

**COUNTY OF AUGUSTA, VA.**

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**PATRICK J. COFFIELD – COUNTY ADMINISTRATOR**

**AUGUSTA COUNTY GOVERNMENT CENTER**

P.O. BOX 590, VERONA, VA 24482-0590

(540) 245-5610 FAX (540) 245-5621

coadmin@co.augusta.va.us

15-109  
October 29, 2015

Attn: John Wood, Director  
Federal Energy Regulatory Commission  
888 First Street N.E.  
Washington, DC 20426

Attn: Pamela Boudreau, Branch 2  
Federal Energy Regulatory Commission  
888 First Street N.E.  
Washington, DC 20426

Attn: Byron Coy, Director  
PHMSA Pipeline Safety  
Eastern Region Office  
820 Bear Tavern Road, Suite 103  
West Trenton, NJ 08628

Dear Mr. Wood, Ms. Boudreau, and Mr. Coy:

The Board of Supervisors of Augusta County, Virginia, hereby invokes the County's Coordination authority acknowledged by federal law. By Resolution, a copy of which is attached, the County has taken the official step forward in the Coordination process to be implemented between the Federal Energy Regulatory Commission (FERC), the Department of Transportation, and Augusta County.

The next step in the process is to move forward with a meeting, which will begin the interactive communication required for meaningful Coordination as required by the National Environmental Policy Act. Initiation and implementation of the process is based upon the following statutes:

- (1) The Federal Land Policy and Management Act (FLPMA) – 43 USC 1701-1785  
(We recognize that the Act governs grazing range lands, but it also includes a Congressional definition of "coordination" which is applicable to any Congressional use of the word unless it is defined differently)
- (2) The National Forest Management Act (NFMA) – 16 USC 1600-1614

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- (3) The National Environmental Policy Act (NEPA) – 42 USC 4321-4347
- (4) The Endangered Species Act – 16 USC 1531-1544
- (5) The Clean Air Act – 42 USC 7401-7431
- (6) The Clean Water Act – 33 USC 1251
- (7) The Wild and Scenic Rivers Act – 16 USC 1271-1287
- (8) The Historic Preservation Act – 16 USC 470
- (9) The Soil and Water Resources Conservation Acts – 16 USC 2001
- (10) The Rural Environmental Conservation Program – 16 USC 1501
- (11) The Resource Conservation Act of 1981 – 16 USC 3401
- (12) The Regulatory Flexibility Act – 5 USC 601 *et seq.*
- (13) The Data Quality Act

Meaningful coordination is also required in order for federal agencies to comply with the following Executive Orders issued by the President of the United States to whom all federal agencies must answer: E.O. 12866, E.O. 13575.

Because of the many activities currently in place, which impact the County, FERC, and the DOT, we desire to hold our first meeting as soon as possible. We ask that you arrange to meet with us at our office in Verona, VA, at 2 p.m. on one of the following dates: November 16, November 30, or December 7. Please contact the Board by (November 9), 2015, to schedule the meeting. If for good reason, none of the above dates are possible, please suggest another meeting date when you contact the Board.

Our agenda will include the following items:

- Status of any natural gas pipeline plans for Augusta County.
- Efforts being made in the planning process according to the DOT's Pipeline & Hazardous Materials Safety Act (PHMSA) to protect private property, protect economic stability of the County, and protect the safety, health, and welfare of its citizens.
- Timelines for completion of the project and preparation and filing of a Draft Environmental Impact Statement (DEIS).
- Timeline for sharing with the County the contents of the DEIS so that the County can review the work and include an analysis of their own DEIS for public viewing and comparison of both. Your regulations and the regulations of the Council on Environment Quality call for an early review and the opportunity to have our analysis, as the coordinating local government, included for review by the President and the public.
- Timeline for beginning to review with the County the earliest study of data which will lead to a plan, the review of such data, and the planning conclusions being drawn from the data.

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Please feel free to bring with you any members of your staff needed to help insure a successful meeting. Also, if you have elements to add to the Coordination meeting agenda, please submit them to us and we will consider adding them.

You will note that the Resolution refers to the Augusta County Coordination Resolution. Many other counties in the western states have been invoking their Coordination authority. In some of them, the step is being taken because of poor relationships between the County and other agencies or their staff. Fortunately, we do not have that problem. Rather, we look forward to a productive and long-term Coordination relationship built upon the solid relationship which has been established between you, your staff, and the Board of Supervisors.

Thank you.

Sincerely,

A handwritten signature in dark ink, reading "Michael L. Shull". The signature is fluid and cursive, with the first name "Michael" being the most prominent part.

Michael L. Shull, Chairman  
Augusta County Board of Supervisors

MLS/rra  
Enclosure





**RESOLUTION ESTABLISHING COORDINATION  
AS THE PUBLIC POLICY OF THIS COUNTY**

**WHEREAS**, Augusta County is a unit of local government in the Commonwealth of Virginia; and

**WHEREAS**, Augusta County is therefore entitled to engage in the Coordination process with all federal agencies as mandated by the U.S. Congress; and

**WHEREAS**, Augusta County exercises the local police powers to protect the public health, safety, and welfare reserved to the States and to the People under the Tenth Amendment to the United States Constitution; and

**WHEREAS**, the proper exercise of those reserved powers requires that all federal agencies engage in the Coordination process with this County; and

**WHEREAS**, the statutes of the Commonwealth of Virginia, such as § 2.2-229, require that state agencies coordinate with local governments such as Augusta County, and the protection of the public health, safety, and welfare of the People of Augusta County requires engagement in such Coordination; and

**THEREFORE, IT IS HEREBY RESOLVED** that Augusta County establishes the policy that, from time to time, it may engage in the Coordination process with all federal agencies and with all state agencies; and

**IT IS FURTHER RESOLVED that**, since Congress defined the Coordination process in the Federal Land Policy Management Act, and since the United States Supreme Court has ruled that, when Congress defines a term, the term means the same in any statute that is *in pari materia*, it is the policy of this County that it may engage in the Coordination process as defined by Congress in the FLPMA.

Adopted: October 28, 2015

Michael L. Shull, Chairman  
Augusta County Board of Supervisors

### Relevant Federal Statutes Requiring Coordination

- (1) The Federal Land Policy and Management Act (FLPMA) – 43 USC 1701-1785
- (2) The National Forest Management Act (NFMA) – 16 USC 1600-1614
- (3) The National Environmental Policy Act (NEPA) – 42 USC 4321-4347
- (4) The Endangered Species Act – 16 USC 1531-1544
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