

The Recorder

IN THE COMMUNITY, ABOUT THE COMMUNITY, SINCE 1877.

2017-12-07 / Top News

On hush-hush, feds OK Augusta Co. request

BY JOHN BRUCE • STAFF WRITER

MONTEREY — Last week, the Federal Energy Regulatory Commission granted Augusta County’s request for consulting party status on historic resources with regard to the proposed Atlantic Coast Pipeline, but only under a cloak of confidentiality.

In his Nov. 21 status request, Augusta County administrator Timothy Fitzgerald asked FERC to direct Dominion, which is building the gas transmission line, to share all Augusta related reports plus files for George Washington National Forest with the county.

He specified mitigation proposals to the historic stone walls in eastern Augusta near the Blue Ridge Parkway.

“We accept your request, in accordance with the Advisory Council on Historic Preservation’s regulations for implementing Section 106 of the National Historic Preservation Act,” wrote David Swearingen of FERC’s division of gas in a Nov. 28 letter to Fitzgerald.

“A representative of a local government with jurisdiction over the area in which the effects of an undertaking may occur is entitled to participate as a consulting party,” the section states.

“We are requesting that (Dominion) provide you with the cultural resources survey reports for Augusta County, Virginia,” Swearingen said, directing Fitzgerald to contact Dominion for copies.

“These reports are filed with the commission as ‘privileged and confidential’ due to the sensitive information that they contain, and are not normally accessible to the public. For this reason, and to comply with Section 304 of the NHPA and FERC regulations, (Dominion) may ask you to sign a confidentiality agreement in order to receive these materials.”

While public involvement is a key ingredient in successful Section 106 consultation, and the views of the public should be solicited and considered throughout the process, Section 304 provides protection against damage, such as looting, of historic property: “The head of a federal agency, or other public official receiving grant assistance pursuant to this division, after consultation with the Secretary of the Interior, shall withhold from disclosure to the public information about the location, character, or ownership of a historic property if the secretary and the agency determine that disclosure may:

- Cause a significant invasion of privacy;
- Risk harm to the historic property; or
- Impede the use of a traditional religious site by practitioners.”

In his letter to Fitzgerald, Swearingen enclosed a draft programmatic agreement for the Atlantic Coast Pipeline and Supply Header Projects for review. “This is an ‘internal working draft’ among the consulting parties, and should not be made public,” he told Fitzgerald. “We request your comments on the draft (agreement) no later than Dec. 15, 2017. We will incorporate suggested comments as appropriate and circulate a final (agreement) for signature.”