

Consultation

7. DESC developed the MPA in January of 2024 and provided it to the South Carolina SHPO on January 29th. The South Carolina SHPO provided comments between January 30 and February 9, 2024, which were addressed by DESC. On February 12, 2024, the South Carolina SHPO provided concurrence with the MPA. The MPA was signed by both the South Carolina SHPO and DESC on February 12, 2024. On March 21, 2024, DESC filed the MPA, developed with the South Carolina SHPO, with the Commission.

Discussion

8. In our review, Commission staff find that the measures included in the MPA are reasonable and will adequately mitigate the adverse effects to historic properties. The MPA should be approved and included in the license.

The Director orders:

(A) The Mitigation Plan Agreement executed between Dominion Energy South Carolina and the South Carolina State Historic Preservation Officer by signature on February 12, 2024, is approved and made part of the license for the Saluda Hydroelectric Project No. 516.

(B) Within 30 days of the anniversary of the execution of the Mitigation Plan Agreement (February 12, 2024) and until it expires or is terminated, the licensee will prepare a

summary report detailing work undertaken pursuant to its terms, to the Commission. The licensee would also include documentation of any consultation with the South Carolina State Historic Preservation Office.

(C) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 825*l*, and the Commission's regulations at 18 C.F.R. § 385.713 (2023). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Jot Splenda, Chief
Environmental and Project Review Branch
Division of Hydropower Administration
and Compliance