



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
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NORFOLK VA 23510-1011

July 14, 2017

Ms. Charlene Dwin Vaughn
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, D.C. 20001-2637

Dear Ms. Vaughn:

This letter is in response to your letter dated May 17, 2017 regarding VADATA's proposed Midwood Datacenter project (Midwood Project) and specifically the ongoing consultation pursuant to Section 106 of the National Historic Preservation Act (NHPA). In your letter, you request that the Corps clarify the scope of our NHPA Section 106 review, with specific focus on "Building 1" of the Midwood Project and the proposed Dominion Virginia Power (Dominion) transmission line and substation (Haymarket Project). Your letter also requests that we address the applicability of Section 110(k) of the NHPA to this undertaking.

The original permit application for the Midwood Project involved the construction of three buildings (Buildings 1, 2, and 3). Building 1 was included in the initial application because construction, in the proposed location, would have involved a discharge into waters of the US. The applicant later revised the project, shifting the proposed location of Building 1 to avoid any discharge into Waters of the US (WOUS). The avoidance of WOUS meant that no Corps permit was required, and the applicant has constructed Building 1 with no impacts to Waters of the US. Building 1 is currently operational as a stand-alone project. VDATA has now requested authorization to discharge fill into waters of the US associated with the construction of Buildings 2 and 3. As Building 1 was constructed outside waters of the US and is operational independent of the construction of Buildings 2 and 3; the Corps does not consider the construction of Building 1 a part of this undertaking.

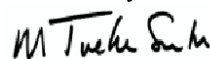
The Corps has considered the construction of the proposed Dominion Haymarket project as it relates to the Midwood data center undertaking. In a June 16, 2017 letter (attached), Dominion explains that the Dominion Haymarket Project is not driven solely by the Midwood project. Dominion states, "The proposed transmission line and Haymarket Substation will serve the Haymarket Load area customer in addition to the VADATA project load. The Company's (Dominion's) current plan is to serve directly all customers west of Route 15 from the new facilities upon energizing the transmission line. This covers approximately 460 customers, including the VADATA load and Novant Health UVA Haymarket Medical Center." In accordance with Appendix C to the Corps permitting regulations at 33 CFR 325, the Corps has determined that the Dominion Haymarket Project is not a part of the undertaking or permit area for the Midwood project.

The Corps has also considered the applicability of Section 110(k) of the NHPA to the Midwood Project by evaluating the history of the project and information received from the applicant and consulting parties. All construction and land disturbance undertaken on the site to date was related to the construction of Building 1. As explained above, a Corps permit was not required for any work associated with construction of Building 1 and we do not consider the construction of Building 1 a part of the current undertaking. Nonetheless, VDATA completed a Phase I archeological assessment prior to the Building 1 construction. In full compliance with regulations, VADATA has submitted a permit application for the proposed construction of Buildings 2 and 3, has taken steps to identify historic properties, and is currently fully participating in the Section 106 process. Given these facts, we have determined there was no intent by the applicant to avoid the requirements of Section 106 process; therefore Section 110(k) does not apply in this case.

The Corps per, 33 CFR 325 Appendix C and 36 CFR 800, is currently working to fulfill our NHPA Section 106 responsibilities. We have determined the undertaking includes all work, structures and discharges associated with the construction of Buildings 2 and 3. Therefore, the permit area for the Midwood Project includes the construction footprint for Buildings 2 and 3 and the associated facilities (map enclosed). The Corps, in consultation with the State Historic Preservations Officer (Virginia Department of Historic Resources) and identified consulting parties has determined that the proposed undertaking would have an adverse effect on the Buckland Mills Battlefield. We are now considering mitigation strategies that may sufficiently resolve the adverse effects.

We hope this letter provides clarity to the process and addresses the concerns raised by you and several of the consulting parties. We appreciate your participation in this matter and the guidance provided thus far by Dr. John Eddins. We look forward to further meaningful consultation. If you have any questions about issues addressed in this letter, please do not hesitate to contact Mrs. Anna Lawston, Project Manager for this action at (540) 764-4459.

Sincerely,



Tucker Smith
Section Chief, Northern Virginia
Regional Section

Enclosures

cc:

Virginia Department of Historic Resources, Roger Kirchen
Consulting Parties