

Ms. Kimberly D. Bose
March 13, 2018

Attachment B

March 13, 2018

Mr. Roger Kirchen
Virginia Department of Historic Resources
Division of Review and Compliance
2801 Kensington Avenue
Richmond, VA 23221

**Subject: Mountain Valley Pipeline Project
Management Summary, Work Plan, and Schedule for the Greater Newport
Historic District (035-0412)
FERC DOCKET NO. CP16-10, DHR FILE #2014 1194**

Dear Mr. Kirchen:

On behalf of Mountain Valley Pipeline, LLC (Mountain Valley), a joint venture between affiliates of EQT Midstream Partners, LP and affiliates of NextEra Energy, Inc., Con Edison Midstream Gas, LLC, WGL Holdings, Inc., and RGC Midstream LLC, you will find enclosed one (1) CD and one (1) hard copy of the Mountain Valley Pipeline Project, Management Summary, Work Plan, and Schedule Historic Property Treatment Plan Implementation: Greater Newport Rural Historic District (035-0412) dated March 2018. This document is based upon the February 2018 Mountain Valley Pipeline Project Revised Historic Property Treatment Plan: Greater Newport Rural Historic District (035-0412) (Treatment Plan).

The Federal Energy Regulatory Commission (FERC) has been consulting with your office on the treatment of historic properties that will be adversely impacted by the proposed project. The Treatment Plan, dated February 2018, was developed to document Mountain Valley's efforts to coordinate with consulting parties and other stakeholders to identify mitigation measures appropriate to address the proposed project's potential adverse effects to the Greater Newport Rural Historic District (035-0412). The Treatment Plan also proposed mitigation measures designed to mitigate the adverse effects of the project. In accordance with Stipulation III.B.1 of the Programmatic Agreement (PA) for the project, your office accepted the Treatment Plan in a letter dated March 9, 2018. In a letter dated March 13, 2018, and in accordance with Stipulation III.B.5 of the PA, the FERC indicated that it agreed with your office's finding and requested that the Management Summary for the implementation of the Treatment Plan address the comments of your office and other parties.

In response to your letter to the FERC, the enclosed document includes clarification regarding the location from which Mountain Valley conducted impacts analysis for the Adlai Jones Farm (035-0412-0010) and a revised discussion related to the Terms and Conditions related to the administration of the Newport Community Center and Park Preservation Fund. It also addresses comments that Giles County and other parties provided to the FERC in letters dated February 23, 2018.

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Should you have any questions or comments, feel free to contact Evelyn Tidlow by telephone at (612) 812-5478 or by email at E.Tidlow@gaiconsultants.com. Thank you for your attention.

Sincerely,



Brian Clauto
Senior Environmental Coordinator

Attachment: One (1) hard copy and one (1) CD with Management Summary, Work Plan, and Schedule for Greater Newport Rural Historic District (035-0412)

cc: John Centafonti, EQT Corporation (without attachments)
Jacob Freedman, SEARCH (without attachments)
Evelyn Tidlow, GAI (without attachments)

March 13, 2018

Mr. Chris McKlarney
Giles County Board of Supervisors
315 North Main Street
Pearisburg, VA 24134

**Subject: Mountain Valley Pipeline Project
Management Summary, Work Plan, and Schedule for the Greater Newport
Historic District (035-0412)
FERC DOCKET NO. CP16-10, DHR FILE #2014 1194**

Dear Mr. McKlarney:

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Jerry and Jerolyn Deplazes (with attachments)
Michael Williams (with attachments)
Roger Kirchen, DHR (with attachments)
John Centofanti, EQT (with no attachments)
Evelyn Tidlow, GAI (with no attachments)

March 13, 2018

Clarence and Carolyn Givens
2311 N. Main St.
Blacksburg, VA 24060

**Subject: Mountain Valley Pipeline Project
Management Summary, Work Plan, and Schedule for the Greater Newport
Historic District (035-0412)
FERC DOCKET NO. CP16-10, DHR FILE #2014 1194**

Dear Clarence and Carolyn Givens:

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Evelyn Tidlow, GAI (with no attachments)

March 13, 2018

Mr. David Brady
Greater Newport Rural Historic District Committee
190 Cider Hill Road
Newport, VA 24128

**Subject: Mountain Valley Pipeline Project
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Historic District (035-0412)
FERC DOCKET NO. CP16-10, DHR FILE #2014 1194**

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John Centofanti, EQT (with no attachments)
Evelyn Tidlow, GAI (with no attachments)

March 13, 2018

Jerry and Jerolyn Deplazes
Newport Development Company
291 Seven Oaks Road
Newport, VA 24128

**Subject: Mountain Valley Pipeline Project
Management Summary, Work Plan, and Schedule for the Greater Newport
Historic District (035-0412)
FERC DOCKET NO. CP16-10, DHR FILE #2014 1194**

Dear Jerry and Jerolyn Deplazes:

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March 13, 2018

Mr. Joseph Yost
Giles County Historical Society
208 North Main Street
Pearisburg, VA 24134

**Subject: Mountain Valley Pipeline Project
Management Summary, Work Plan, and Schedule for the Greater Newport
Historic District (035-0412)
FERC DOCKET NO. CP16-10, DHR FILE #2014 1194**

Dear Mr. Yost:

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Evelyn Tidlow, GAI (with no attachments)

March 13, 2018

Mr. Matthew Fellerhoff
Strauss Troy Co., LPA
The Federal Reserve Building
150 East Fourth Street
Cincinnati, OH 45202-4018

**Subject: Mountain Valley Pipeline Project
Management Summary, Work Plan, and Schedule for the Greater Newport
Historic District (035-0412)
FERC DOCKET NO. CP16-10, DHR FILE #2014 1194**

Dear Mr. Fellerhoff:

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March 13, 2018

Mr. Michael Williams
Dowdy Farm LLC
372 Riverbend Dr.
Pearisburg, VA 24134

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Giles County Administration
315 North Main Street
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2018, teleconference between DHR and Mountain Valley, fulfills the Management Summary requirement in Stipulation IV.H of the PA. In this teleconference, it was agreed that Mountain Valley would provide a status of the implementation of the Treatment Plan activities and a detailed work plan rather than a more traditional management summary that documents the successful conclusion of fieldwork activities associated with a treatment plan since there are no fieldwork activities associated with this Treatment Plan.

Should you have any questions or comments, feel free to contact Evelyn Tidlow by telephone at (612) 812-5478 or by email at E.Tidlow@gaiconsultants.com. Thank you for your attention.

Sincerely,



Brian Clauto
Senior Environmental Coordinator

Attachment: One (1) hard copy and one (1) CD with Management Summary, Work Plan, and Schedule for Greater Newport Rural Historic District (035-0412)

cc: Chris McKlarney (Giles County) (with attachments)
Joseph Yost (Giles County Historical Society) (with attachments)
Matthew Fellerhoff (Strauss Troy) (with attachments)
David Brady (Greater Newport Rural Historic District Committee) (with attachments)
Shannon Lucas (with attachments)
Clarence and Karolyn Givens (with attachments)
Jerry and Jerolyn Deplazes (with attachments)
Michael Williams (with attachments)
Roger Kirchen, DHR (with attachments)
John Centofanti, EQT (with no attachments)
Evelyn Tidlow, GAI (with no attachments)

March 13, 2018

Ms. Shannon Lucas
Briarwood Development
655 Lucas Road
Newport, VA 24128

**Subject: Mountain Valley Pipeline Project
Management Summary, Work Plan, and Schedule for the Greater Newport
Historic District (035-0412)
FERC DOCKET NO. CP16-10, DHR FILE #2014 1194**

Dear Ms. Lucas:

On behalf of Mountain Valley Pipeline, LLC (Mountain Valley), a joint venture between affiliates of EQT Midstream Partners, LP, and affiliates of NextEra Energy, Inc., Con Edison Midstream Gas, LLC, WGL Holdings, Inc., and RGC Midstream LLC, you will find enclosed one (1) CD and one (1) hardcopy of the Mountain Valley Pipeline Project, Management Summary, Work Plan and Schedule Historic Property Treatment Plan Implementation: Greater Newport Rural Historic District (035-0412) dated March 2018. This document is based upon the February 2018 Mountain Valley Pipeline Project Revised Historic Property Treatment Plan: Greater Newport Rural Historic District (035-0412) (Treatment Plan).

The Federal Energy Regulatory Commission (FERC) has been consulting with the Virginia Department of Historic Resources (DHR) on the treatment of historic properties that will be adversely impacted by the proposed project. The Treatment Plan, dated February 2018, was developed to document Mountain Valley's efforts to coordinate with consulting parties and other stakeholders to identify mitigation measures appropriate to address the proposed project's potential adverse effects to the Greater Newport Rural Historic District (035-0412). The Treatment Plan also proposed mitigation measures designed to mitigate the adverse effects of the project. In accordance with Stipulation III.B.1 of the Programmatic Agreement (PA) for the Project, the Virginia DHR accepted the Treatment Plan in a letter dated March 9, 2018. In a letter dated March 13, 2018, and in accordance with Stipulation III.B.5 of the PA, the FERC indicated that it agreed with DHR's finding and requested that the Management Summary for the implementation of the Treatment Plan address the comments of DHR and other parties.

In response to DHR's March 9, 2018, letter to the FERC, the enclosed document includes clarification regarding the location from which Mountain Valley conducted impacts analysis for the Adlai Jones Farm (035-0412-0010) and a revised discussion related to the Terms and Conditions related to the administration of the Newport Community Center and Park Preservation Fund. It also addresses comments that Giles County and other parties provided to the FERC in letters dated February 23, 2018.

This document, prepared by SEARCH on behalf of Mountain Valley, provides a proposed work plan and schedule for the implementation of the approved Treatment Plan and, per a February 23,

2018, teleconference between DHR and Mountain Valley, fulfills the Management Summary requirement in Stipulation IV.H of the PA. In this teleconference, it was agreed that Mountain Valley would provide a status of the implementation of the Treatment Plan activities and a detailed work plan rather than a more traditional management summary that documents the successful conclusion of fieldwork activities associated with a treatment plan since there are no fieldwork activities associated with this Treatment Plan.

Should you have any questions or comments, feel free to contact Evelyn Tidlow by telephone at (612) 812-5478 or by email at E.Tidlow@gaiconsultants.com. Thank you for your attention.

Sincerely,



Brian Clauto
Senior Environmental Coordinator

Attachment: One (1) hard copy and one (1) CD with Management Summary, Work Plan, and Schedule for Greater Newport Rural Historic District (035-0412)

cc: Richard Chidester (Giles County) (with attachments)
Chris McKlarney (Giles County) (with attachments)
David Brady (Greater Newport Rural Historic District Committee) (with attachments)
Joseph Yost (Giles County Historical Society) (with attachments)
Matthew Fellerhoff (Strauss Troy) (with attachments)
Jerry and Jerolyn Deplazes (with attachments)
Clarence and Karolyn Givens (with attachments)
Michael Williams (with attachments)
Roger Kirchen, DHR (with attachments)
John Centofanti, EQT (with no attachments)
Evelyn Tidlow, GAI (with no attachments)

MOUNTAIN VALLEY PIPELINE PROJECT
MANAGEMENT SUMMARY, WORK PLAN AND SCHEDULE
HISTORIC PROPERTY TREATMENT PLAN IMPLEMENTATION

Greater Newport Rural Historic District (035-0412)

DOCKET NO. CP16-10
DHR FILE #2014 1194

Prepared for



2200 Rice Drive
Canonsburg, Pennsylvania 15317

Prepared by



6707-B Electronic Drive
Springfield, Virginia 22151

March 2018

TABLE OF CONTENTS

1.0	INTRODUCTION	1-1
1.1	DHR’S MARCH 9, 2018, COMMENTS	1-2
1.1.1	Adlai Jones Farm	1-2
1.1.2	Newport Community Center and Park Preservation Fund	1-3
1.2	GILES COUNTY’S FEBRUARY 23, 2018, COMMENTS	1-3
1.3	MR. FELLERHOFF’S COMMENTS FILED FEBRUARY 23, 2018	1-5
2.0	APPROACH AND ASSUMPTIONS	2-6
2.1	ENHANCED RIGHT-OF-WAY TREATMENT TO REDUCE VISIBILITY OF PERMANENTLY MAINTAINED CORRIDOR.....	2-6
2.2	PRESERVATION AND RESTORATION OF NEWPORT COMMUNITY CENTER AND PARK.....	2-7

APPENDICES

- Attachment 1 Correspondence
- Attachment 2 Terms and Conditions

1.0 INTRODUCTION

Mountain Valley Pipeline, LLC (Mountain Valley), a joint venture between affiliates of EQT Midstream Partners, LP, NextEra Energy, Inc., Con Edison Gas Midstream, LLC, WGL Holdings, Inc., and RGC Midstream, LLC, has obtained a Certificate of Public Convenience and Necessity (Certificate) from the Federal Energy Regulatory Commission (FERC) pursuant to Section 7(c) of the Natural Gas Act, authorizing it to construct and operate the proposed Mountain Valley Pipeline Project located in 17 counties in West Virginia and Virginia. Mountain Valley plans to construct an approximately 303-mile long, 42-inch diameter natural gas pipeline to provide timely, cost-effective access to the growing demand for natural gas for use by local distribution companies, industrial users, and power generation in the Mid-Atlantic and southeastern markets, as well as potential markets in the Appalachian region. The proposed pipeline will extend from the existing Equitrans, L.P. transmission system and other natural gas facilities in Wetzel County, West Virginia, to Transcontinental Gas Pipe Line Company, LLC's Zone 5 compressor station 165 in Pittsylvania County, Virginia.

The FERC is the lead federal agency for compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA) for this undertaking. As a result, the FERC directed Mountain Valley to coordinate with the Virginia Department of Historic Resources (DHR), which serves as the State Historic Preservation Office (SHPO), following the FERC guidelines related to cultural resources compliance with Section 106 on FERC-regulated projects. Following submittal of the Criteria of Effects Report (May 2017) for the project, DHR issued its opinion in a letter dated July 7, 2017, that the proposed project will adversely affect the Greater Newport Rural Historic District (035-0412), a historic resource determined eligible for the National Register of Historic Places (NRHP).

The FERC has been consulting with the DHR on the treatment of historic properties that will be adversely affected by the proposed project. A document titled *Mountain Valley Pipeline Project Revised Historic Property Treatment Plan: Greater Newport Rural Historic District* (Treatment Plan), dated February 2018, was developed to document Mountain Valley's efforts to coordinate with consulting parties and other stakeholders to identify mitigation measures appropriate to address the proposed project's potential adverse effects to the Greater Newport Rural Historic District (035-0412). The Treatment Plan also proposed measures designed to mitigate the adverse effects of the project. In accordance with Stipulation III.B.1 of the Programmatic Agreement (PA) for the project, the DHR, in a letter to the FERC dated March 9, 2018, provided comments on the Treatment Plan.

Comments on the Treatment Plan were also received from Giles County in a letter dated February 23, 2018, and from Matthew Fellerhoff representing the Greater Newport Rural Historic District Committee, Jerry and Jerolyn Deplazes, Karolyn Givens, Shannon Lucas, Nathan Deplazes, Frances Collins, Michael Williams, Miller Williams, and Tony Williams in a filing posted to the FERC docket on February 23, 2018.

In a letter dated March 13, 2018, the FERC indicated that it approves the Revised Treatment Plans in accordance with Stipulation III.B.5 of the PA. Further, the FERC directed Mountain Valley to address the comments from the DHR and other parties on the Treatment Plan in the Management Summary.

This document, prepared by SEARCH on behalf of Mountain Valley, also provides a proposed work plan and schedule for the implementation of the approved Treatment Plan and, per a February 23, 2018, teleconference between DHR and Mountain Valley, fulfills the Management Summary requirement in Stipulation IV.H of the PA. In this teleconference, it was agreed that Mountain Valley would provide a status of the implementation of the Treatment Plan activities and a detailed work plan rather than a more traditional management summary that documents the successful conclusion of fieldwork activities associated with a treatment plan. This approach is appropriate since there is no fieldwork associated with implementation of the Treatment Plan for the Greater Newport Rural Historic District. This document also addresses the comments received from the DHR in its March 9, 2018, letter, the Giles County comments in its February 23, 2018, letter, and Mr. Fellerhoff's filing on February 23, 2018.

1.1 DHR'S MARCH 9, 2018, COMMENTS

DHR found the Treatment Plan to be "reasonable in scale, proportionate to the effect, and takes into consideration previous comments from DHR, the Advisory Council on Historic Preservation, and other consulting parties," however, DHR provided additional comments on several issues, including the Adlai Jones Farm and administration of the Newport Community Center and Park Preservation Fund.

1.1.1 Adlai Jones Farm

The DHR acknowledged concerns expressed by the Greater Newport Historic District Committee regarding inaccuracies in the mapping of the Adlai Jones Farm (035-0412-0010) and adjacent properties. In an attachment to the letter, the DHR stated that the Adlai Jones Farm was mapped incorrectly at 199 Leffel Lane, rather than at the correct address of 402 Steel Acres Road and recommended that a corrected impacts analysis be provided to demonstrate the effectiveness of the proposed minimization efforts as they relate to the Adlai Jones Farm.

In order to respond to DHR's request, Mountain Valley reviewed correspondence between Mountain Valley and the DHR as well as Mountain Valley reports submitted to the DHR and provides the following clarification.

In an email from Tetra Tech, on behalf of Mountain Valley, to the DHR February 2, 2017, Tetra Tech wrote: "... As additional work did not confirm the presence of a historic-era road in this location, Tetra Tech recommends that the resource identified in the Phase I report as a road trace does not meet the requirements to be considered individually NRHP-eligible. As such, Tetra Tech recommends that the Criteria of Effects assessment focus only on the **Adlie Jones Farm** (035-0412-0010) **as a whole** and not on the road trace (035-0412-0466)."

The DHR responded in an email dated February 8, 2017, that stated: "Based on the information provided, DHR does not object to the removal of Adlie Jones Road Trace (DHR ID #035-0412-0466) from further consideration. Impacts assessment should still be completed for the Adlie Jones Farm."

As a result of this correspondence, Mountain Valley used the address for the Adlie Jones *farm* listed as "Adlie Jones Land" in the DHR's National Register nomination resource inventory on file at the DHR—428 Steel Acres Lane—in its Criteria of Effects Report (May 2017) and

supporting analyses. Mountain Valley did not use the “Adlie Jones House” location (402 Steel Acres Lane) because Mountain Valley’s impact assessment focused on the farm as a resource in its entirety (including the house and outbuildings such as the pole barn identified by Mountain Valley during Phase I survey), rather than on the house alone. It should also be noted that in both Google Earth and Global Positioning System, 402 Steel Acres Lane and 428 Steel Acres Lane are shown as essentially the same location and are on the same tax parcel. However, the latter address is shown slightly closer to the Mountain Valley project and, in turn, its use results in a worst-case scenario impact analysis for the entire farm.

Mountain Valley acknowledges that DHR correctly noted in its March 9, 2018, letter that the address of the Adlai Jones Farm is listed and mapped incorrectly in *Addendum to Phase I Reconnaissance Architectural Survey for the Mountain Valley Pipeline, Craig and Giles Counties, Virginia: Supplemental Information* (June 2016). Despite this error, Mountain Valley utilized the correct location for the Adlie Jones Farm (428 Steel Acres Lane) in the Criteria of Effects Report (May 2017) and the correct location was utilized to derive the supporting DHR-approved analyses.

As presented in Mountain Valley’s Criteria of Effects Report (May 2017), at the conclusion of the Task 1 level assessment (National Land Cover Database viewshed model and Google Earth terrain model), the Adlie Jones Farm was recommended for Task 2 action (viewshed analysis). The supporting analyses for the Adlie Jones Farm can be found on page 10 of the Task 2 Mapbook (in Appendix C of the Criteria of Effects Report). Task 2 - Step 1 level assessment (viewshed analysis) indicated “visibility” for the farm. As a result, the resource was chosen for Task 2 – Step 2 action (viewpoint renderings) to assess the nature and extent of viewshed impacts within the context of the surrounding landscape. Two viewpoint renderings were created that received a rating of “Inferior.” As a result, the Adlie Jones Farm was eliminated from further analysis. The renderings can be found on pages 19 and 20 of the Task 2 and 3 Summary Report (Appendix D of the Criteria of Effects Report).

As the impacts analysis has already been conducted for the Adlai Jones Farm in its correct location—the results of which indicate there will be No Adverse Effect to the resource—no additional analysis is required to demonstrate the effectiveness of the proposed minimization efforts. The DHR concurred with Tetra Tech’s conclusion in the Criteria of Effects Report (May 2017) for the Adlai Jones Farm in its July 7, 2017, comment letter.

1.1.2 Newport Community Center and Park Preservation Fund

The DHR indicated in its comment letter that it supported the implementation of the fund as discussed in Section 4.3.2 of the Treatment Plan generally but acknowledged that the organization selected to administer the fund may change as a result of a suggestion made by Giles County in its letter dated February 23, 2018. Mountain Valley acknowledges this comment and addresses it below in the implementation work plan in Section 2.2 of this document.

1.2 GILES COUNTY’S FEBRUARY 23, 2018, COMMENTS

Giles County stated that “The County supports these measures [Enhanced Right of Way Treatment and the Newport Community Center and Park Preservation Fund discussed in more detail below], however, the County maintains that there are additional areas within the District that should receive Enhanced Treatment....” The county went on to state that “The County objects, however, to

Mountain Valley's proposal to limit funding for this purpose to \$500,000 because it is not proportional to the adverse effect and does not reflect the County's input...."

Giles County suggested that the Treatment Plan should also address the following issues:

- Preservation and restoration of three covered bridges located in Giles County,
- The proposed Newport Community Center and Park Preservation Fund be administered by the Preserve Newport Historic Properties,
- Reforestation and revegetation insufficiencies,
- The restriction of a potential construction of a second pipeline to the existing right of way, and
- The county support of the comments filed by Mr. Fellerhoff on behalf of the Greater Newport Rural Historic District Committee and other consulting parties.

As detailed in Attachment 3 of the Treatment Plan, the Terms and Conditions for the Newport Community Center and Park Preservation Fund allow for the designated fund administrator to, at its discretion, use all or a portion of the moneys from the fund for the restoration or preservation of one or more different historic structures, provided that: 1) any such substitute historic structure is a contributing resource to the district and 2) DHR has been consulted on the substitution. Mountain Valley proposes to negotiate with the Preserve Newport Historic Properties to administer the fund.

To further reduce the visibility of the maintained permanent right of way from locations with potential visibility within the district, Mountain Valley conducted a thorough desktop analysis, using information about the Project alignment, topography, and existing vegetation, to identify route segments that will be considered for enhanced right-of-way treatment. As detailed in the Treatment Plan, Mountain Valley applied the following three criteria to identify segments for further consideration: (a) location within the historic district boundary; (b) expected to be visible from likely viewing locations within that historic district; and (c) located within forested areas (as mapped in the National Land Cover Database and/or shown in recent aerial imagery), and therefore likely to result in relatively higher contrast following construction without restoration of the right of way.

During previous consultation with Giles County, Mountain Valley presented an overview of the areas Mountain Valley proposed to target for enhanced right of way treatment, which were developed in response to the requests of the various parties for right of way treatments similar to those employed on US Forest Service land. Mountain Valley asked if the County had identified additional areas that may benefit from enhanced treatment. Giles County staff requested that additional consideration be given to views from a potential overlook location along on Route 460 on the eastern side of the county. As a result, Mountain Valley's consultant evaluated potential views of the Project from that location and, as reflected in Section 4.3.1 of the Treatment Plan, extended the fourth proposed treatment area (originally milepost 212.98-213.22) by 0.2 miles. As a result, this area of treatment now extends from milepost 212.98-213.50.

The remaining issues were addressed by Mountain Valley in Section 4.2 of the Treatment Plan, which summarizes previous consultation with stakeholders and consulting parties and details how the Treatment Plan incorporates feedback received by Mountain Valley during that consultation.

Furthermore, the DHR found that plan “reasonable in scale, proportionate to the effect, and takes into consideration previous comments from DHR, the Advisory Council on Historic Preservation, and other consulting parties.”

1.3 MR. FELLERHOFF’S COMMENTS FILED FEBRUARY 23, 2018

Mr. Fellerhoff filed comments on the proposed Treatment Plan addressing the following issues:

- Incomplete effects analysis,
- Misidentification and mislocation of properties (including the Adlai Jones Farm),
- Inadequate mitigation funds and establishment of the Historic Newport Trust,
- Management of the mitigation fund shifting to Preserve Newport Historic Properties,
- Pipeline class within historic districts,
- The restriction of a potential construction of a second pipeline to the existing right of way,
- Incomplete visual impacts analysis, and
- Reforestation and revegetation insufficiencies.

These issues were largely addressed by Mountain Valley in Section 4.2 of the Treatment Plan. Additional clarification regarding the location and visual impacts analyses for the Adlai Jones Farm can be found in Section 1.1 of this document. As noted in Section 1.1, the DHR concurred with Tetra Tech’s conclusion in the Criteria of Effects Report (May 2017) for the Adlai Jones Farm in its July 7, 2017, comment letter. Tetra Tech’s conclusion was based on DHR-approved analyses for the farm’s location at 428 Steel Acres Lane.

DHR provided clarification regarding the misidentification and mislocation of additional resources in the Greater Newport Rural Historic District in its March 9, 2018, letter to the FERC. In an attachment to that letter, the DHR indicated that Leffel Mansion (035-12-0011) and Mason Hutchinson House (035-0412-0012) were mapped incorrectly by Mountain Valley and that this error likely stems from incorrect mapping in DHR’s Virginia Cultural Resources Information System. Given that no adverse effects were found during the analyses, DHR noted that the incorrect mapping will not change its effects recommendation. Regarding the Adlai Jones Farm Road Trace (035-0412-0466), DHR maintained its recommendation that the resource is not an historic property. DHR explained that no road trace appears on USGS maps of the area dating back to 1890 and further noted that Special Collections at Virginia Tech has not yet identified the “1833 Salmon Map” as cited by Don Jones in his February 20, 2017, letter to support the inclusion of the trace as a historic road.

The issue of reforestation and revegetation insufficiencies is addressed above in Section 1.2. The remaining issues were addressed by Mountain Valley in Section 4.2 of the Treatment Plan, which summarizes previous consultation with stakeholders and consulting parties and details how the Treatment Plan incorporates feedback received by Mountain Valley during that consultation. Furthermore, the DHR found that plan “reasonable in scale, proportionate to the effect, and takes into consideration previous comments from DHR, the Advisory Council on Historic Preservation, and other consulting parties.”

2.0 APPROACH AND ASSUMPTIONS

As documented in the approved Treatment Plan to address adverse impacts on the Greater Newport Rural Historic District, Mountain Valley coordinated with consulting parties and other stakeholders and identified both minimization and mitigation measures – restriction of the project’s maintained permanent easement within the historic district and a dedicated fund for the preservation and restoration of an important community resource that contributes to the Greater Newport Rural Historic District.

2.1 ENHANCED RIGHT-OF-WAY TREATMENT TO REDUCE VISIBILITY OF PERMANENTLY MAINTAINED CORRIDOR

Mountain Valley will implement the following mitigation measures to minimize potential visual impacts from the Project as documented in the Treatment Plan. Within the following route segments, listed in Table 2.1, Mountain Valley will revegetate the right-of-way to ensure that vegetative openings appear more natural and conform to the natural form, line, color, and texture of the existing landscape.

Table 2.1. Route Segments to receive Enhanced Right-of-Way Treatment.

Segment	Milepost	Length (feet)	Mileage
1	211.09-211.14	264	0.05
2	211.47-212.90	2,270	0.43
3	212.82-212.96	739	0.14
4	212.98-213.50	2,746	0.52
Total		6,019	1.14

As documented in the Treatment Plan, Mountain Valley will revegetate the construction and permanent operational right-of-way, which entails maintaining an herbaceous strip 10-foot wide centered over the pipeline and performing trimming or selective cutting of trees more than 15 feet in height within a 30-foot-wide strip centered over pipeline. Outside the 10-foot-wide strip (reduced from the typical 50-foot width), the remainder of the construction and permanent right-of-way would be revegetated through the use of acceptable seed mixes, pollinator plants, shrubs, and trees in accordance with the FERC Plan and Procedures (FERC Plan) and consistent with the Virginia Department of Environmental Quality’s (DEQ) approval. Particularly along the edge of this herbaceous linear opening, a variety of sizes and species of vegetation would be planted in a manner that breaks up the straight, parallel edges of the corridor and reduces the hard shadow line that can draw the viewer’s attention. This enhanced right-of-way treatment would reduce the visual contrast and the potential indirect visual effects within the Greater Newport Rural Historic District.

Specifically, Mountain Valley developed *Project Specific Standards and Specifications* (PSSS) for the project as required by the Virginia Stormwater Management Act. This document was approved by the DEQ in a June 2017 letter (**Attachment 1**). Compliance with the Stormwater Management Act, and by extension the DEQ-approved PSSS, also was made a condition of Mountain Valley’s Clean Water Act § 401 Certification (Condition 13) for the project. Following the schedule and steps discussed in detail in the PSSS for the project, Mountain Valley generally will accomplish:

- Restoration of the right-of-way will promptly follow grading within seven (7) calendar days of final grading, weather and soil conditions permitting
- Final cleanup of an area will be completed within 20 calendar days after backfilling of the trench in that area (10 calendar days in residential areas)
- Permanent seeding of the slopes steeper than 33 percent will be seeded immediately after final grading, weather permitting
- Areas with less than 33 percent slope will be seeded within seven (7) working days after final grading, weather and soil conditions permitting
- Acceptable seed mixes, pollinator plants, shrubs, and trees will be used in accordance with the FERC Plan and consistent with the DEQ approval
- Planting of bare-root saplings and shrubs where specified by the Treatment Plan will follow all requirements in the PSSS

The PSSS further requires that Mountain Valley inspect areas of restored vegetation at the end of the first and second growing seasons, and for such additional time as necessary until the vegetation is considered established. Permanent vegetation will not be considered established until a ground cover is achieved that is uniform and mature enough to survive and inhibit erosion. In general, a stand of vegetation will not be considered fully established until it has been maintained for one full growing season after planting. Mountain Valley anticipates that one full growing season after restoration planting is complete and vegetation has established, construction will be complete and the right-of-way will enter the maintenance cycle.

Mountain Valley must provide documentation to DEQ about its long-term maintenance plans for the right-of-way. The PSSS also requires that Mountain Valley continue to properly maintain all vegetation in the right-of-way that is intended to shield portions of the project area from public view, which would include the enhanced treatment areas. The measures required by the PSSS are subject to DEQ's inspection and oversight authority.

2.2 PRESERVATION AND RESTORATION OF NEWPORT COMMUNITY CENTER AND PARK

In its November 17, 2017, letter to the FERC docket, Giles County—reiterating the Greater Newport Rural Historic District Committee's comments in previous letters to the FERC docket—emphasized the importance of the Newport Community Center and Park (formerly Newport High School and Agriculture Building; 035-0412-0065 and 0066) as an important cultural resource within the district. Giles County noted in that letter that the resource “serves as a gathering point for residents within the District, and the area surrounding the school also hosts the Newport Agricultural Fair which is an annual event highlighting the agrarian culture of the district ... preservation of these facilities are vital to the district.” Other consulting parties and stakeholders also identified the Newport Community Center and Park as an important element of the district. In discussions with Giles County subsequent to the submission of a revised Treatment Plan on February 5, 2018, the county reiterated the need for funding to preserve and restore this historic resource and expressed its view that additional compensatory mitigation should be provided in the Treatment Plan.

As a result of these consultations and for the purpose of providing supplemental compensatory mitigation for the identified adverse effect on the district, a \$500,000 Newport Community Center

and Park Preservation Fund, dedicated to the preservation and restoration of the Newport Community Center and Park (formerly the Newport High School and Agriculture Building) (contributing resources 035-0412-0065 and 0066), will be established. The fund will be administered in continuing consultation with the DHR to ensure that the moneys are used for valid mitigation purposes consistent with the Treatment Plan and the requirements and objectives of the NHPA.

The Treatment Plan included a draft Terms and Conditions document for use in transferring the Fund from Mountain Valley to Giles County (**Attachment 2**).¹ Based on comments received from Giles County and the DHR, Mountain Valley will identify and negotiate with the appropriate organization to administer the fund, possibly Preserve Newport Historic Properties. Within three months from approval of the Treatment Plan, Mountain Valley will work with Preserve Newport Historic Properties, Giles County, and the DHR to execute the final Terms and Conditions document. Mountain Valley does not anticipate there will be substantive changes to the Terms and Conditions and will coordinate with all parties to ensure that the fund will be used for projects in compliance with the Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* and will not cause any adverse effects to the resource. Mountain Valley committed to establish the fund within 30 days of the later of the following: (i) the commencement of land disturbance within the district or (ii) the date of the execution of the final Terms and Conditions document for the fund.

Mountain Valley will notify the DHR, by email, the date when the Newport Community Center and Park Preservation Fund is established.

¹In a letter to the FERC dated February 23, 2018, Giles County recommended that Preservation Newport Historic Properties is better suited than the county to administer preservation and restoration funds. In a letter to the FERC dated March 9, 2018, DHR acknowledged Giles County's recommendation that the fund be provided to and administered by Preservation Newport Historic Properties and indicated that the DHR does not object to this revision provided that the organization agrees to abide by the Terms and Conditions of the fund as presented in the Treatment Plan. The original Terms and Conditions document is appended to this Management Summary. It will be revised appropriately once negotiations with a suitable organization are concluded.

**WORK PLAN AND SCHEDULE
FOR
Greater Newport Rural Historic District (035-0412)**

ATTACHMENT 1

Correspondence



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

June 20, 2017

Mr. Brian M. Clauto
Senior Environmental Coordinator
EQT Corporation
555 Southpointe Blvd, Suite 200
Canonsburg, PA 15317

Subject: Mountain Valley Pipeline LLC – Annual Standards and Specifications for Erosion & Sediment Control and Stormwater Management

Dear Mr. Clauto:

The Virginia Department of Environmental Quality (DEQ) hereby approves the Annual Standards and Specifications for Erosion & Sediment Control (ESC) and Stormwater Management (SWM) for Mountain Valley Pipeline (MVP) LLC as revised June 2017.

Please note that your approved Annual Standards and Specifications include the following requirements:

1. In addition to MVP's internal review process, the site specific ESC (9VAC25-840-40) and SWM (9VAC25-870-55) plan is required to be submitted to DEQ for review and approval;
2. ESC variance requests must be submitted to DEQ and will be reviewed in accordance with ESC (9VAC25-840-50) requirements;
3. SWM exception requests must be submitted to DEQ and will be reviewed in accordance with SWM (9VAC25-870-57) requirements;
4. The initial draft and final site specific ESC and SWM plan, and supporting documents must be posted on MVP's website for public view;
5. Inspection reports conducted by MVP as well as complaint logs and complaint responses must be submitted to DEQ in accordance with Section 2.0 General Requirements of your Annual Standards and Specifications; and
6. The following information must be submitted to DEQ at least two weeks in advance of the commencement of land-disturbing activities for each separate land disturbance construction area spread for this project. Notifications shall be sent by email to: linearprojects@deq.virginia.gov
 - i: Spread number;
 - ii: Spread location (including nearest intersection, latitude and longitude, access point, traversed localities);
 - iii: On-site project manager name and contact information;

MVP 002742

- iv: Responsible Land Disturber (RLD) name and contact information;
- v: DEQ-Certified ESC and SWM Inspector name and contact information;
- vi: Spread description;
- vii: Acreage of disturbance for spread; and
- viii: Spread start and finish date.

To ensure compliance with approved specifications, the Virginia Erosion and Sediment Control Law and the Virginia Stormwater Management Act, DEQ staff will conduct random site inspections, respond to complaints, and provide on-site technical assistance with specific erosion and sediment control and stormwater management measures and plan implementation. Please contact Hannah Zegler (804-698-4206) or Larry Gavan (804-698-4040) should you have any questions concerning your Annual Standard and Specifications requirements.

Sincerely,



Frederick K. Cunningham, Director
Office of Water Permits

Cc: Michael Rolband, WSSI
Michael Elander, WSSI
Justin Curtis, AquaLaw
Melanie Davenport, DEQ-CO
Ben Leach, DEQ-CO
Larry Gavan, DEQ-CO
Hannah Zegler, DEQ-CO

Case Decision Information:

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION**

In the Matter of the Application of:)	
)	
Mountain Valley Pipeline, LLC)	Docket No. CP16-10-000

**COMMENTS REGARDING HISTORIC PROPERTY TREATMENT PLAN FOR
THE GREATER NEWPORT RURAL HISTORIC DISTRICT**

The Committee has reviewed the February 13, 2018 MVP Revised Historic Property Treatment Plan for the Greater Newport Rural Historic District (GNRHD or District)¹ and has the following comments. The revised mitigation plan, though a step in the right direction, fails to comply with specific requirements of the Programmatic Agreement, fails to address the very real future collocation issues presented by MVP’s differing explanations of its intentions regarding such future collocation of new pipelines through the district, and does not go far enough in addressing the damage caused by the installation of the pipeline in the district, and provides an insufficient mitigation fund. The Plan still fails to properly identify historic resources –issues that have been corrected repeatedly by the Committee but not by MVP. It further fails to even address the contention of the Committee that Class 3 Pipe be installed at certain locations in the District to allow the continuation of the traditional uses of properties in the District.

Background

On February 6, 2018, Mountain Valley Pipeline, LLC. (MVP) filed a revised treatment plan for the Greater Newport Rural Historic District. (GNRHD or District).² MVP noted:

“The adverse effect to the five historic districts will require mitigation to be determined through future consultation with DHR and other stakeholders and memorialized in the Programmatic Agreement (PA) for the undertaking.”³

Regarding the first GNRHD Treatment plan proposed, the SHPO commented to the Committee and the ACHP that the Virginia Department of Historic Resources (VDHR) was “rather unimpressed by the proposed driving tour as mitigation...”⁴ In a phone call with the

¹ FERC eLibrary No. 20180213-5337 MVP Revised Treatment Plan for the Greater Newport Rural Historic District.

² FERC eLibrary No. 20180205-5169(32680423) MVP Treatment Plans Revised Public Attachment H GNRHD Revised Treatment Plan and correspondence, page 298

³ *Id.* Page 278, referring to a State Historic Preservation Officer (SHPO)’s letter to MVP dated July 7, 2017.

⁴ Personal communication between David Brady, Section 106 Coordinator for the Committee, and Dr. Roger Kirchen, VDHR November 27, 2017.

Committee's section 106 coordinator, he acknowledged that the scale of adverse effect on Virginia rural historic districts by the MVP project was without precedent. The Committee's representative and he discussed potential cumulative adverse effects on the RHDs because, once the current Right of Way (ROW) is established, utilities and regulating agencies encourage the use of existing ROWs for future projects.⁵

The Committee has reviewed the revised treatment plan. The "substantial" differences between the original treatment plan and the revised treatment plan are a step in the right direction, but not substantial enough.

On February 2, 2018 the Committee and Jerolyn Deplazes, Michael Williams, and Karolyn Givens (members of the Committee and Preserve Newport Historic Properties) participated in a phone conference with MVP to discuss a treatment plan for the District (Attachment 1). MVP indicated that it was finishing up a revised treatment plan that could be issued as soon as the same afternoon as the conference call. MVP denied a request to review the revised treatment plan prior to issuing it. Also, during that meeting, the Committee addressed the fact that MVP had not complied with the requirements of the Section II of the Programmatic Agreement, which requires MVP to conduct "inventories of all portions of the APE that have not been previously surveyed for cultural resources"⁶ and "in reports documenting the results of additional inventory and evaluation studies, Mountain Valley's cultural resources contractors will make recommendations regarding the NHRP eligibility (in terms of 36 CFR § Part 800.5) on all cultural resources, including traditional cultural properties and historical landscapes, identified in the APE."⁷ Further, those resources that were identified as eligible for listing would be treated in accordance with Stipulation III of the Programmatic Agreement.⁸ It was explained to MVP that these issues are of particular concern in the context of an historic district, especially considering the fact that both MVP's own contractor (Applied Cultural Ecologies, LLC.) and the Committee's contractor (Dr. Thomas King) have agreed for more than a year that this analysis was still outstanding.^{9 10}

The Committee expressed dismay that MVP was proceeding to propose a treatment plan when the effects of these issues have not yet been identified (from which it should determine the appropriate treatment). In response and despite the language in the Programmatic Agreement, MVP indicated that it would not perform those studies because FERC had not yet specifically directed it to perform those studies.

⁵ Personal communication between David Brady, Section 106 Coordinator for the Committee, and Dr. Roger Kirchen, VDHR, February 5, 2018.

⁶ Section II A. of the Programmatic Agreement

⁷ Section II C. of the Programmatic Agreement

⁸ Section II D. of the Programmatic Agreement

⁹ FERC eLibrary No. 20160127-5356 Attachment RR4-30, *The Proposed Mountain Valley Pipeline Jefferson National Forest Segment Cultural Attachment Report*, Applied Cultural Ecologies, LLC. January 2016, page 47.

¹⁰ FERC eLibrary No. 20160830-5133(31651846), *Traditional Cultural Places in Appalachian Virginia And The Mountain-Valley Pipeline*, Dr. Thomas F. King, August, 2016, pp. 32, 33.

The parties discussed the misidentification and mislocation of properties. MVP claimed again that it relied on documents in the record to locate these properties, despite the fact that numerous offers had been made by the Committee to show MVP contractors where buildings actually were located in the District and to assist with procuring permission to access property (even though the structures were clearly visible from the public access roads). MVP indicated, from its perspective, the matter was closed and again refused the assistance of the people who live in the area to get the data correct.

MVP closed the meeting advising the Committee that they (MVP et al.) would discuss the mitigation fund proposed by the Committee, and that the next opportunity the Committee would have is to comment on MVP's revised treatment plan.

On February 5, 2017, the Committee provided the SHPO and Mr. John Eddins of the Advisory Council for Historic Preservation (ACHP) the same plan it had provided MVP, with an Addendum (see Attachments 1 and 2 herein) for their review and input.¹¹

On February 5, MVP proposed a revised GNRHD treatment plan with an historic structure report for the Newport Community Center (Newport High School Campus and Fairgrounds. (VDHR#035-0412-0065, 66)) and a \$50,000 fund.¹²

On February 6, 2018, Dr. Kirchen, referring to the proposed GNRHD Mitigation Fund proposal, observed that the projects the Committee proposed were not inappropriate for a mitigation fund but that he did not agree with the proposed scope of the plan. (\$3M out right mitigation funds, \$15M establishment of a trust fund) (See Attachments 1 and 2 herein).¹³

Also on February 6, the Committee sought further advice from SHPO and the ACHP about the proposed GNRHD treatment plan. The SHPO, replied, requesting additional time for review "so that we might have a meaningful conversation. We have other MVP treatment plans in the queue ahead of this."

On February 13, 2018, MVP submitted a revised Treatment Plan for the Greater Newport Rural Historic District. Principal changes between this plan (Plan or Second Revised Treatment Plan) and the February 5, 2018 Revised Plan is the increase from \$50,000 to \$500,000 for restoration and preservation of the Newport Community Center (Newport High School Campus and Fairgrounds (VDHR#035-0412-0065, 0066)), and offers this sum to be managed by the Giles County Board of Supervisors as Custodian, and not by any designee.¹⁴ Among other items, the

¹¹ Personal communication between David Brady, Section 106 Coordinator for the Committee, and Dr. Roger Kirchen, VDHR, February 5, 2018.

¹² FERC eLibrary No. 20180205-5169(32680423) MVP Treatment Plans Revised Public Attachment H GNRHD Revised Treatment Plan and correspondence, page 298.

¹³ Personal communication between Dr. Roger Kirchen, VDHR, Richard Chidester and John Ross, Giles County, and John Eddins, ACHP, February 6, 2018.

¹⁴ FERC eLibrary # 20180213-5337 REVISED HISTORIC PROPERTY TREATMENT PLAN Greater Newport Rural Historic District (035-0412) DHR FILE #2014 1194, pp. 35, 36.

Treatment Plan did not address the issues of the required analysis from Section II of the Programmatic Agreement (and any treatment flowing from the results of those required reports), or the misidentification of properties.

On February 16, 2018, the Committee consulted with the SHPO regarding MVP's second revised treatment plan.¹⁵ In this conference call the Committee confirmed with the SHPO that (1) none of the projects proposed by the Committee in Attachment 2 below were unacceptable to him and the ACHP, (2) that if the Committee and MVP/FERC were to agree on a Trust fund of \$2M, he would support the creation of the fund as being reasonable mitigation, and (3) that upon being informed that Giles County did not own the Newport Community Center (it is owned by local community not for profit Newport Community Action Committee (NCAC)), he would have no objection to the fund being managed by a Giles County designee with SHPO oversight.

Mitigation Funds

In its second revised treatment plan, MVP correctly recognizes the Newport Community Center (Newport High School Campus and Fairgrounds (VDHR#035-0412-0065, 66)) as a cultural resource for the Newport Community and recommends providing \$500,000 to Giles County as Custodian for the purpose of supporting maintenance, repair, or restoration of the Newport Community Center and Park.¹⁶

Though a step in the right direction for mitigation funds, the Proposal offers nothing to address any other damages to the district that would assuredly be identified if Section II of the Programmatic Agreement was complied with, nor does it offer any protection from the damage of additional pipelines collocated in MVP's right of way or adjacent to MVP's right of way.

After consultation with Giles County, the SHPO, and the ACHP, the Committee offers the following observations and a counterproposal to MVP's proposed Mitigation Fund. The Committee would have consulted directly with MVP about the Second Revised Treatment Plan, however, in the February 11, 2018 conference call between MVP and the Committee, the Committee was told by MVP that any contentions of the Committee had would need to be submitted by comment, and that there would be no further consultation with MVP.¹⁷ This is regrettable as it precludes meaningful dialogue between the parties to discuss the various Mitigation Fund proposals and other Treatment Plan matters.

In light of the foregoing and consultation with the SHPO, the Committee proposes a Greater Newport Rural Historic District Trust Fund be established in the amount of \$2,000,000 for the preservation, restoration, and maintenance of the GNRHD and the Newport Historic District

¹⁵ February 16, 2018 conference call between Mr. Roger Kirchen, VADHR, Mr. Matt Fellerhoff Esq., attorney representing the Committee and several consulting parties in the District, and Committee Member and consulting party, Michael Williams.

¹⁶ FERC eLibrary # 20180213-5337 Revised Historic Property Treatment Plan: Greater Newport Rural Historic District (035-0412) DHR FILE #2014 1194, pp. 35, 37

¹⁷ February 11, 2018 conference call between the Committee and MVP.

(which is a part of the GNRHD). The goal is to establish a fund from which the Newport community could draw funds for meaningful preservation, restoration and maintenance of historic properties, and rural and cultural landscapes (if analyzed as required by Section II of the Programmatic Agreement) to offset the ongoing long-term adverse effects of the pipeline project). The Committee notes that Giles County determined that there was precedent establishing a mitigation fund.¹⁸

In a recent utility corridor case, Virginia Electric and Power Company committed to provide a fund in the amount of \$27 million dollars to mitigate the project's adverse effects on historic resources, including visual impacts to the Jamestown Island-Hog Island-Captain John Smith Trail Historic District. This appears more proportional to project impacts on the historic districts within Giles and Roanoke Counties than the measures previously proposed by Mountain Valley.

Size of the Trust

The selection of \$2M is not arbitrary, there were several considerations. The first is that a \$2M would represent a long term commitment from MVP to mitigate the known damage done to the District over the life of the pipeline (a \$2M Trust corpus would yield \$100K per annum for preservation tasks) which can be used for necessary preservation works in the Districts, as opposed to a one-time fire and forget \$500K commitment from MVP. According to the Committee's local trust consultant, Thomas Brobson, with thirty years' experience establishing trust funds for various uses, \$500K is too small to establish a meaningful trust. Small trusts often have difficulty thriving due to the ratio of the corpus to the administrative costs. Also, small trusts have difficulty attracting gifts from historic preservation philanthropic organizations (e.g., matching grants) unless there is a meaningful annual expenditure budget from which to draw. Finally, the Committee reviewed both one time and ongoing expenses of several significant cultural centers of the community, such as the Newport High School Campus and Fairgrounds, site of the oldest Agricultural Fair in Virginia, the Diminutive Burr Covered Bridge (1916), one of six remaining covered bridges in Virginia, and the emblem of the Newport Community, and the Newport Mt. Olivet United Methodist Church (1853) (see Attachment 2: Addendum for details). There are other historic properties in the District needing preservation and restoration, such as the Reynolds Iron Ore Furnace, the Link Farm Covered Bridge, the Newport Woolen Mill, the Givens Mill Dam, the Lucas Farm Fairbanks weigh station, three one-room schoolhouses and many, many more. While nothing can truly mitigate the damage done

¹⁸ FERC eLibrary No. 20180104-5142 Giles and Roanoke Counties' Comments Regarding Historic Property Treatment Plans, page 9: See Memorandum of Agreement Among Virginia Electric and Power Company, the Virginia State Historic Preservation Office, U.S. Army Corps of Engineers Norfolk District, and the Advisory Council on Historic Preservation for the Issuance of U.S. Army Corps of Engineers' Permits for the Proposed Surry-Skiffes Creek-Wheaton Transmission Line Project, Surry County, James City County, York County, Cities of Newport News and Hampton Virginia (April 24, 2017), p. 12, available at http://www.nao.usace.army.mil/Portals/31/docs/regulatory/Skiffes/MOAs/FINAL_MOA_4.24.2017.pdf?ver=2017-05-01-155150-290 (last checked Jan. 4, 2018).

to the District by running a pipeline through the District's heart, mitigation in the form of these projects can partially offset the impact of the pipeline by providing assurance that the above historic features will be preserved into the future.

Management of the Trust

MVP has proposed Giles County Board of Supervisors as the Custodian of the Mitigation Fund.¹⁹ After consultation with the SHPO, we are in agreement that it is appropriate that the Custodian of the revised treatment plan funds should be Giles County or its designee. The Newport Community created Preserve Newport Historic Properties (PNHP) as the local 501(c)(3) organization whose purpose is the preservation, restoration, and protection of Newport historic properties. PNHP is happy to have oversight by the SHPO to ensure that projects are established in compliance with the Secretary of the Interior's Guidelines for the Preservation of Historic Properties. Giles County has expressed a preference that the treatment plan funds be established in and managed by its designee. The SHPO has no objection to Giles County's designee receiving and managing the funds.

GNRHD Mitigation Fund Proposal

Establish the MVP- Greater Newport Rural Historic District Trust

PURPOSE OF PROPOSED HISTORIC NEWPORT TRUST

The purpose of the proposed trust would be to provide ongoing long-term support to the Greater Newport community targeted at the restoration, preservation, renewal, maintenance and sustained support of operating costs associated with key historic properties within the historic district. The community of Newport and its surrounding five agricultural communities has existed for more than 200 years. It covers more than 21,000 acres and has more than 300 historic properties. Its land, water, forests and people have supported families and provided livelihoods for up to 10 generations of the families who call it home. The proposed pipeline represents a permanent taking and destruction of resources despite having a lifespan that can, at best, be measured in less than a handful of decades. Further the pipeline will in no way provide a livelihood or income to the members of this community. As documented, the proposed pipeline will in fact impair the ability of the historic district to continue to thrive and grow over time. With this in mind the proposed Trust will be used to directly mitigate some of the adverse effects and, in part, help the historic district to thrive and grow during the useful life of the pipeline and beyond.

The proposed Trust would be comprised of a **\$2 million** endowment (yielding \$100,000 annually with a 5% spend rate of the return on corpus) that will provide ongoing financial

¹⁹ FERC eLibrary # 20180213-5337 Revised Historic Property Treatment Plan: Greater Newport Rural Historic District (035-0412) DHR FILE #2014 1194, pp. 35, 37.

support to be used for the renovation, maintenance, and improvement of key historic properties in the District, in consultation with Giles County and the SHPO.

Completing the Section 106 Process:

A. Cultural Resource Surveys to be completed under the Programmatic Agreement

FERC, in its Final Environmental Impact Assessment (FEIS) noted that: “[a]nalyzing cultural attachment or a community’s sense of place is one of the many ways to identify potential impacts to the tangible and intangible values of culture associated with the physical environment. Furthermore, the NPS has indicated that historic rural landscapes may qualify for nomination to the NRHP (McClelland et al., 1999). Likewise, traditional cultural places can also be nominated to the NRHP (Parker and King, 1998). In the opinion of ACE, Peters Mountain could be considered a rural historic cultural landscape (Bengston and Austin, 2016). We agree.”²⁰

However, FERC’s subsequent FEIS “analysis” was cursory, and not in compliance with Section 106. Subsequent to the issuance of the FEIS, the Committee and Giles County brought these deficiencies to FERC’s attention in regards to completing the Section 106 process.^{21 22} As noted in the Committee’s November 21, 2017 comments on the Draft Programmatic Agreement, several cultural resource surveys remain outstanding:²³

“In addition to the proposals in our November 3, 2017 letter (copy attached), we propose that the PA contain the following Section 106 steps that must be taken prior to considering the mitigation of adverse effects on historic districts.

- Revise the APE to include cumulative impacts of future linear industrial projects that will parallel the new right of way (ROW), and impacts on Southwest Virginia. MVP has alleged that it can only locate one pipeline on the route and the terrain prevents the colocation of additional pipelines. However, this is contrary to FERC policy and the fact that MVP is currently obtaining easements to locate two pipelines;
- Complete the required cultural resource reports (including correction of mislocated and unevaluated properties, and cultural landscape/ traditional cultural properties analysis);
- Complete the Section 106 avoidance and minimization analysis (e.g., visual effects);
- Complete the Section 106 avoidance and minimization process (including but not limited to evaluation of Hybrid Alternative 1A, which avoids all eight historic districts and greenfield crossing of the historic Appalachian National Scenic Trail);
- Reevaluate visual, cumulative and other impacts on the affected districts;

²⁰ FERC eLibrary No. 20170623-4000(32228865)-2 FEIS Sections 1-5, page 4-474.

²¹ FERC eLibrary No.. 20170802-5115(32314441) Giles and Roanoke Counties’ Request to be Consulted Under the Section 106 of the National Historic Preservation Act

²² FERC eLibrary No. 20171121-5163(32544839) Letter from Matt Fellerhoff, Straus Troy, LLP, to Paul Friedman, FERC.

²³ *Id.*, pp. 3,4.

- Resubmit results of the studies above to the SHPO, consulting parties, and the public, and
- Complete a supplemental EIS analyzing and documenting these effects.”

and:

“Among the items that need to be addressed are:

- No action should be permitted with regard to any of the historic properties including the identified historic districts in the corridor until meaningful consultation has been completed with the consulting parties and other stakeholders having interests in the historic resources potentially affected by the project.
- There must be actual consideration of, and a response to, the issues raised in my letter of yesterday (and elsewhere by the Greater Newport Rural Historic District Committee, which was denied consulting party status). These issues include:²⁴
 - Issues related to the misidentification of historic properties owned by these consulting parties. For example, MVP and FERC repeatedly mislocates the Leffel Mansion (VDHR# 035-0412-0011) owned by Karolyn Givens, at 119 Leffel Lane, not 199 Leffel Lane, roughly 1000 feet from its actual location and with a completely different view shed of the pipeline project.² FERC also mislocates the Fidel Smith Store (VDHR #035-0412-0237) owned by Shannon Lucas as being at "655 Lucas Rd," which is actually 81 feet away from the MVP - not 86 feet away- from MVP workspaces;
 - Issues related to FERC's and MVP's failure to adequately evaluate alternatives, such as Hybrid Alternative 1,A, which has significant environmental, recreational, historic, and cultural resource advantages (including avoidance of all eight identified Virginia historic and rural historic districts) over the Proposed Route;
 - Issues related to cultural attachment and cultural landscapes discussed in the ACE Report prepared by Applied Cultural Ecology, LLC, *The Proposed Mountain Valley Pipeline Jefferson National Forest Segment Cultural Attachment Report* (January 2016);
 - Issues related to rural historic districts as traditional cultural places or properties discussed in Dr. Thomas King's *"Traditional Cultural Places in Appalachian Virginia and the Mountain Valley Pipeline"* (August 2016);
 - Issues related to the Draft Environmental Impact Statement's failure to consider impacts to landscape and topographic features and assignment of arbitrary APEs that are discussed in Dr. Thomas King's comments to the DEIS (October 2016);
 - Issues related to MVP's failure to analyze impacts to the Greater Newport Rural Historic District (GNRHD) discussed in the GNHRD Committee's October 24, 2016 comments on MVP's Supplemental Information Addendum (July 2016), and in the

²⁴ *Id.* pp. 9,10.

GNRHD Committee's comments to on the Draft Environmental Impact Statement (December 2016);

- Issues related to FERC's misguided approach to Section 106 of the National Historic Preservation Act discussed in Dr. Thomas King's *"Memorandum for Greater Newport Rural Historic Committee"* (February 15, 2017); and
- Issues related to the inadequacy of mitigation offered by Mountain Valley to Section 106 stakeholders.

To date, few if any of these cultural resource surveys have even been mentioned in FERC or MVP documents and none have been completed.

Stipulation C of the Programmatic Agreement requires:

While FERC staff shall coordinate overall activities under this PA, Mountain Valley and their consultants shall prepare information, analyses, and recommendations, in accordance with 36 CFR § 800(2)(a)(3), and shall distribute all reports and plans to FERC staff and the WVDCH and VADHR (and to federal land managing agencies, interested Indian Tribes, and other consulting parties, as appropriate), and conduct other tasks associated with this PA, as necessary. Mountain Valley shall be responsible for covering all costs related to activities stipulated in this PA, including cultural resources field work, analyses, curation, report production, public outreach, and dissemination of information.

B. Misidentified and Mislocated Historic Properties

Greater Newport Rural Historic District Adlai Jones Farm, House, Pole Barn and Road Trace

Complaint: MVP and its consultants have failed to adequately comply with the National Historic Preservation Act (NHPA) (380 CFR 800.6(a)(1)) by not consulting with affected consulting parties and stakeholders regarding adverse effects on the historic Adlai Jones Farm, and used false information to obtain a determination of no adverse effect on both the Adlai Jones Farm and the Greater Newport Rural Historic District (GNRHD or District) from the Virginia State Historic Preservation Officer (SHPO). MVP has shielded itself from correcting its errors by claiming that the SHPO approved the findings of no adverse effect, while repeatedly ignoring Giles County's and the Greater Newport Rural Historic District Committee's (GNRHDC or Committee) objections that those findings were reached based on false Criteria of Effects information provided to the SHPO by MVP and its consultants. The Criteria of Effects for this historic resource needs to be corrected, re-evaluated, and resubmitted to the SHPO for evaluation. No construction in the District should be allowed until the errors are corrected.

Adlai Jones House, Pole Barn, and Road Trace

The Adlai Jones Farm is located in the Greater Newport Rural Historic District (GNRHD or District). It is comprised of the following contributing buildings, structures, and roads (VDHR#035-0412-0010 House and Pole Barn, VDHR #035-0412-0466 Road Trace). In 2000, Adlai Jones House was identified as a District contributing building in the original nomination of the District. On March 9, 2016, the Adlai Jones Farm and contributing resources were correctly located by New South Associates in its survey of the District.²⁵ The Adlai Jones Pole Barn and Road Trace were subsequently found to be contributing historic resources to the District by the Virginia State Historic Preservation Officer (SHPO).²⁶ The Pole Barn and Road Trace are actually

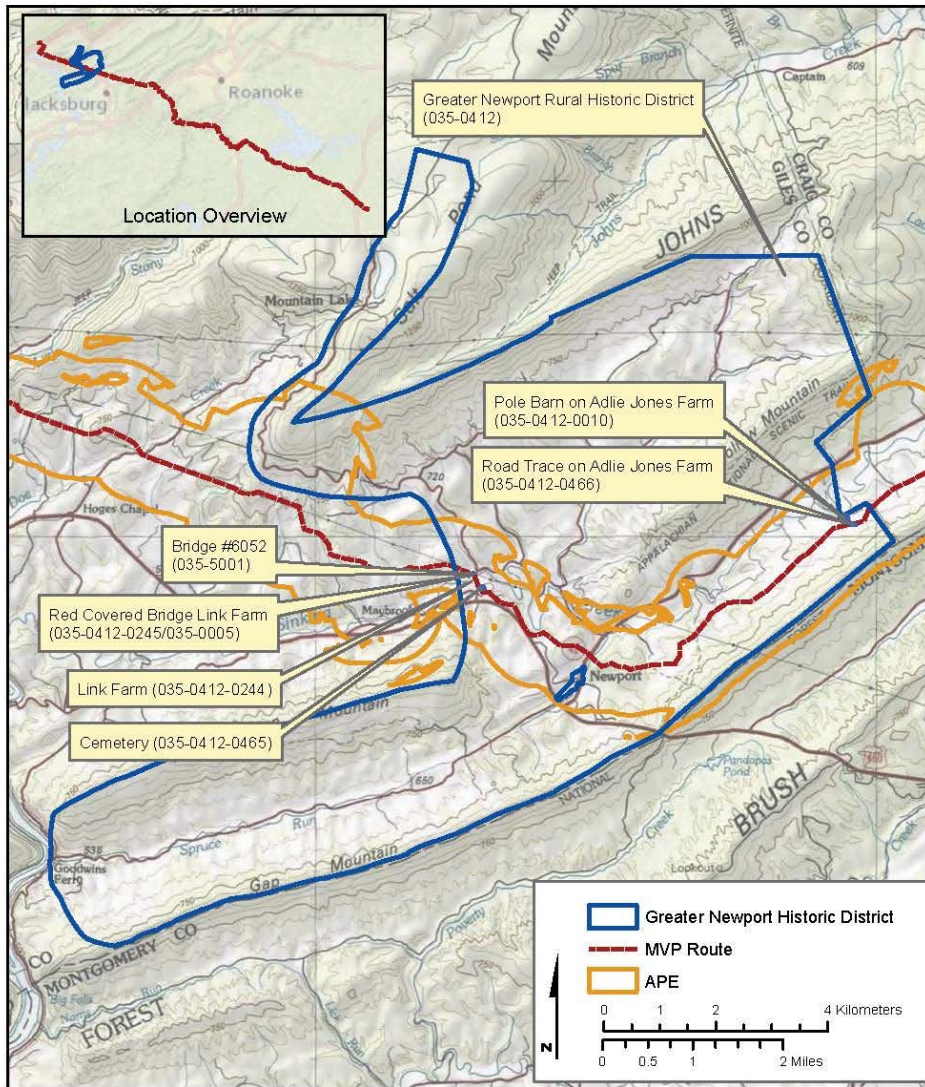
²⁵ FERC eLibrary No. FERC eLibrary No. 20160309-5124(31299471) Attachment RR4 20d Giles 1 Report Body Road, page 47, New South Associates *Phase I Reconnaissance Architectural Survey for the Mountain Valley Pipeline Craig and Giles Counties, Virginia*. VDHR File # 2014 1194.

²⁶ May 16, 2016 ltr from Roger Kirchen VDHR to Meghan Neylon Re: *Phase I Reconnaissance Architectural Survey for the Mountain Valley Pipeline, Craig and Giles Counties, Virginia*, DHR File No. 2014-1194; #PF15-3-000, page 2, "The consultant also identified three (3) newly recorded properties (035-0412-0010, 035-0412-0465, and 035-0412-0466) as eligible for the NRHP as contributing resources to the Greater Newport Rural Historic District. The DHR concurs with this assessment."

in the direct APE, as shown correctly on NSA's Figure 9 below.²⁷

*Phase I Reconnaissance Architectural Survey for the Mountain Valley Pipeline
Craig and Giles Counties, Virginia*

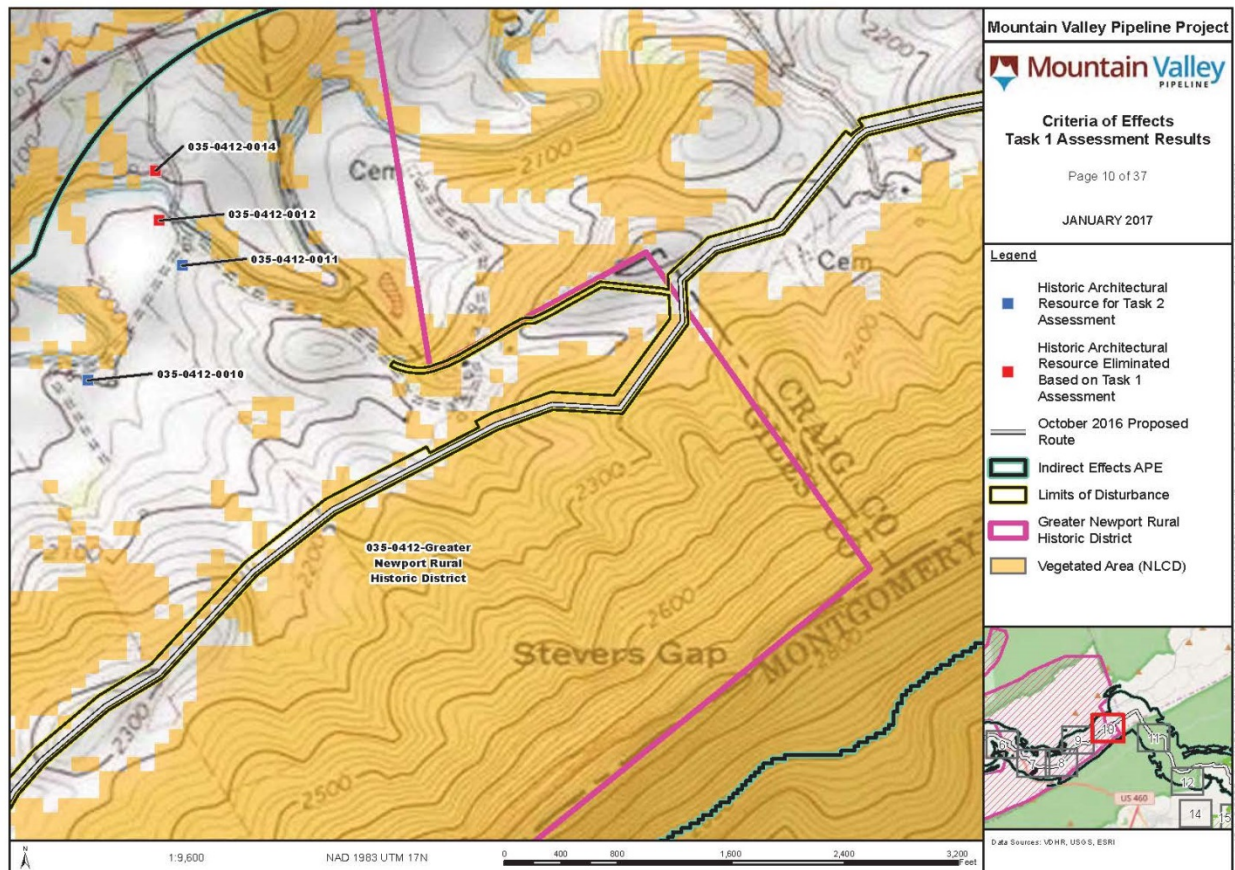
Figure 9. Map Showing Location of Greater Newport Rural Historic District (035-0412)



Source: USGS Newport and Eggleston, Virginia Quadrangles

²⁷ FERC eLibrary No. 20160309-5124(31299471) Attachment RR4 20d Giles 1 Report Body Road, page 47, New South Associates *Phase I Reconnaissance Architectural Survey for the Mountain Valley Pipeline Craig and Giles Counties, Virginia*. VDHR File # 2014 1194.

On February 17, 2017, MVP consultant TetraTech, after correctly identifying the Adlai Jones House, Pole Barn, and Road Trace in the direct APE of the pipeline,²⁸ incorrectly located the Adlai Jones House (VDHR#035-0412-0010), Pole Barn (VDHR#035-0412-0010) and Road Trace (VDHR#035-0412-0466), previously correctly identified by NSA.²⁹ The Adlai Jones House is incorrectly located on the Master List as being 1,791.20 feet from the pipeline (shown on the Criteria of Effects Task 1 Assessment Results page 10 of 37. The Pole Barn and Road Trace are not shown.³⁰



All subsequent MVP/ TetraTech Criteria of Effects is based on this erroneous information,³¹ including the deletion from further analysis of these historic resources due to an assessment of inferior visual impacts. As recently as February 13, 2018, FERC has relied on the erroneous

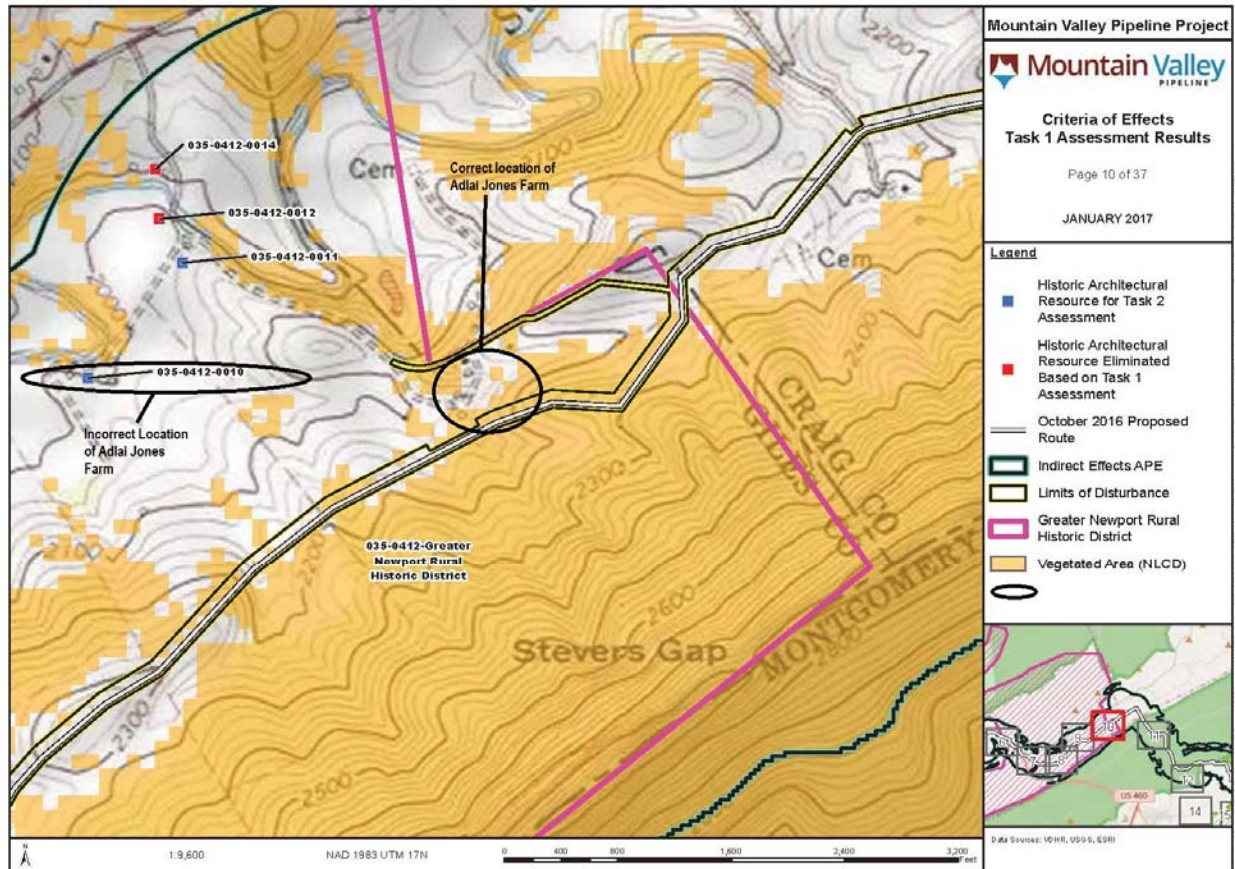
²⁸ FERC eLibrary No. 20170217-5199 (31975332) MVP 20170217 DRs Pub Cultural Attach Part 1 Adlai Jones Farm correctly located by TetraTech, page 102.

²⁹ *Id.* Page 181.

³⁰ *Id.* And page 386.

³¹ *Id.* pp. 220, 231, 260, 318, 319, 383 and FERC eLibrary No. 20170511-0518 (32156799) Attachment DR5 Cultural Att 5 Part 1 of 7 Criteria of Effects pp. 255, 294, 305, 335, 393, 384, and 435.

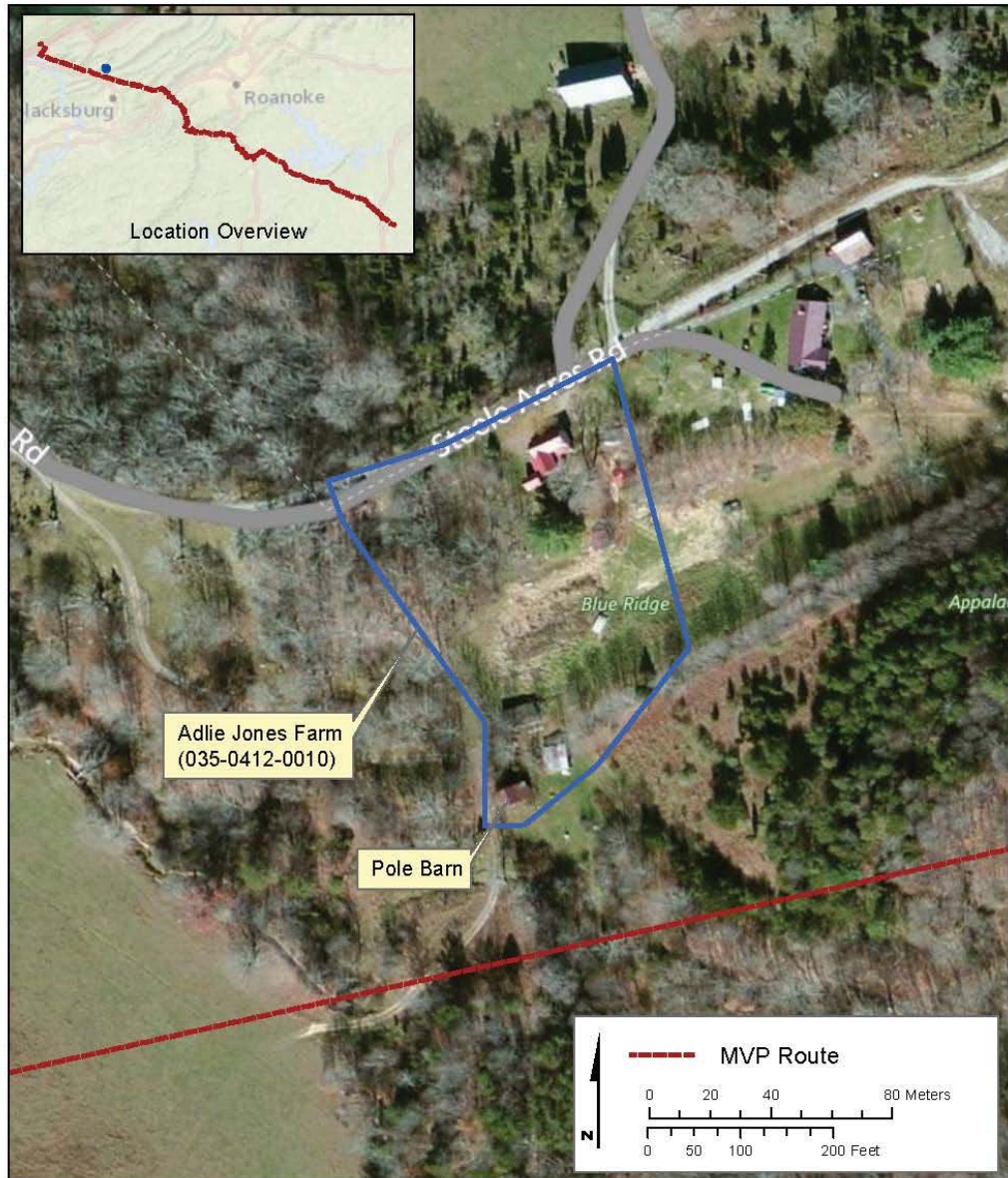
location of the Adlai Jones Farm.³² A revised map and NSA aerial photography are provided below to show the actual locations of the Adlai Jones Farm, House, Pole Barn, and Road Trace in relation to the pipeline and access road.³³



³² FERC eLibrary No. 20180213-5337(32690917) MVP Revised Treatment Plan for the Greater Newport Rural Historic District, page 18, Figure 1 (January 2017).

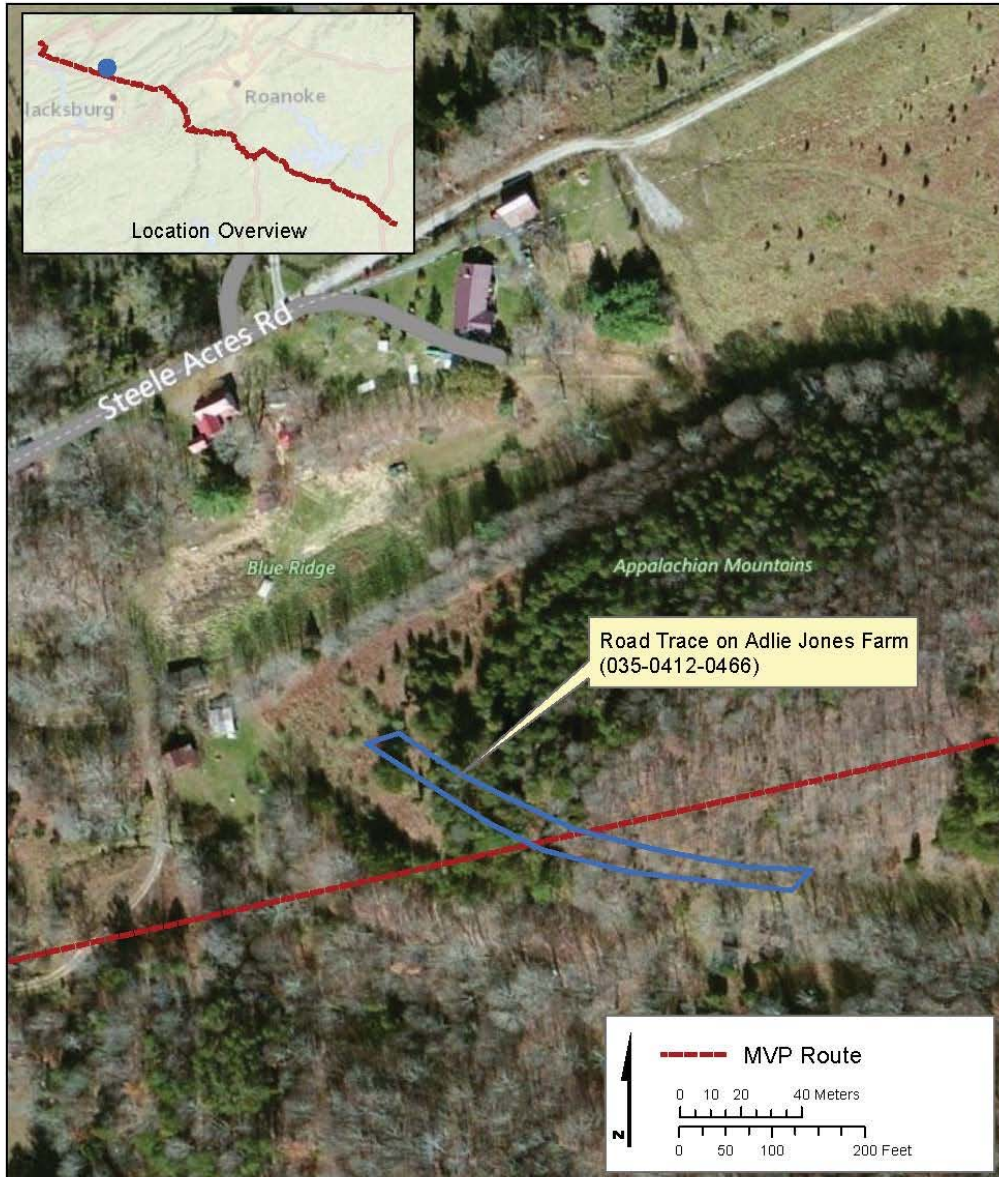
³³ FERC eLibrary No. 20160309-5124(31299471) Attachment RR4 20d Giles 1 Report Body, pp. 49 and 56.

Figure 10. Map Showing Location of Pole Barn on Adlie Jones Farm (035-0412-0010)



Source: ESRI Resource Data

Figure 13. Map Showing Location of Road Trace on Adlie Jones Farm (035-0412-0466)



Source: ESRI Resource Data

On February 5, 2018, The MVP has mislocated the Adlai Jones House again as being out of the direct Area of Potential Effects (APE). The Adlai Jones House (VDHR#035-0412-0010) is shown incorrectly located at 199 Leffel Lane, instead of 402 Steele Acres Road). Figure 1 from the Revised Treatment Plan below.³⁴

Greater Newport Rural Historic District Leffel Mansion and Mason Hutcheson House

Similarly, the Leffel Mansion (VDHR#035-0412-0011), and the Mason Hutcheson House (VDHR#035-0412-0012) are mislocated, and all MVP's Criteria of Effects results for these properties are incorrect.³⁵

Both Giles County and the Committee have brought this matter to MVP's attention numerous times.³⁶ Each time, MVP has ignored the information provided by Giles County and the Committee, and stated that location of the farm is correct.

"Mr. Brady and Mr. Fellerhoff reiterated the Committee's concerns related to mislocated resources, specifically discussing the Adlai Jones Farm and the "trace" road located on the farm as well several other properties. Mountain Valley again explained that they had addressed these particular resource concerns in previously filings as requested by the FERC."³⁷

and,

"Mountain Valley also reiterated its request from the parties' prior teleconference (September 7, 2017) that if Mountain Valley has failed to identify any contributing resources within the limits of disturbance, this information be brought to Mountain Valley's attention promptly. To date, no such information has been provided to Mountain Valley."³⁸

³⁴ FERC eLibrary No. 20180205-5169(32680423) MVP Treatment Plans Revised Public Attachment H GNRHD Map showing mislocated Adlai Jones Farm, page 16.

³⁵ FERC eLibrary No. 20180205-5169(32680423) MVP Treatment Plans Revised Public Attachment H GNRHD Revised Treatment Plan and correspondence, page

³⁶ FERC eLibrary Nos. 20170802-5115(32314441) Giles and Roanoke Counties' Request to be Consulted Under the Section 106 of the National Historic Preservation Act, page 8; 20171113-5371(32529133) Roanoke, Giles, and Craig Counties' Request for Rehearing and Stay of Order Issuing Certificates and Granting Abandonment Authority, page 34; 20171113-5337 Request for Rehearing of the Greater Newport Rural Historic District Committee, Jerry Deplazes, Jerolyn Deplazes, Karolyn Givens, Frances Collins, Michael Williams, Miller Williams, Tony Williams, Shannon Lucas and Nathan Deplazes, page 34; 20180104-5142 Giles and Roanoke Counties' Comments Regarding Historic Property Treatment Regarding Historic Property Treatment Plans, page 7, January 11, 2018 Conference Call between the Committee and MVP, February 2, 2018 Conference Call between Giles County, the Committee, and MVP.

³⁷ FERC eLibrary No. 20180205-5169(32680423) MVP Treatment Plans Revised Public Attachment H GNRHD Revised Treatment Plan and correspondence, page 289.

³⁸ *Id.* Page 287.

and,

“Potential impacts on Adlie Jones Farm have been evaluated based on the information included in the information that was collected by Mountain Valley’s archaeological survey team within the direct area of potential effect (APE). As directed by VDHR during an April 21, 2015 meeting between VDHR and Mountain Valley’s cultural resources consultant, Mountain Valley’s architectural survey team did not re-inventory the previously recorded historic districts within the pipeline APE in Virginia. As a result, Mountain Valley consulted a variety of sources in order to determine the location of the contributing resources to the Greater Newport Rural Historic District. This endeavor included the evaluation of a 300-foot corridor centered on the Pipeline centerline across the Adlie Jones Farm property during archaeological surveys. The locational data used and referenced by Mountain Valley for the Adlie Jones Farm is based on the best available information, including the NRHP nomination inventory address, NRHP nomination sketch map, Virginia’s Cultural Resource Information System, Giles County tax parcel data, and data collected by the archaeological field team during Phase I archaeological survey (within the 300-foot study corridor only).”

and,

“Mountain Valley responded to a January 27, 2017, FERC Environmental Information Request which referenced a letter from Donald Wayne Jones regarding the Adlie Jones Farm (Attachment A). In preparing the response, a qualified architectural historian for Mountain Valley attempted to gain access to the entire Jones Farm property referenced in Mr. Jones’ letter. Access to the property containing the Adlie Jones Farm’s ancillary features in question was denied on February 7, 2017. As a result, Mountain Valley was not able to verify the data provided in Jones’ letter.”³⁹

In the February 2, 2018 Conference Call between Giles County, the Committee, and MVP, the Committee again raised the question of why MVP did not investigate the Adlai Jones farm mislocation issues further. MVP’s representatives stated that they only did what FERC directed them to do.⁴⁰

Through all of this time, MVP never consulted with the Committee, or Giles County, even though the Committee offered to tour the sites with MVP in order to correct the errors. MVP’s assertions that no information has been provided to MVP is patently false. The information is all in the existing record, and in MVP’s own documents. In the two conference calls, the Committee amply provided MVP with the citations in which to find the correct location of the farm, allowing MVP to correct the errors and resubmit to the SHPO.

³⁹ *Id.* Page 461, 462.

⁴⁰ February 2, 2018 Conference Call between Giles County, the Committee, and MVP.

SHPO's Determination of No Adverse Effect Was Based on False Information Provided by MVP

On February 8, 2017, the SHPO, relying on false information provided by MVP, reversed his conclusion that the Adlai Jones Farm Road Trace (VDHR# 035-0412-0466) was eligible for listing on the National Register.⁴¹ The road trace was previously identified by NSA as part of the historic Cumberland Gap Trail. The map used by MVP (Attachment 1) to claim that the road trace is part of the Cumberland Trail incorrectly evaluates roads in the vicinity of 199 Leffel Lane (Leffel Mansion), and does not include the correct location of the road trace as shown on the previously cited NSA aerial photography.

On July 7, 2017, based on false information provided by MVP, the SHPO removed the Adlai Jones Farm (House and Pole Barn (VDHR#035-0412-0010)) from further consideration of adverse effects.⁴²

It is ironic that MVP uses the letter from Don Jones⁴³ while attempting to persuade FERC that MVP extensively researched the mislocation of the Adlai Jones Farm, while it ignores the testimony of George Jones, Don's father, who remembers the Cumberland Gap Trail before State Road 42 was built, and cites the 1883 Salmon Map as a resource.⁴⁴ From George Jones' letter:

We take serious issue with Adlai Jones Farm (035-0412-0010) road trace (035-0412-0466) comments by MVP. FERC questioned MVP's avoidance procedure for the Trace Road. MVP responded with a statement that the alleged road trace is a tractor path or unimproved driveway. We are highly insulted by this conclusion. George Lee Jones and many other Jones family members used this roadway to haul lumber from the mountain side and tend to crop fields with teams of horses. They certainly did not own tractors at this point in their history. These events were previously noted in George Jones' cultural attachment submission to FERC along with pictures of the horses and sled taken during the time period. Even at that point in history, the road was already an existing road called "The Cumberland Gap Turnpike". A map entitled "1833 Salmon Map" of this historic route is located in the Newman Library at Virginia Tech. It certainly seems to be convenient to MVP to discount this as a historical site considering there are survey ribbons following part of its pathway and the fact that the pipeline center line is within feet of it and evidently crosses it at some point.

There is no evidence that MVP ever consulted this relevant map or consulted with George Jones. The Committee also notes that neither MVP nor TetraTech went back to NSA with their

⁴¹ FERC eLibrary No. 20170511-5018(32156799) Attachment DR5 Cultural 5 Part 1 of 7 Criteria of Effects Report Reduced, pp. 193-195 February 8, 2017 email from Roger Kirchen, VDHR to Hannah Dye, MVP.

⁴² FERC eLibrary 20170721-5026(32289387) Attachment D , Letter from Roger Kirchen, VDHR, to Meghan Neylon, MVP, pages 1-3.

⁴³ FERC eLibrary No. 20170222-5043 Don Jones Letter to FERC.

⁴⁴ FERC eLibrary No. 20170222-5043 George Jones Letter to FERC, page 2.

claims that the Road Trace was not the Cumberland Trail- had they done so the mislocation of the Adlai Jones Farm would have been caught and corrected.

Adlai Jones Farm Mislocation Conclusion

MVP and its consultants have failed to adequately comply with the NHPA (360 CFR 800.6(a)(1)) by not consulting with affected consulting parties and stakeholders regarding adverse effects on the historic Adlai Jones Farm, and use of false information to obtain a determination of no adverse effect on both the Adlai Jones Farm and road trace, and the Greater Newport Rural Historic District. MVP has shielded itself from correcting its errors by claiming that the SHPO approved the findings of no adverse effect, while repeatedly ignoring Giles County's and the Committee's objections that those findings were reached based on false Criteria of Effects information provided to the SHPO by MVP and its consultants. The Criteria of Effects for these historic resources and the GNRHD needs to be corrected, re-evaluated, and resubmitted to the SHPO for evaluation. No construction in the District should be allowed until the errors are corrected.

Other GNRHD Historic Resources with Location, or Effects Analysis in Dispute

The Adlai Jones Farm misevaluation is not an isolated incident. Table 1 summarizes other historic resources in the District in which MVP and FERC have failed to identify, locate, or evaluate the historic resource.

Table 1 GNRHD Historic Resources in Dispute

Greater Newport Rural Historic District and Newport Historic District findings in dispute	Status	FERC eLibrary Reference NO.
Adlai Jones House Pole Barn and Road Trace (VDHR# 35-0412-0010, 0466)	Location in dispute, adverse effect finding in dispute	20170802-5115, 20161024-5068
Welford Dowdy Farm	Effects finding in dispute	20170802-5115, 20160516-5379(31465198
Puckett Farm	Effects finding in dispute	20170802-5115, 20160516-5379(31465198 a)
Mason Hutcheson House (VDHR# 35-0412-0012)	Location in dispute, adverse effect finding in dispute	20170802-5115
Leffel Mansion(VDHR# 35-0412-0011)	Location in dispute, adverse effect finding in dispute	20170802-5115
Bud Reynolds Farm (VHDR#035-0036, 0059,	Adverse effects finding in	20170802-5115,

035-0412-0038)	dispute	20160516-5379 (31465198a)
Link Farm and 1912 Link Covered Bridge	Adverse effects finding in dispute	20170802-5115
Fidel Smith Store (VDHR# 35-0412-0037)	Location in dispute, adverse effect finding in dispute	20170802-5115
Frank Sibold House, Leffel/Givens House, Sibold, Sibold Barn, and Hugh Givens Property (VDHR#035-0412-0061,0059,0398,0399)	Adverse effects finding in dispute	20170802-5115
Martin Springbox	Location in dispute, adverse effect finding in dispute	20170802-5115
Newport Village Sidewalk	Adverse effects finding in dispute	20170802-5115
Greater Newport Rural Historic District (VDHR# 035-0412)	Adverse effects in dispute (Yolton and King reports)	20170802-5115
Newport Historic District (VDHR# 035-0151)	Adverse effects in dispute (Yolton and King reports)	20170802-5115
Echols property (VDHR #035-0412-0068) archeological site	Adverse effects finding in dispute	20170221-5263
Canoe Cave archeological site	Adverse effects finding in dispute	20170221-5263
Tawneys Cave archeological site	APE finding in dispute	20170221-5263
Area of Potential Effects- cumulative effects, cultural attachment & cultural landscapes	APE finding in dispute	20170221-5263
Area of Potential Effects- cumulative effects, two pipelines	Findings in dispute	20170221-5263
Prudent and Feasible alternative (Hybrid Alternative 1A)	Findings in dispute	20171121-5163(32544839), 20170510-5023(32155057)
Adverse visual effects on Appalachian Trail	Findings in dispute	20180104-5136(32611359)

Failure to Address Threat of Future Colocation

For four years in these cases-CP16-10 and the previous preliminary filing case (PF 15-03), the Committee has complained to FERC that the APE for historic districts was insufficient and did not take into account the long-term adverse effects of greenfield crossings of rural historic districts.^{45 46 47} There is no evidence in the record that these comments were ever provided by FERC or MVP to the SHPO, or addressed in bilateral or multilateral discussions the SHPO and MVP had regarding establishment of the APEs, which took place without participation of the Committee or any consulting parties.

When it comes to pipelines paralleling the existing proposed right of way (ROW), MVP talks out of two sides of its mouth. On one hand, it expressly reserves the right to build an additional pipeline of any size in the ROW easement adjacent to the existing pipeline purchased from landowners,⁴⁸ while decrying the ability to build any additional second pipeline as “technically infeasible.”⁴⁹ It is inexplicable why MVP would be purchasing rights of way for additional pipeline ROWs if they were “technically infeasible.” On January 18, 2018, the ACHP provided guidance regarding future use of this proposed MVP pipeline ROW: “Explore how future collocation of additional natural gas pipelines in the ROW can be avoided to preserve the existing setting of the affected historic districts.” FERC and MVP need to address the ACHP’s concerns in the revised treatment plan.

Install Class 3 Pipe within the Historic Districts

On January 4, 2018, the Committee and Giles and Roanoke Counties requested that FERC consider requiring that MVP install Class 3 pipe whenever an historic resource is within the pipeline Potential Impact Radius (PIR). Historic resources within the PIR are uniquely susceptible to irreparable harm because they cannot be repaired or replaced in the same manner as a modern structure. As such, the Committee and the Counties requested that in these areas, the Commission require that Mountain Valley use Class 3 piping to reduce the risk of catastrophic damage or destruction to historic resources and to allow the continuation of historic farming practices on all of the properties. As the Counties noted, this is consistent with Mountain Valley’s commitment to use Class 2 or Class 3 pipe in other sensitive areas to reduce the risk of pipeline rupture.⁵⁰ The PIR distance from the MVP Pipeline Blast zone is 1115 feet.

⁴⁵ FERC eLibrary No. PF 15-03 20150617-5078(30644074) Scoping issues pursuant to the FERC’s April 17, 2015 Scoping Notice of Intent for the Mountain Valley Pipeline LLC.’s (“Company”) proposed route in Preliminary Filing Case PF15-3. Comments of the Greater Newport Rural Historic District Committee, pp.7-13.

⁴⁶ FERC eLibrary No. PF15-3 20141117-5027(29919988), pp. 1,2.

⁴⁷ FERC eLibrary No. 20161024-5068, page22.

⁴⁸ FERC eLibrary No. 20161024-5068, pp. 22-24.

⁴⁹ FERC eLibrary No. 20180213-5337, pp 30-31.

⁵⁰ Final EIS, p. ES-4 (“Mountain Valley would use Class 2 pipe in areas where seismic hazards exist.”); 4-51 (“The majority of pipe in the seismically active area near the GCSZ [Giles County Seismic Zone] would be Class 2 or Class 3 thickness.”); 4-53; 4-59 (“Mountain Valley would use thicker Class 2 pipe in all karst areas.”), p. 4-71.

MVP, in its revised treatment plan, incorrectly stated that the Committee asked that Class 3 pipe be installed “across the entirety of Giles County”.⁵¹ In fact, there are only a few locations in which Class 3 pipe would be used to protect historic resources in Giles County from irreparable harm.⁵² These locations that are in or around the GNRHD are cited below, with distances from the pipeline identified:

In and around the Newport Historic District (VDHR # 035-0151), these historic resources include the Berean Baptist Church (VDHR # 035-0034, 751.5 ft.), the Sarver House (VDHR # 035-0052, 1086.4 ft.), the McElvey Store (VDHR # 035-053, 1042.4 ft.), the Albert Price House (VDHR # 035-0054, 885.0 ft.), the Newport-Mount Olivet United Methodist Church (VDHR # 035-0059, 449.1 ft., 035-0151-0001, 1058.8 ft.), the Methodist Parsonage (VDHR # 035-0151-0006, 597.4 ft.), the Hunter House (VDHR # 035-0151-0007, 970.5 ft.), the Miller Brothers Store (VDHR # 035-0151-0009, 933.4 ft.), Pasterfield House (VDHR # 035-0151-0014, 739.1 ft.), the C.A. Hardwick House (VDHR # 035-151-0015, 378.9 ft.), Sinking Creek Valley Bank (VDHR # 035-00151-0021, 1078.4 ft.), Pent Taylor Store (VDHR # 035-0151-0021, 1015.7 ft.), and the Newport Masonic Lodge #262 (VDHR # 035-0151-XXXX, 864.9 ft.).

and

In the Greater Newport Rural Historic District these resources include: the Adlai Jones House, Pole Barn, and Trace Road (VDHR # 035-0412-0010, 0.0 ft.),²³ the Low Water Bridge (VDHR # 035-0412-0034, 352.1 ft.),²⁴ the Welford Dowdy House (VDHR # 035-0412-0035, 128.9 ft.),²⁵ the Puckett Farm (VDHR # 035-0412-0052, 906.5ft), the Newport High School Campus and Fairgrounds (VDHR# 035-0412-55, 56, 816.8 ft.), the Hampton Smith House (VDHR # 035-0412-0070, 624.1 ft.), the Fidel Smith Store (VDHR # 035-0412-0237, 127.3 ft.), the Charles Atkins Houses (VDHR # 035-0412-0241, 452.7 ft. and 035-0412-0242, 414.2 ft., respectively), the Link Farm and 1912 Covered Bridge (VDHR# 035-0412-244, 463.6 ft. and 035-0412-245, 327.8 ft., respectively), the Chestnut Grove School (VDHR # 035-0412-0278, 1079.6 ft.), the Jim Breen Residence (VDHR # 035-0412-0282, 275.1 ft.), the Claude and Ida Link Homeplace (VDHR # 035-0412-0417, 463.3 ft.), the Atkins Cemetery (VDHR # 035-0412-0465, 31.5 ft.), and others.

That being said, Newport residents are keenly attuned to the proximity of their historic Village and properties to the pipeline, remembering the historic Newport fire of 1907, which nearly destroyed the entire Village of Newport. Pipeline failure in downtown Newport, Virginia’s only legislature-established Village, would be devastating. Further, as has been discussed extensively, Class 3 pipelines are necessary to protect the ability of property owners to use their

⁵¹ FERC eLibrary No. 20180205-5169(32680423) MVP Treatment Plans Revised Public Attachment H GNRHD Revised Treatment Plan and correspondence, pp 288, 290, 321

⁵² FERC eLibrary No. 20180104-5142(32611384), Giles and Roanoke Counties’ Comments Regarding Historic Property Treatment Plans, pp. 7,8.

farm as they have historically, particularly driving loaded logging trucks across the pipeline anywhere on their property. MVP provides no compelling reason not to upgrade the pipe class for historic resources within the PIR, as requested by the Committee.

Visual Adverse Effects Analysis Needs Completion

Since August 2018, Giles County and the Committee have addressed deficiencies in MVP's visual effects analysis of the District, citing expert testimony of David Yolton (Yolton Report).⁵³ The report, prepared with community input, identifies several Key Observation Points (KoPs) which either require re-evaluation, or are new and currently unevaluated. MVP has not currently addressed these deficiencies in the revised treatment plan.

Reforestation and Revegetation

The revised treatment plan calls for reforestation/revegetation of key areas of the District in which the pipeline scar will be prominent. It includes the crossings of contributing roads Mountain Lake Road (SR 700, DR 42 in downtown Newport). At the request of Giles County, it also includes the scenic overlook on SR 460. While the Committee appreciates the reforestation/revegetation proposal, there are some questions and concerns about the plan. The plan does not include protecting the view shed on SR 42 entering the GNRHD from Craig County at the Craig County line.

Also, MVP states that the revegetation will be conducted in a manner similar to that conducted for the US Forest service. What are the differences and why are they necessary? Second, the Committee and other stakeholders and consulting parties have not been provided with before and after visual impact analysis of the reforestation/revegetation

Conclusions

There are outstanding issues that must be resolved under the Programmatic Agreement before the revised treatment plan can be reviewed by the SHPO and approved by FERC. The Committee has addressed these concerns and requests that FERC require MVP to address prior to approval. The Committee has proposed a mitigation fund more commensurate to the unprecedented damage that will be done to the District, and requests that FERC approve the fund.

⁵³ FERC eLibrary No. 20170802-5115(32314441) Giles and Roanoke Counties' Request to be Consulted Under the Section 106 of the National Historic Preservation Act,

Respectfully submitted,

/s/ Matthew W. Fellerhoff

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Honorable Mark Warner, United States Senate
Honorable Timothy Kaine, United States Senate
Honorable Morgan Griffith, Member, United States Congress
Honorable Terry McAuliffe, Governor of Virginia
Ms. Julie Langen, Director, Virginia Department of Historic Resources
Mr. Roger Kirchen, Virginia Department of Historic Resources
Mr. Richard McCoy, Chair, Giles County Board of Supervisors
Mr. John Fowler, Executive Director, Advisory Council on Historic Preservation
Mr. John Eddins, Program Analyst, Advisory Council on Historic Preservation
Ms. Elizabeth Merritt, National Trust for Historic Preservation
Mr. Joby Timm, Supervisor, Jefferson National Forest, United States Forest Service
Mr. Timothy Abing, Director of Lands, Minerals, and Uses, Southern Region, United States Forest Service
Ms. Jennifer Adams, Special Assistant, Jefferson National Forest, United States Forest Service

DECLARATION OF SERVICE

Mountain Valley Pipeline, LLC's Mountain Valley Pipeline Project (CP16-10-000)

I, Matthew W. Fellerhoff, declare that I today served "Comments Regarding Historic Property Treatment Plan for the Greater Newport Rural Historic District" by electronic mail, or by first-class mail if no e-mail address is provided, to each person on the official service list compiled by the Secretary in this proceeding.

Dated: February 22, 2018

/s/ Matthew W. Fellerhoff

Matthew W. Fellerhoff

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Attachment A
Email from Roger Kirchen to MVP

Dye, Hannah

From: Kirchen, Roger (DHR) <Roger.Kirchen@dhv.virginia.gov>
Sent: Wednesday, February 08, 2017 11:34 AM
To: Marshall, Sydne; Holma, Marc (DHR)
Cc: Neylon, Megan; Dye, Hannah; Ellen Turco; Sparks, Sean; Marine, James
Subject: RE: Mountain Valley Pipeline Project - Request for Opinion on Tetra Tech Approach to

Assessment of Reported Adlie Jones Road Trace

Based on the information provided, DHR does not object to the removal of Adlie Jones Road Trace (DHR ID #035-0412-0466) from further consideration. Impacts assessment should still be completed for Adlie Jones Farm (DHR ID #035-0412-0010).

*Roger W. Kirchen, Director Review and Compliance Division Department of Historic Resources
2801 Kensington Avenue*

Richmond, VA 23221 phone: 804-482-6091 fax: 804-367-2391

roger.kirchen@dhv.virginia.gov

From: Marshall, Sydne [<mailto:Sydne.Marshall@tetrattech.com>]
Sent: Thursday, February 02, 2017 12:30 PM
To: Kirchen, Roger (DHR); Holma, Marc (DHR)
Cc: Neylon, Megan; Dye, Hannah; Ellen Turco; Sparks, Sean; Marine, James
Subject: Mountain Valley Pipeline Project - Request for Opinion on Tetra Tech Approach to Assessment of Reported Adlie Jones Road Trace

Hello Roger and Marc –

As you know we are addressing cultural resources identified within the Mountain Valley Pipeline APE and we are assessing the Project's potential effects on resources assumed, for purposes of analysis, to be NRHP-eligible historic properties. One of these is a resource initially identified in the field by the archaeology team as a 'road trace' (aka Adlie Jones Road Trace). Upon reviewing additional historic cartographic sources, we find that the resource was misidentified as a historic road trace.

The Adlie Jones Farm (035-0412-0010) road trace (035-0412-0466) was recommended for *Phase II study* by New South Associates in the report entitled *Phase I Reconnaissance Architectural Survey for the Mountain Valley Pipeline, Craig and Giles Counties, Virginia*. The report was submitted to your office for review March 15, 2016 and your staff provided concurrence with this recommendation by letter dated May 15, 2016. Subsequently, the

portion of the road trace within the direct APE was civil surveyed by MVP in order confirm the road trace's location and to collect detailed topographical contours of the resource. The results were reviewed against historic USGS Newport, VA quadrangle mapping (1965) and the road trace, as surveyed, did not correspond to any driveway, road, etc. depicted on the 1965 Newport, VA quadrangle (See below). Instead, the research indicated that the alleged historic-era road trace is likely a tractor path or unimproved driveway providing access to the eastern portion of the property.

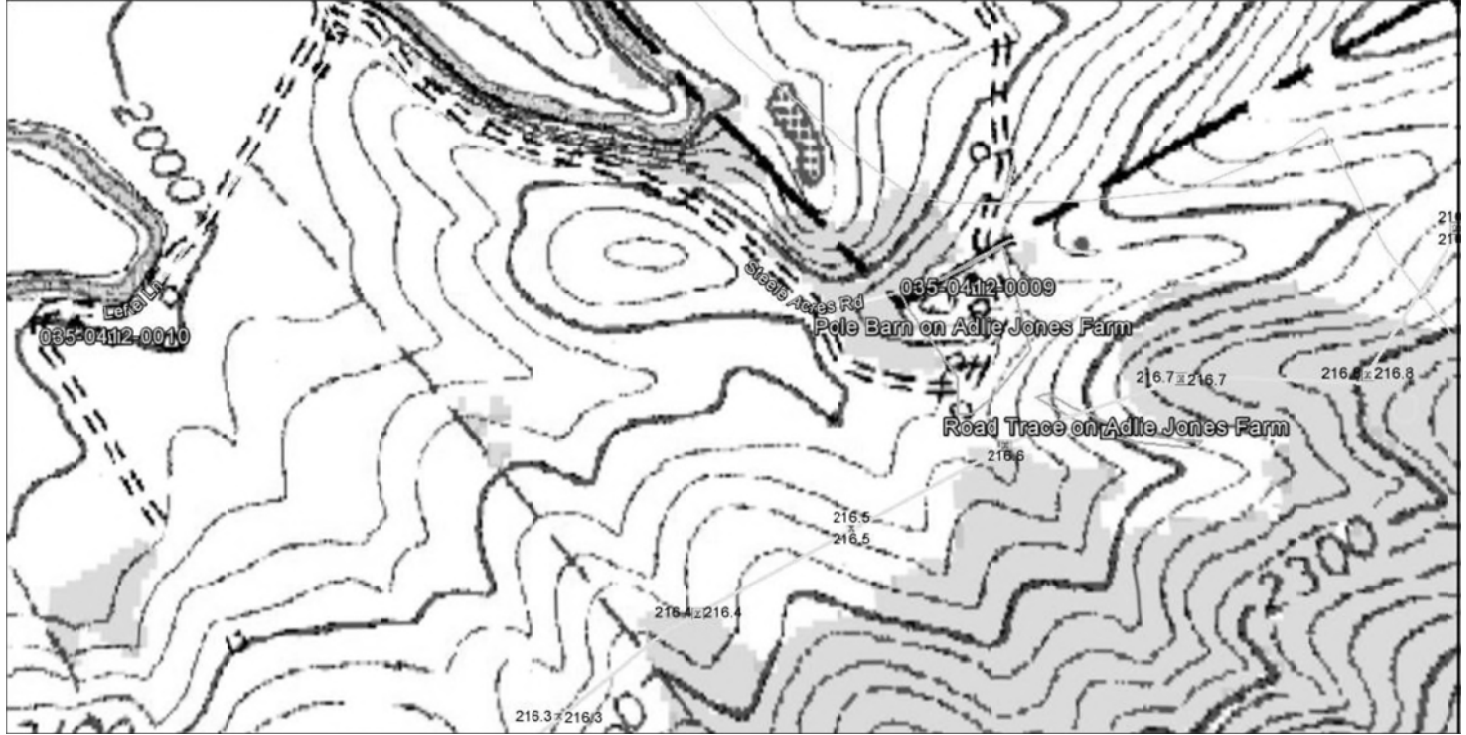
As additional work did not confirm the presence of a historic-era road in this location, Tetra Tech recommends that the resource identified in the Phase I report as a road trace does not meet the requirements to be considered individually NRHP-eligible. As such, Tetra Tech recommends that the Criteria of Effects assessment focus only on the Adlie Jones Farm (035-0412-0010) as a whole and not on the road trace (035-0412-0466).

We request your opinion on this approach and would appreciate your timely response. Thank you for your consideration of this request,
Sydne

USGS Newport, VA quadrangle (1965)

Sydne B. Marshall, Ph.D., RPA | Cultural Resources Discipline Lead/Community Outreach
Direct: 973-630-8104 sydne.marshall@tetrattech.com

Tetra Tech | Sciences



Establish a Mitigation Trust Fund for the GNRHD using Treatment Plan Funds

The Committee has carefully reviewed the adverse effects of the pipeline, and believe that a dedicated fund for the preservation and restoration fund for the GNRHD could mitigate some of the immediate and long term adverse effects on the district, as well as define those adverse effects on cultural resources that have not been evaluated in the Section 106 process. The fund should be established in two parts, first an outright grant, to fund immediate mitigation steps identified herein, and second to establish the MVP-Greater Newport Rural Historic District Trust Fund (Trust Fund or Fund), to generate funds for the benefit, restoration and preservation of the GNRHD. The intent is that the Trust will be a sustainable, permanent, source of support for the community.

Establish the MVP- Greater Newport Rural Historic District Trust

PURPOSE OF PROPOSED HISTORIC NEWPORT TRUST

The purpose of the proposed trust would be to provide both immediate and ongoing long-term support to the Greater Newport community targeted at the restoration, renewal, maintenance and sustained support of operating costs associated with key historic properties within the historic district. The community of Newport and its surrounding five agricultural communities has existed for more than 200 years. Its land, water, forests and people have supported families and provided livelihoods for up to 10 generations of the families who call it home. The proposed pipeline represents a permanent taking and destruction of resources despite having a lifespan that can, at best, be measured in less than a handful of decades. Further the pipeline will in no way provide a livelihood or income to the members of this community. As documented, the proposed pipeline will in fact impair the ability of the historic district to continue to thrive and grow over time.

With this in mind the proposed Trust will be used to directly mitigate some of the adverse effects and, in part, help the historic district to thrive and grow during the useful life of the pipeline and beyond. The proposed Trust would be comprised of two main elements:

- **\$3 million** in outright funds that could be used immediately to restore, preserve, and renovate historic District properties in the blast zone, as well as assist in the re-location and new housing of first-responder assets currently located within the blast zone of the proposed pipeline, and begin National Register nominations for the District's significant rural historic and cultural landscapes and unique historic resources. The Fund would also be used for assessing the historic and cultural integrity of the District as a whole. The Fund would also be used to prioritize projects needed for the future survival of the District. Should the cost of implementing these restoration projects exceed the amount

specified herein, MVP shall commit the necessary additional funds to complete implementation of such mitigation;

- **\$15 million** as an endowment (yielding \$750,000 annually with a 5% spend rate of the return on corpus) that will provide ongoing financial support to be used for the renovation, maintenance, and improvement of key historic properties in the District and for the support of new and improved first-responder assets for the community.

The GNRHDC's would be happy to discuss, in broad terms, the type of projects we anticipate would be undertaken with these funds. It's not a matter of buying off the community. It's a matter of EQT establishing a positive relationship as a corporate citizen of the District by ensuring that MVP contributes in fair measure for mitigation of the permanent irreparable harm the pipeline project will do the GNRHD and its community. The Committee maintains that the Trust should be administered exclusively by local members of the Newport community who will guide the wise investment and use of the Trust's resources. Giles County concurs with this position. Appropriate oversight of the funds would need to be established to insure that funds distributed under this Trust would meet Secretary of the Interior's standards for Treatment of Historic Properties.

ADDENDUM Examples of Section 106 Mitigation Needs in the GNRHD

MVP Mitigation Fund

MVP will provide the Newport community with monies paid for restoration and preservation of GNRHDC's signature historic buildings and structures and cultural landscapes placed in the pipeline blast zone. Funds can be received and distributed by Preserve Newport Historic Properties (PNHP), a 501(c)3 not for profit organization whose purpose is to preserve and protect historic properties in Newport and its historic districts.

Newport High School (VDHR# 035-412-0065, 0066)(\$156,000):

The Newport High School has immediate preservation concerns that need to be funded:

Newport High School Building (\$106,000):

\$96,000 window restoration and replacement.

\$10,000 Auditorium fire-resistant curtains.

\$25,000 fencing replacement/repair.

TBD Asbestos removal assessment and asbestos removal as needed.

TBD Foundation structural assessment and repair as needed.

Newport High School Fairgrounds (\$138K) (VDHR# 035-412-0065, 0066):

The Newport Campus and Fairgrounds is the site of the Newport Agricultural Fair, Virginia's oldest agricultural fair (82 years).

\$25, 000 (maybe more) Greenbrier Creek bank repair and wall stabilization, The wall along the Greenbriar Creek bank was constructed by the Works Progress Administration (WPA), and is a structure that has not been evaluated for National Register eligibility.

\$25,000 Lighting and electrical upgrades for grounds

\$30,000 Livestock Barn (VDHR# 035-0412-0065). Repair back wall and normal repair and upgrade. The barn was built in the 1950s, and has not been evaluated for historic designation.

The barn contributes to the cultural landscape of the district, located at the Newport High School Campus and Fairgrounds. The barn is essential for many of the Fair's events.

\$30,000 Bandstand replacement.

\$10,000 Waterline upgrades.

\$5, 000 Safety equipment.

\$8,000 Repair basketball court.

\$5,000 Signage.

TBD Newport High School Campus and Fairgrounds National Register Nomination. In cooperation with the Committee, investigate and prepare a National Register nomination for the Newport High School Campus and Fairgrounds.

Newport- Mt. Olivet United Methodist Church VDHR# 035-0159) and the Methodist Parsonage (VDHR # 035-0151-0006, 597.4 ft. have immediate preservation concerns that need to be funded (\$135K)

\$90,000 Painting the church and parsonage

\$25,000 Steeple repairs

\$5,000 Stain-glass windows protection to minimize damage from blasting and heavy equipment

\$15,000 Address long-term structural integrity of the 1852 Newport Mt-Olivet United Methodist Church

TBD Newport Mt-Olivet United Methodist Church and Parsonage National Register Nominations. In cooperation with the Committee, investigate and prepare a National Register nomination for the Newport Mt-Olivet United Methodist Church and Rectory

“Diminutive Burr” Covered Bridge (VDHR #035-0412-0403) National Register Nomination

TBD “Diminutive Burr” Covered Bridge (VDHR #035-0412-0403) National Register Nomination. In cooperation with the Committee, investigate and prepare a National Register nomination for the “Diminutive Burr” Covered Bridge (VDHR #035-0412-0403). The covered bridge is one of only six remaining in the Commonwealth, and is a significant cultural landscape and resource to the District.

TBD Givens Mill Dam Engineering structural assessment estimate. The Givens Mill is the oldest gristmill built by Isaac Epling around 1810 on Sinking Creek. Sinking Creek was dammed and David Price built a mill near the current intersection of Route 601 and Route 42. It was later known as Givens Mill. If the dam fails, it places the Wingo House (VDHR# 035-0412-0404) and other properties at risk of flooding. An engineering assessment by the County is appropriate, and funds to repair as needed.

Rural Historic District Integrity Survey (\$225,000-\$480,000) now that it has been determined that the pipeline project will irreparably harm the District, an integrity survey of the district needs to be performed to survey the integrity of the District and prioritize preservation and restoration projects to preserve the integrity of the District.

GNRHD Community and Giles County Costs of the Proximity of the MVP Pipeline in the GNRHD

As noted previously, MVP and FERC have routed the pipeline through downtown Village of Newport between the Newport High School and Fairgrounds and the Newport –Mt. Olivet United Methodist Church. Within the Fairgrounds is the High School Agricultural Building (VDHR#035-0412-0066), a contributing resource to the District, whose current tenant is the Newport Volunteer Rescue Squad (Rescue Squad).

The Committee was recently notified by the Squad Captain (Ted Harris) that because the building is located in the PIR, that the squad will need to relocate and build a new building outside the blast zone. The Rescue Squad is also not configured nor equipped to respond to natural gas pipeline emergencies of the magnitude of ones associated with a 42 inch gas pipeline. Captain Harris estimates costs to address these events to be \$410, 000 or more. \$300,000+ The cost for building a new facility able to house equipment, personnel, vehicles, food, shelter, etc.

\$10,000 Additional cost of training our members to deal with the additional emergency response needs

\$50,000 Additional equipment for emergency response and extrication from the surrounding around The Squad will require a 4 wheel ATV (Polaris) with rescue stretcher and equipment to reach some of the areas. A trailer will be required to transport this vehicle.

\$50,000 A vehicle to pull the trailer will be required along with providing additional personnel transport.

Recurring Costs of Maintaining Public Historic District Properties in the GNRHDC

The Newport Community Center

The Newport Community Action Committee (NCAC) operates and maintains the Newport Community Center (Newport High School Campus and Fairgrounds), the cultural heart of the District. The NCAC estimates, aside from one-time expenses identified above, that annual operation and maintenance expenses for the property are \$113, 000 per year, based on expenses amortized over 10 years.

“Diminutive Burr” Covered Bridge (VDHR #035-0412-0403),

Giles County maintains the historic “Diminutive Burr” Covered Bridge (VDHR #035-0412-0403), aka the Newport Covered Bridge, the Clover Hollow Covered Bridge, and the Sinking Creek Covered Bridge)). One of the foremost cultural landscapes and traditional cultural properties in the District. Giles estimates, aside from one-time expenses identified above, that annual operation and maintenance expenses for the property are \$10, 000 per year, based on expenses amortized over 15 years.

Preservation and Restoration Funds

Bulletin 38 Traditional Cultural Properties and Brief 36 Cultural Landscape Surveys

In its Report to the FERC, Applied Cultural Ecology, LLC., (ACE, a cultural resources expert retained by MVP) identified cultural attachment to land issues in the Peter’s Mountain Vicinity (which includes the GNRHD). Another Cultural Resource expert, Dr. Thomas King (retained by the Committee) confirmed the need for further study as part of the Section 106 process in accordance with National Register Bulletin 30 Rural Historic Landscapes, and Bulletin 38 Traditional Cultural Properties.

ACE proposes cultural attachment and cultural landscape studies in the MVP region, including the Greater Newport Rural Historic District in Giles County, VA and adjoining counties, regarding their previously reported findings of a cultural landscape, as well as other traditional cultural resources, in the Peters Mountain vicinity.

ACE recommends a collaborative ethnographic assessment and treatment plan in association with local historic organizations, educational institutions, and local communities. Furthermore, some of the funds from this project would go towards establishing local stewardship and heritage preservation programs, as well as ongoing documentation, preservation, and restoration (if necessary) of potentially affected cultural and historic places in the landscape. These programs would aid the local economy, for example, by helping local communities establish efforts to promote tourism in the region.

The project would take place over 4 years @ approximately \$500,000 per year, for a total of \$2 million.⁵⁴

Historic Preservation Consultant Fund

The Committee has been in contact with Landmark Preservation Associates, an historic preservation consultant retained by the Committee and New South Associates (NSA), the historic preservation consultant retained by MVP/ TetraTech.⁵⁵ Since there has been a finding of irreparable harm to the District and its contributing properties, an historic preservation consultant would be retained to assist the Committee in two tasks. First, a one-time study

⁵⁴ Personal Communication between Dr. Rebecca Austin, ACE, and David Brady, Section 106 Coordinator, GNRHDC, January 17, 2018.

⁵⁵ Personal Communication between David Brady, Section 106 Coordinator, GNRHDC and Joe Joseph, New South Associates, January 30, 2018; and Dan Pezzoni, Landmark Preservation Associates, January 25 and 27, 2018.

assessing the integrity of the District as a whole, and a one-year study of the District and its historic and cultural resources to identify. Second, prioritize preservation and restoration efforts needed over the long term to preserve the integrity of the Greater Newport Rural Historic District and the Newport Historic District per year.

The District is large (22,000 acres), and encompasses more than 300 contributing properties with more than 700 buildings and 25 structures. Estimates for the initial survey range from \$225,000 to \$480,000 (the study would not be an Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscape Survey (HABS/HAER/HALS) survey). As restoration and preservation projects are identified, the historic preservation consultant will assist in coordinating with the Committee, the community, and affected landowners in implementing the projects. Estimates for ongoing support would depend on the size of the Preservation and Restoration Fund.

Preservation and Restoration Fund

The Committee, advised by historic and cultural resource experts would implement the preservation and restoration fund, providing funds for restoration and preservation funds to private landowners for the preservation and restoration of their historic buildings, structures, cultural landscapes. Committee estimates include \$150,000 per year.

National Register Nomination Fund

There a number of cultural landscapes and historic properties such as the Welford Dowdy Farm, the Bud Reynolds Farm (including the Reynolds Furnace), the Link Farm and Covered Bridge, the Sherry Memorial Baptist Church, several one-room schoolhouses, and others that have not been nominated for National Register listing. This fund would enable the Committee and interested landowners in the District to nominate their properties for individual listing should they desire. The annual expenditures are to be determined, based on the overall survey of the District and prioritization of its resources.

Co-location Prevention Fund

In its January 18, 2018 letter to FERC, the Advisory Council on Historic Preservation has recommended that Federal Energy Regulatory Commission (FERC), the ACHP recommended that FERC: “[e]xplore how future collocation of additional natural gas pipelines in the ROW can be avoided to preserve the existing settings of the affected historic districts.”

Retain competent counsel who specialize in FERC and Section 106 Regulations to develop strategies to implement the ACHP recommendation and advise Giles County, the Committee and other relevant agencies how to implement this recommendation. Costs are to be determined.



County of Giles
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Richard L. Chidester
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February 23, 2018

Via Electronic Filing

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory
Commission 999 First Street, N.E.
Washington, D.C. 20426

Re: Mountain Valley Pipeline, LLC (Docket No. CP16-10-000;
OEP/DG2E/G3) Comments and Objection re Revised Treatment
Plan for Historic Properties within Greater Newport Rural Historic
District, Giles County

Dear Secretary Bose:

Pursuant to Stipulations III.B.5 and IV.E of the executed Programmatic Agreement regarding the Mountain Valley Pipeline Project (MVP Project), Roanoke County hereby files comments and an objection regarding the "Revised Historic Property Treatment Plan [for] Greater Newport Rural Historic District (035-0412) revised February, 2018 and filed on February 13, 2018. The County is a consulting party for purposes of the National Historic Preservation Act (NHPA) section 106 process for the MVP Project proceeding.

The revised Treatment Plan quotes the Virginia Department of Historic Resources' (VDHR) finding of adverse effects:

...the Greater Newport Rural Historic District will be adversely affected by Mountain Valley bisecting them and leaving a permanent fifty- foot wide imprint on their landscapes. This condition is incompatible with the existing rural character of the districts, which derive much of their historic significance and NRHP-eligible status from that very agrarian setting and feeling the undertaking will diminish. The adverse effect to the . . . historic district will require mitigation to be determined through future consultation with DHR and other stakeholders and memorialized in the Programmatic Agreement (PA) for the undertaking.

Visit us at www.gilescounty.org

Mountain Valley accepted this finding of adverse effect.

The Treatment Plan states that permanent impacts will only be partially addressed by avoidance and minimization measures, and the rest will need to be mitigated.

Permanent impacts on the portions of the landscape not devoted to agriculture, and not in forest (e.g., meadows), will be avoided and/or minimized by the restoration of the pre-existing contours of the temporary and permanent rights-of-way and revegetation with native seed mixes. Permanent impacts on agricultural lands will be avoided and/or minimized by allowing the right-of-way to return to previous agricultural use following Project construction.

The revised Treatment Plan states that Mountain Valley's "selection of appropriate mitigation is guided by three principles: it should (1) have a nexus to the identified adverse effects of the proposed action, (2) be proportional to those effects, and (3) take consideration of the input of consulting parties and local stakeholders."

The revised Treatment Plan proposes the following mitigation measures:

- (1) Enhanced Right-of-Way Treatment to Reduce Visibility of Permanently Maintained Corridor (section 4.3.1);
- (2) Preservation and Restoration of the Newport Community Center and Park (section 4.3.2).

The revised Treatment plan proposes Enhanced Right of Way Treatment for 1.14 miles (6,019 feet) of the 6.17 miles (32,553 feet) of the pipeline and related facilities to be constructed within the District. The Plan also proposes to provide \$500,000 to Giles County or its designee for preservation and restoration of the Newport Community Center and Park.

The County supports these measures, however the County maintains that there are additional areas within the District that should receive Enhanced Treatment to reduce visibility of the pipeline, particularly from public roads such as Virginia State Route 42. These areas may not be readily identifiable until tree clearing is completed. The Treatment Plan should provide for Enhanced Treatment for right of way areas which are readily visible from public roads, particularly Route 42. It is important to note that the pipeline right of way bisects the District as shown on Figure 1 of the Revised Plan.

The County also supports the creation of the preservation and restoration fund. The County objects however, to Mountain Valley's proposal to limit funding for this purpose to \$500,000 because it is not proportional to the adverse effect and does not reflect the County's input for the reasons stated below:

(1) While the Newport Community Center and Park is an important resource in the District and requires ongoing preservation and restoration, there are other historic structures within the District that also require Preservation and Restoration. Included are three covered bridges, one of which is maintained by the County (the Newport Covered Bridge VDRH #035-0412-0403) and other structures identified in the District's response to the Revised Plan (filed February 22, 2018).

(2) The County supports the recommendation that the Preservation and Restoration Fund be administered by Preserve Newport Historic Properties, a Virginia not for profit corporation. Because the County only owns one historic structure in the District, the County believes that PNHP is better suited to administer preservation and restoration funds, (with consultation and concurrence of SHPO).

(3) Mountain Valley has suggested that Giles County and the District could seek additional funding from the Historic Resources Mitigation Fund, an endowment for grant making purposes created by the Memorandum of Agreement for Historic Resource Mitigation of Virginia Resource Impacts of Mountain Valley Pipeline" (Dec. 22, 2017) (Historic Resources Mitigation Fund). The County disagrees with the suggestion that the Commission can rely on the endowment, which is based on an agreement between Mountain Valley and Commonwealth of Virginia, over which the Commission does not have authority, to mitigate project impacts on historic properties in the District and other affected historic districts. Reliance on this fund would be further misplaced given that the endowment has not yet been established, and procedures for applying for and criteria for allocating funding have not been established. Specifically, Section 5 c of the agreement provides as follows:

No Enforcement by Third Parties. Notwithstanding the identification of certain non-governmental entities to receive and administer mitigation funding provided under this Agreement, this Agreement shall not be construed as granting to those entities any legal or equitable right, remedy, or claim against the Commonwealth or MVP arising out of this Agreement.

In addition to the specific comments set forth above, the County supports and concurs with the Comments and Amended Comments submitted on February 22nd and 23rd, 2018 on behalf of the Greater Newport Rural Historic District Committee and other consulting parties within the District.

In particular, the Advisory Council for Historic Preservation in its letter to James Martin dated January 18, 2018, indicated that Mountain Valley and FERC should "explore how future collocation of additional natural gas pipelines in the ROW can be avoided to preserve the existing setting of the affected historic districts." The County addressed this issue with Mountain Valley and received the following response from John Centofanti by email on January 18, 2018:

In our discussion last Friday, you asked for additional information about the possibility of future pipelines being sited within existing right of way. You referred to language in an easement agreement you had reviewed which granted MVP the right to site an additional pipeline within the right of way on the property.

Following our call, I reached out to our land department to get further information on the easement provision you referenced. I've been informed that the referenced provision is boilerplate and is included in MVP/EQT's standard land agreements. It does not indicate any plan or proposal to add a second pipeline to the right of way. The purpose of this standard language is simply to allow MVP to avoid having to renegotiate its existing easements in the event it were to decide, at a future date, to seek approval to co-locate a section of a new pipeline within one of its existing easements. To reiterate, MVP has not proposed to add a second pipeline to the existing right of way through Giles County.

The easement provision does not give MVP any right, authorization, or shortcut for the construction of any hypothetical future pipeline. Any future pipelines, whether or not they share an existing right of way, would have to through the process of obtaining all necessary federal and state approvals.

While Mountain Valley may have not proposed adding a second pipeline to the existing right of way at the present time, applicable law and regulations favor co-location of future pipelines along with existing pipelines. Even though a second pipeline would require regulatory approval, that process would appear to be streamlined under the co-location rules and the fact that where easements have been negotiated and obtained, no further negotiation would be required. It is not typical for

an entity to acquire rights that it has no intent to utilize. The location of a second pipeline through the District would further amplify the adverse effects upon the District and should be restricted.

CONCLUSION

In conclusion, the County requests that the Commission not approve the revised Treatment Plan, and instead undertake further consultation with the County, or direct Mountain Valley to undertake such consultation, in order to resolve the remaining objection to the compensatory mitigation proposal.

Respectfully submitted,



Richard L. Chidester
County Attorney

Cc:

John Eddins, Advisory Council on Historic Preservation
Roger Kirchen, Virginia Department of Historic Resources
Service List for CP16-10



Preserving America's Heritage

March 8, 2018

Mr. James Martin
Chief, Gas Branch 3
OEP/DG2E/Gas 3
Federal Energy Regulatory Commission
Washington, D.C. 20426

Ref: *ACHP Comments on Revised Treatment Plans for Five Historic Districts*
Mountain Valley Pipeline Project
Docket No. CP16-10-000

Dear Mr. Martin:

The Advisory Council on Historic Preservation (ACHP) is providing general comments on the revised treatment plans developed by Mountain Valley Pipeline, LLC (Mountain Valley) to address the adverse effect to historic districts in Virginia from construction of the Mountain Valley Pipeline Project (MVP). The revised treatment plans have been reasonably improved and modified to address the major issues referenced in comments provided by the ACHP, the Virginia State Historic Preservation Officer (SHPO), and a number of consulting parties and stakeholders. We note that consulting parties and stakeholders have also provided follow-up comments conveying their reservations about the sufficiency of the revised treatment plans as well as concerns about additional properties they feel should be considered eligible for the National Register and affected by the undertaking. The ACHP recommends that the Federal Energy Regulatory Commission (FERC) consider the additional comments before it approves the final treatment plans. FERC will also need to finalize the necessary consultation regarding the resolution of adverse effects to the Appalachian National Historic Trail (ANHT).

The Programmatic Agreement (PA) executed on December 15, 2017, for the resolution of the adverse effect of the MVP called for an additional comment period for the draft treatment plans shared with FERC and consulting parties in August 2017. These draft treatment plans included the following historic properties: Greater Newport Rural Historic District (065-0412) [Giles]; North Fork Valley Rural Historic District (060-0574) [Montgomery]; Bent Mountain Rural Historic District (080-0322) [Roanoke]; and Coles-Terry Rural Historic District (080-5689) [Roanoke]. They were focused on the development of National Register of Historic Places nomination forms, one-hour driving tours, brochures, and way-finding signage as mitigation to resolve the adverse effects resulting from the undertaking. Our comments on the original draft plans, along with those of the SHPO, consulting parties, and other stakeholders, emphasized that the proposed resolution of adverse effects was minimal and warranted further consideration of the effects on the historic districts, contributing properties, setting, and context.

Mountain Valley reviewed these comments and engaged in follow-up meetings and telephone calls with consulting parties and stakeholders. They subsequently developed the revised treatment plans that were distributed to consulting parties on February 13, 2018.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637
Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov

In response to the major concerns of the consulting parties, the revised plans include:

- 1) Changes to and expansion of revegetation plans to address visual effects to historic districts especially from locations of high public visibility within historic districts; and
- 2) Additional funding to benefit historic preservation projects in affected historic districts.

Overall, the ACHP finds the revised treatment plans to be reasonable and balanced, and more focused on the effects the public will experience when viewing the settings and contexts in the historic districts. Nevertheless, we note that a number of consulting parties and stakeholders have provided follow-up comments on the revised treatment plans, questioning their sufficiency to address the adverse effects. As such, they propose:

- 1) Additional work to address effects to the context of the historic districts and additional funding for preservation projects;
- 2) A commitment by Mountain Valley to form ongoing partnerships with counties in order to consider long term and cumulative effects; and
- 3) A commitment by FERC and Mountain Valley to avoid the future colocation of additional pipelines and other utilities along the MVP Right-of-Way.

Further, some of the commenters continue to suggest that additional properties should be considered eligible for the National Register and affected by the undertaking. Based on recent discussion between the SHPO staff and the ACHP, it appears that stakeholders may have submitted to FERC and Mountain Valley sufficient information to justify consideration of the potential effects to the Adlai Jones Farm in Greater Newport Rural Historic District in Giles County.

We understand that Mountain Valley and FERC have consulted with the United States Forest Service (FS), the National Park Service (NPS), the Appalachian Trail Conservancy (ATC), and the Virginia SHPO, and provisionally agreed on additional steps for addressing effects on the Appalachian National Historic Trail (ANHT) beyond the portion on FS land. We recommend that FERC consult further regarding the appropriate steps required to resolve the project-related effects on the ANST viewshed and the visitor experience on the trail, and memorialize such steps in a treatment plan.

In closing, it is the ACHP's opinion that Mountain Valley has complied with the protocol set forth in the PA requiring additional time for consulting parties to comment on the draft treatment plans regarding effects to historic districts affected by the MVP in Virginia. Mountain Valley has revised the draft treatment plans, taking into account the comments that were submitted, and made revisions to the plans that are reasonable. However, prior to finalizing the treatment plans, we recommend that FERC seriously consider the additional comments submitted by consulting parties and stakeholders regarding the revised treatment plans. This includes concerns regarding the feasibility of some of the projects proposed as mitigation, and the sufficiency of the associated funding, timing, and flexibility to address these issues. Finally, we recommend that both FERC and Mountain Valley explore how they can address future collocation of additional natural gas pipelines in the ROWs in order to respond to concerns expressed about cumulative affects to the setting of the affected historic districts

Should you have any questions or wish to discuss this matter further, please contact John T. Eddins, PhD at 202-517-0211, or by e-mail at jeddins@achp.gov.

Sincerely,



Charlene Dwin Vaughn, AICP
Assistant Director, FPLAS
Office of Federal Agency Programs



COMMONWEALTH of VIRGINIA

Matt Strickler
Secretary of Natural Resources

Department of Historic Resources
2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

March 9, 2018

Mr. Paul Friedman
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Re: *Mountain Valley Pipeline Project, Revised Historic Property Treatment Plan, Greater Newport Rural Historic District (035-0412)*
FERC Docket No. CP16-10-000; DHR File No. 2014-1194

Dear Mr. Friedman:

The Department of Historic Resources (DHR) has received the document referenced above (revised February 2018) prepared by Tetra Tech for Mountain Valley Pipeline, LLC (MVP) and the Federal Energy Regulatory Commission (FERC) in accordance with Stipulation III.B of the Programmatic Agreement (PA) executed for this project. This Treatment Plan presents those actions to be taken by MVP to minimize and mitigate the adverse effects of the project on the Greater Newport Rural Historic District (DHR ID #035-0412) in Giles County, Virginia. Specifically, the Treatment Plan proposes 1.14 miles of enhanced right-of-way revegetation and \$500,000 for the maintenance and repair of the Newport Community Center and Park (formerly Newport High School and Agricultural Building; DHR ID #065-0412-0065 & 0066).

It is our opinion that the revised Treatment Plan is reasonable in scale, proportionate to the effect, and takes into consideration previous comments from DHR, the Advisory Council on Historic Preservation, and other consulting parties. We understand that Giles County recommends that the Newport Community Center and Park Preservation Fund (Fund) be provided to and administered by Preserve Newport Historic Properties (PNHP). DHR does not object to this revision provided that PNHP agrees to abide by the terms and conditions of the Fund as presented in Attachment 3 of the Treatment Plan. DHR also acknowledges concerns expressed by the Greater Newport Rural Historic District Committee regarding inaccuracies in the mapping of the Adlai Jones Farm (DHR ID #035-0412-0010) and adjacent properties. Please see the Attachment to this letter for details of our review of this issue. To summarize, DHR recommends additional visual impacts analysis for the Adlai Jones Farm that demonstrates the effectiveness of the proposed minimization efforts.

Extensive comments on the Treatment Plan have been provided to MVP and the FERC from consulting parties and other stakeholders. We remind the FERC of its responsibility under the PA to meaningfully

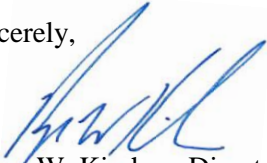
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Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

consider all comments from consulting parties prior to approving any final Treatment Plan. Should you have any questions concerning these comments or our review of this project, please do not hesitate to contact me at roger.kirchen@dhr.virginia.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Kirchen', is positioned above the typed name.

Roger W. Kirchen, Director
Review and Compliance Division

- c. Mr. John Eddins, ACHP
Mr. John Centofanti, MVP

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ATTACHMENT

During the cultural resources surveys completed in support of the Mountain Valley Pipeline, several contributing historic properties within the Greater Newport Rural Historic District (DHR ID #035-0412) were incorrectly mapped during the analyses (see Figure 1). These mapping errors appear to stem from a combination of consultant error and errors within DHR's digital database. Comments and recommendations for specific properties are detailed below.

The Adlai Jones Farm (DHR ID #035-0412-0010) was mapped incorrectly at 199 Leffel Lane, rather than at the correct address of 402 Steele Acres Road. This incorrect location appears first in the June 2016 *Addendum to Phase I Reconnaissance Architectural Survey for the Mountain Valley Pipeline, Craig and Giles Counties, Virginia: Supplemental Information* and in subsequent analyses and treatment plans. Consequently, there has been no formal visual impacts analysis for this property at its correct location. It appears from the route map that efforts have been taken to minimize impacts to the Farm by reducing the limits of disturbance in the vicinity of the resource. However, we recommend that a corrected impacts analysis be provided to demonstrate that these measures are sufficient to minimize the effects to this historic property.

Leffel Mansion (DHR ID #035-0412-0011) was mapped incorrectly at 119 Leffel Lane, rather than at its correct address of 199 Leffel Lane. This error likely stems from incorrect mapping in DHR's VCRIS. Given that no adverse effects were found during analysis of the property at 199 Leffel Lane, the incorrect mapping will not change our effects recommendation.

The Mason Hutchinson House (DHR ID #035-0412-0012) was mapped incorrectly at 206 Steele Acres Road, rather than at its correct address of 119 Leffel Lane. This error likely stems from incorrect mapping in DHR's VCRIS. Given that no adverse effects were found during analysis of the property at 119 Leffel Lane, the incorrect mapping will not change our effects recommendation.

Regarding the Adlai Jones Farm Road Trace (DHR ID #035-0412-0466), DHR maintains its recommendation that the resource is not an historic property. No road trace appears on USGS maps of the area dating back to 1890. Special Collections at Virginia Tech has not yet identified the "1833 Salmon Map" which is cited by Don Jones in his February 20, 2017 letter to support the inclusion of the trace as a historic road.

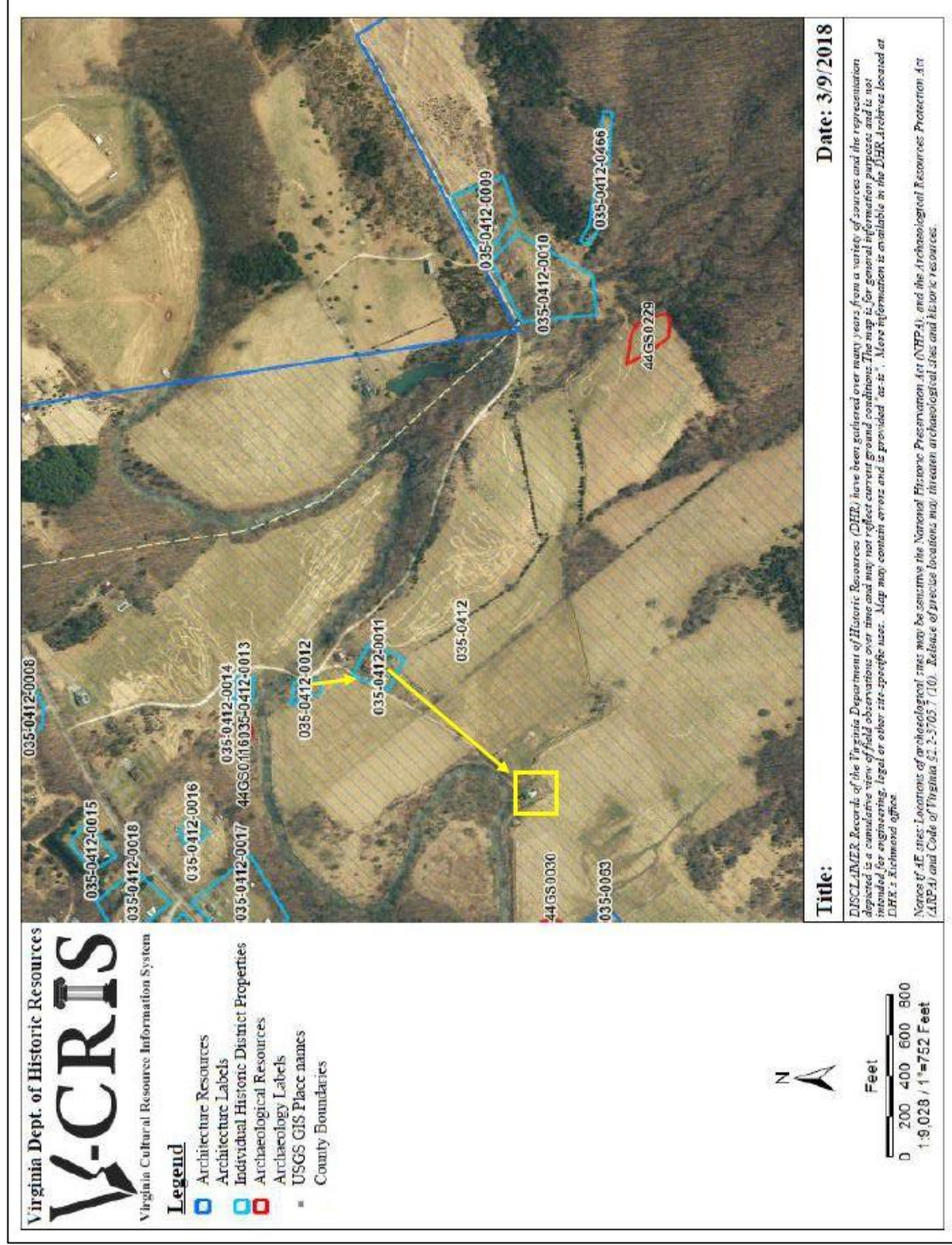


Figure 1. Incorrectly mapped resources in VCRIS (correct resource locations shown in yellow)

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DG2E/G3
Mountain Valley Pipeline LLC
CP16-10-000

March 13, 2018

Matthew Eggerding, Counsel
Mountain Valley Pipeline LLC
625 Liberty Ave., Suite 1700
Pittsburgh, PA 15222

Re: Implementation of Treatment Plans in Virginia

Dear Mr. Eggerding:

I grant your March 9, 2018 request, for Mountain Valley Pipeline LLC (Mountain Valley) to implement the site-specific measures outlined in the Treatment Plans for the Big Stony Creek Historic District (Historic Site No. 35-5127) and Greater Newport Rural Historic District (Historic Site No. 35-412) in Giles County, Virginia; the North Fork Valley Rural Historic District (Historic Site No. 60-574) in Montgomery County, Virginia; the Bent Mountain Rural Historic District (Historic Site No. 80-5677), Coles Terry Historic District (Historic Site No. 80-5689), and Bent Mountain Apple Orchard Rural Historic District (Historic Site No. 80-5731) in Roanoke County, Virginia; and the north side of archaeological site 44FR370 in Franklin County, Virginia, with certain criteria cited below. This approval is in accordance with Stipulation III.B.6 of the Programmatic Agreement (PA) for the Mountain Valley Project executed in December 2017,

Mountain Valley filed revised Treatment Plans for the Big Stony Creek Historic District on February 5, 2018; for the Greater Newport Rural Historic District on February 13, 2018; for the North Fork Valley Rural Historic District on February 2, 2018; for the Bent Mountain Rural Historic District, Bent Mountain Apple Orchard Rural Historic District, and the Coles Terry Historic District on February 14, 2018; and the north side of archaeological site 44FR370 on January 16, 2018. In accordance with Stipulation III.B.1 of the PA, the Virginia Department of Historic Resources, representing the State Historic Preservation Office (SHPO), accepted certain of those Treatment Plans in letters dated March 8 and 9, 2018. In the case of the North Fork Valley Rural Historic District and archaeological site 44FR370, the SHPO did not file timely comments within the review period, so we assume concurrence with those Treatment Plans, pursuant to Stipulations III.B.1 and 2 and IV.A of the PA. In its revised Treatment Plans, Mountain Valley documented consultations with consulting parties and other stakeholders regarding disagreements with measures in draft plans. After consideration of comments from other

- 2 -

consulting parties and stakeholders on both draft and revised plans, FERC staff approves the Revised Treatment Plans in accordance with Stipulation III.B.5 of the PA.

In the case of all sites to be treated, Mountain Valley must have landowner permission or executed easement agreements prior to implementation of treatment measures. Mountain Valley cannot construct within the boundaries of any of the adversely affected historic properties until after it has documented that field work has been completed, through the filing of Management Summaries in accordance with Stipulation IV.H of the PA, and receives a notice to proceed with construction from FERC.

The Management Summaries should address the comments of the SHPO and other consulting parties on the Revised Treatment Plans. For example, for the Greater Newport Rural Historic District, Mountain Valley should consider having the Newport Community Center and Park Preservation Fund be provided to and administered by Preserve Newport Historic Properties, as suggested by Giles County. For the Bent Mountain Rural Historic District, Mountain Valley should document that Roanoke County is willing to accept and manage the mitigation funds, and file a revised avoidance plan that increases the buffer from the Henry-Waldrone Cemetery (Historic Site No. 80-5690). This would also address the March 8, 2018 comments of James and Karen Scott. In response to the March 5, 2018 comments of Montgomery County regarding the North Fork Valley Rural Historic District, Mountain Valley should document that it discussed the proposed exhibit with the Montgomery Museum, and indicate if the Museum is willing or capable to administer the mitigation funds. As an alternative, Mountain Valley should consider another non-profit administrator for the funds, and the use of mitigation money to restore and preserve specific historic resources within the District, such as Bennetts Mill.

If you have any questions, please contact me at telephone number 202-502-8059 or email to paul.friedman@ferc.gov. Thank you for your cooperation.

Sincerely,



Paul Friedman
Environmental Project Manager
Office of Energy Projects

cc: Public File, Docket No. CP16-10-000

**WORK PLAN AND SCHEDULE
FOR
Greater Newport Rural Historic District (035-0412)**

ATTACHMENT 2

Terms and Conditions*

*** Based on comments received from Giles County and the DHR, Mountain Valley will identify and negotiate with the appropriate organization to administer the fund, possibly Preserve Newport Historic Properties. This agreement will be revised appropriately once the organization is identified and negotiations are concluded.**

**NEWPORT COMMUNITY CENTER AND PARK
PRESERVATION FUND
TERMS AND CONDITIONS**

RECITALS

A. Mountain Valley Pipeline, LLC (Mountain Valley) obtained a Certificate of Public Convenience and Necessity from the Federal Energy Regulatory Commission (FERC) pursuant to Section 7(c) of the Natural Gas Act authorizing it to construct and operate the proposed Mountain Valley Pipeline Project (Project) located in 17 counties in West Virginia and Virginia, including Giles County.

B. FERC is the lead federal agency for compliance with the National Environmental Policy Act and Section 106 of the National Historic Preservation Act (NHPA) for this undertaking.

C. Through the Section 106 process, it has been determined that the Project will have an Adverse Effect on the Greater Newport Rural Historic District (District).

D. A Revised Historic Property Treatment Plan (Treatment Plan) has been developed to document and implement mitigation measures to avoid, minimize, and compensate for effects on the District.

E. As a compensatory mitigation measure, the Treatment Plan provides for the establishment of a Newport Community Center and Park Preservation Fund (Fund) in the amount of \$500,000, to be funded by Mountain Valley and dedicated to the restoration and preservation of the Newport Community Center and Park (formerly the Newport High School and Agriculture Building) (contributing resource DHR#035-0412-0065 and 0066) (Historic Structure), an important contributing resource within the District.

F. These Newport Community Center and Park Preservation Fund Terms and Conditions (Terms and Conditions) have been prepared for the purpose of ensuring that the Fund is used solely for the purpose of providing mitigation for the identified adverse effect to the District in a manner that is consistent with the requirements and objectives of the NHPA.

G. The Giles County Board of Supervisors (County), a consulting party, has been selected as the appropriate party to administer the Fund in continuing consultation with the Virginia Department of Historic Resources (DHR).

NOW, THEREFORE, in consideration of these premises and other good and valuable consideration, the receipt and sufficiency of which the County acknowledges, County agrees as follows:

1. Consent to Be Bound to these Terms and Conditions. The County covenants, promises, and agrees that it shall hereby be bound by these Terms and Conditions, including without limitation any and all conditions or limitations pertaining to receipt and use of funds.

2. Restoration and Preservation of Historic Structure. Except as stated in Paragraph 4, the Fund shall be used solely for purposes related to the restoration and preservation of the Historic Structure in a manner that is not materially inconsistent with the Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* and will not cause any adverse effects to the resource.

3. Continuing Consultation with DHR. The County shall administer the Fund in consultation with DHR. Consultation shall mean, at a minimum, that in advance of commencing any study, restoration, construction, or other work using moneys from the Fund, the County shall inform DHR in writing of its plans and give due consideration to the views and opinions of DHR.

4. Substitution for Historic Structure. The County may, in its discretion, use all or a portion of the moneys from the Fund for the restoration or preservation of one or more different historic structures, provided that (i) any such substitute historic structure is a contributing resource to the District and (ii) DHR has been consulted on the substitution.

IN WITNESS WHEREOF, County has caused these Terms and Conditions to be signed its behalf by the undersigned.

GILES COUNTY BOARD OF SUPERVISORS

Name: _____

Title: _____

Date: _____