



2200 Energy Drive | Canonsburg, PA 15317
844-MVP-TALK | mail@mountainvalleypipeline.info
www.mountainvalleypipeline.info

October 2, 2020

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Re: Mountain Valley Pipeline, LLC
Docket Nos. CP16-10-000, -006
Permitting Update in Support of Requests


Dear Ms. Bose:

On August 25, 2020, Mountain Valley Pipeline, LLC filed a Request for Extension of Time with the Federal Energy Regulatory Commission in Docket No. CP16-10-006. On September 22, 2020, Mountain Valley filed a Request to Resume Certain Construction Activities in Docket No. CP16-10-000. As a supplement to both of these requests, on September 25, 2020, Mountain Valley submitted copies of correspondence regarding its Nationwide Permit 12 Verifications as well as the U.S. Forest Service's Draft Supplemental Environmental Impact Statement for the Project.

As a further supplement, Mountain Valley submits herein a copy of the Right-of-Way Permit issued by the National Park Service regarding the Project's crossing of the Blue Ridge Parkway.

If you have any questions, please do not hesitate to contact me at (412) 553-5786 or meggerding@equitransmidstream.com. Thank you.

Respectfully submitted,
MOUNTAIN VALLEY PIPELINE, LLC
by and through its operator,
EQM Gathering Opco, LLC

By: 
Matthew Eggerding
Assistant General Counsel

Attachment

United States Department of the Interior
National Park Service

Right-of-Way Permit for
Mountain Valley Pipeline, LLC a Delaware Limited Liability Company
Right-of-Way Permit No.: 5:140:1947R

(This Right-of-Way Permit, including six (6) Exhibits lettered A-F, contains a total of one hundred nineteen (119) numbered pages.)

Whereas, on November 9, 2016, Mountain Valley Pipeline, LLC, 2200 Energy Drive, Canonsburg, Pennsylvania 15317 (Permittee) applied to the National Park Service (NPS), United States Department of the Interior for a right-of-way to use or occupy NPS-administered lands or waters within the Blue Ridge Parkway (Parkway), a unit of the National Park System, in order to operate and maintain a 42-inch underground high pressure interstate natural gas pipeline (“Project”) at approximately Parkway milepost 135.9 in Roanoke and Franklin Counties, Virginia.

Whereas, the Parkway was established by or pursuant to 16 U.S.C. § 460a-2 (49 Stat. 2041, as amended); and

Whereas, 54 U.S.C. § 100101(a) directs the Secretary of the Interior, acting through the NPS, “to conserve the scenery, natural and historic objects, and wild life” in units of the National Park System and to provide for their enjoyment “in such manner and by such means as will leave them unimpaired for the enjoyment of future generations”;

Whereas, 54 U.S.C. § 100101(b)(2) provides that the authorization of activities in the National Park System “shall be construed and the protection, management, and administration of the System units shall be conducted in light of the high public value and integrity of the System and shall not be exercised in derogation of the values and purposes for which the System units have been established, except as directly and specifically provided by Congress”;

Whereas, 16 U.S.C. § 460a-3 authorizes the Secretary of the Interior to grant revocable licenses or permits for rights-of-way over, across, and upon Parkway lands, under such terms and conditions as he may determine to be not inconsistent with the use of such lands for Parkway purposes;

Whereas, the NPS has promulgated regulations, codified at 36 C.F.R. Part 14, governing the issuance, use, and management of rights-of-way over, across, on, or through federally owned or controlled lands administered by the NPS; and

Whereas, the NPS has determined that the proposed use or occupancy of the NPS-administered lands or waters described herein for the operation and maintenance of the Project is not inconsistent with the use of these lands for Parkway purposes;

Now, therefore, the NPS, acting pursuant to the authority of 16 U.S.C. § 460a-3 hereby grants to the Permittee this revocable, non-exclusive right-of-way permit (Permit) under and across the lands or waters described below (Permitted Area). This Permit constitutes only a revocable, non-exclusive license to use or occupy the Permitted Area for the purposes described in the Permit during the term of the Permit. By accepting this Permit, the Permittee agrees to comply with the regulations in 36 C.F.R. Part 14 (or any successor regulations), other applicable laws and regulations, and the terms and conditions set forth in this Permit. The Park's Superintendent (Superintendent) will be the NPS official primarily responsible for administering this Permit.

Authority to Enter into Permit

The Permittee represents and warrants to the NPS that:

- (1) The Permittee is authorized under the laws of Delaware and by its governing documents to enter into this Permit; and
- (2) The person signing this Permit on the Permittee's behalf is authorized to bind the Permittee to comply with the Permit's terms and conditions.

Legal Description and Map of Permitted Area

The permitted right-of-way is fifty (50) feet wide and runs for 2,208 feet from one edge of Parkway property to the opposite edge. This is further defined in the legal description below.

The legal description of the Permitted Area is as follows:



**Description of Permitted Right-of-Way
for
Mountain Valley Pipeline LLC
50' Pipeline ROW**

A 50' wide permitted right-of-way upon three tracts of land described as containing 68.09 acres, 10.30 acres and 8.65 acres in Roanoke and Franklin Counties, Virginia, and being more particularly described as follows:

Beginning at a point on a line of United States of America's 68.09 acres, from which a ½" rebar found, a corner to said 68.09 acres and Howard & Christine Thompson, bears S 58°36'00" E at 90.56', thence with said Thompson and said 68.09 acres for a line

N 58°36'00" E 54.73' to a point on a line of said 68.09 acres, from which a ½" rebar marked "Parker" found, a corner to said 68.09 acres and Howard & Christine Thompson, bears N 58°36'00" E at 66.99', thence through said 68.09 acres for a part of a line and through the United States of America's 10.30 acres for its remainder

S 55°23'05" E 1399.72' to a point, thence

S 58°52'56" E 157.52' to a point, thence through said 10.30 acres for part of a line and through the United States of America's 8.65 acres for its remainder

S 66°49'30" E 197.40' to a point, thence through said 8.65 acres for eight lines

S 73°57'38" E 142.64' to a point, thence

S 82°41'47" E 197.02' to a point, thence

BIRCH RIVER OFFICE
237 Birch River Road
Birch River, WV 26610
phone: 304-649-8606
fax: 304-649-8608

BRIDGEPORT OFFICE
172 Thompson Drive
Bridgeport, WV 26330
phone: 304-848-5035
fax: 304-848-5037

ALUM CREEK OFFICE
P.O. Box 108 • 1413 Childress Rd
Alum Creek, WV 25003
phone: 304-756-2949
fax: 304-756-2948

MARTINSBURG OFFICE
25 Lights Addition Drive
Martinsburg, WV 25404
phone: 304-901-2162
fax: 304-901-2182

ALLEGHENYSURVEYS.COM

N 85°05'05" E 92.41' to a point on a line of said 8.65 acres and Marion Waldron, et al., from which a 4" x 4" x 20" concrete monument found, a corner to said 8.65 acres and said Waldron, bears N 12°08'11" E at 843.60', thence with said Waldron for a line

S 12°08'11" W 52.30' to a point, from which a ½" rebar found, a corner to said 8.65 acres and said Waldron and Deborah H. Joiner, bears S 12°08'11" W at 38.17', thence leaving said Waldron and through said 8.65 acres for three lines

S 85°05'05" W 82.43' to a point, thence

N 82°41'47" W 206.19' to a point, thence

N 73°57'38" W 149.58' to a point, thence

N 66°49'30" W 203.98' to a point, thence leaving said 8.65 acres and through said 10.30 acres for a line

N 58°52'56" W 162.52' to a point, thence through said 10.30 acres for part of a line and through said 68.09 acres for its remainder

N 55°23'05" W 1423.49' to the **Point of Beginning** containing **2.53 acres** (110,372.68 sq. feet), as surveyed on the grid north meridian by Allegheny Surveys, Inc. of Birch River, West Virginia in June of 2017, and as depicted on an "Plat of Survey for Mountain Valley Pipeline, LLC Blue Ridge Parkway Boundary – Permitted ROW (Maintenance)" attached hereto and made a part of this description.

Being a permitted right-of-way across two tracts of land described as containing 68.09 acres and 8.65 acres, conveyed by J. V. and Ruth S. Grant by a deed dated January 2, 1974, and recorded in the Roanoke County Clerk's Office in Deed Book 987 at page 789, and also another tract of land described as containing 10.30 acres conveyed by the Virginia State Highway Commissioner to the United States of America by a deed dated December 20, 1956 and recorded in the Office of the Clerk of Roanoke County in Deed Book 616 at page 464.



Stacey O. Brown
Stacey O. Brown LS
9/13/2020
Date

And as depicted on the dated as-built map attached to this Permit as Exhibit A.

The Permittee may not deviate from the approved Permitted Area in its operation and maintenance of the Project. If the Permittee determines that it needs to use or occupy NPS-administered lands or waters not specifically described in this Permit for the operation and maintenance of the Project, then the Permittee must apply in writing to the NPS for authorization to use or occupy the additional area. After considering the Permittee's application, the NPS, in its sole discretion, may authorize the use or occupancy of the additional area by amending this Permit or by issuing a new permit that includes such terms and conditions as the NPS deems appropriate. In its sole discretion the NPS may also deny the Permittee's request for authorization to use or occupy the additional area.

Permitted Use of Right-of-Way

This Permit authorizes the operation and maintenance of the Project. If the Permittee determines that it needs to operate and maintain facilities or equipment other than those specifically described in this Permit, then the Permittee must apply in writing to the NPS for authorization to operate and maintain the additional facilities or equipment. In considering the Permittee's application, the NPS, may require additional environmental compliance and reappraisal in accordance with applicable law. After considering the Permittee's application, the NPS, in its sole discretion, may authorize the operation and maintenance of the additional facilities or equipment by amending this Permit or by issuing a new permit that includes such terms and conditions as the NPS deems appropriate. In its sole discretion the NPS may also deny the Permittee's request for authorization to operate and maintain the additional facilities or equipment.

Effective Date and Term of Permit

This Permit will be effective on the date of its signature by the NPS Regional Director and will expire automatically 10 years after its effective date at noon, Eastern Standard Time, unless it is earlier revoked, terminated, renewed, or abandoned pursuant to the provisions of this Permit or in accordance with applicable federal law.

Reauthorization of Use

In order to continue use or occupancy of the Permitted Area beyond the initial term without interruption, the Permittee must submit to the Superintendent a written application for reauthorization, on the then-current NPS-approved form and in accordance with then-existing NPS regulations and policies, at least 6 months before the Permit's expiration date. After considering the application, the NPS, in its sole discretion, may reauthorize the use and occupancy of the Permitted Area by issuing a new permit that includes such terms and conditions as the NPS deems appropriate. The Permittee hereby acknowledges that reauthorization is not guaranteed and that the Permittee does not have a preferential right to reauthorization as a result of the NPS's issuance of this Permit.

Termination of Permitted Right-of-Way

At any time during the term of this Permit the NPS, in its sole discretion, may, without incurring any liability whatsoever, terminate all or any part of the permitted right-of-way. If the NPS terminates all or any part of the right-of-way before the Permit expires by its own terms, then the NPS will provide the Permittee thirty (30) days advance written notice of the termination, including the reasons for the termination.

Abandonment of Permitted Right-of-Way

At any time during the term of this Permit, if the Permittee fails to use or occupy the Permitted Area for a period of two (2) years, then the NPS, in its sole discretion, may deem the Permit abandoned and may take whatever action it determines is necessary (including revocation of the Permit), to secure and restore the Permitted Area. The NPS will provide the Permittee written notice of its determination that the Permittee has abandoned the permitted right-of-way. In case of abandonment, the Permittee will be responsible for reimbursing the NPS for all of its costs to secure and restore the Permitted Area.

Reimbursement of Costs

Pursuant to 54 U.S.C. § 103104 the Permittee has paid the NPS for administrative and other costs incurred by the NPS in processing the application for the Permit and agrees to reimburse the NPS for costs incurred by the NPS in monitoring the uses or activities authorized by this Permit.

Fees for Use and Occupancy

Pursuant to 36 C.F.R. § 14.26(a) the Permittee will pay fair market value for the use and occupancy of NPS-administered lands or waters. The charge for use and occupancy of the Permitted Area will be \$ 300.00 per year. Pursuant to 36 C.F.R. § 14.26(e) the NPS may periodically review the charges for this Permit and impose such new charges as may be reasonable and proper.

Terms and Conditions

This Permit and the uses or activities authorized under it are subject to the following terms and conditions:

- (1) This Permit may be amended only by a written instrument executed by the NPS and the Permittee.
- (2) The Permittee may not transfer or assign this Permit to another party without obtaining the NPS's prior written approval.
- (3) The Permittee is responsible for ensuring that its officers, employees, representatives, agents, contractors, and subcontractors are familiar with this Permit and comply with its terms and conditions. All persons working for the Permittee within the Permitted Area must carry a copy of this Permit.

(4) The Permittee must provide the NPS with current contact information (company address, points of contact, telephone numbers, email addresses, etc.) for both routine and emergency communications. This contact information must include points of contact in the event of a spill, fire, or accident and the order of contact of those individuals. This information is shown in Exhibit C.

(5) The Permittee shall maintain carsonite posts at the Parkway boundary over the centerline of its alignment on the east and west boundary lines. The posts shall be of a design and in a location acceptable to the NPS, with the company's name, primary point of contact, and emergency telephone number, and notice that no vegetation manipulation or herbicide use is authorized without specific written approval, while meeting any applicable requirements of the U.S Department of Transportation (DOT) or the Pipeline and Hazardous Materials Safety Administration (PHMSA). The information on the posts shall be in English and Spanish. The Permittee shall maintain the carsonite posts in good condition as determined by the NPS, at the Permittee's sole expense. Any other posts or markers required by DOT or PHMSA, such as those at the crossing of the Parkway motor road, shall be placed only after their location and appearance is approved by the Park Superintendent and with concern for their visibility from the motor road or other points along the Parkway.

(6) The Permittee must notify the Superintendent in writing at least three (3) weeks before conducting any maintenance or non-emergency repair work within the Permitted Area. The written notice must describe the location of the proposed work, the equipment to be used, the size of work crews anticipated to be working in the Parkway, the requested start date, and an estimation of the length of the work in days. Once work has been completed, the Permittee must report the beginning and ending dates of maintenance and operations work, including notification of any OSHA-reportable injury, criminal incident, spill, or environmental emergency commensurate and in compliance with Term and Condition 8 below. The Superintendent may require an on-site meeting before any non-emergency maintenance or repair work commences and may assign a site monitor to be present during such work. Except in emergencies, all work in the Permitted Area must be conducted during the Parkway's normal business hours. Written requests for maintenance and repair can be sent to Blue Ridge Parkway Superintendent, c/o Permits Coordinator; 199 Hemphill Knob Road, Asheville, North Carolina, 28803, and by email to BLRI_Permits@nps.gov.

(7) If emergency pipeline maintenance is required in the Permitted Area, the Permittee shall notify the Parkway within two (2) hours by calling Blue Ridge Parkway Communication Center at (828) 298-2491 and BLRI_communications@nps.gov. Permittee must check in by calling the Communication center prior to commencing emergency work. A full report of actions and corrections taken within the Permitted Area is due to the Superintendent within forty-eight (48) hours at (828) 348-3441 and BLRI_Superintendent@nps.gov.

(8) In the case of an OSHA-reportable injury, criminal incident, spill, or environmental emergency within the Permitted Area involving the Project, the Permittee, or its officers, employees, representatives, agents, contractors, or subcontractors, the Permittee shall notify the Parkway within two (2) hours of the event contacting the Superintendent at (828) 348-3441 and BLRI_Superintendent@nps.gov, and the Park Communication Center at (828) 298-2491 and

BLRI_communications@nps.gov. The Permittee must also submit to the Superintendent within forty-eight (48) hours a full written report of actions and corrections taken, and submit a complete report including the resolution of the situation within ninety (90) days.

(9) In the case of any spill, or environmental emergency involving the Project within five (5) miles of the Parkway, the Parkway must be notified within two (2) hours of the event by contacting the Superintendent at (828) 348-3441 and BLRI_superintendent@nps.gov, and the Park Communication Center at (828) 298-2491 and BLRI_communications@nps.gov.

(10) The Permittee must erect and maintain appropriate warning signs, barricades, or other warning devices during all periods when it is using the Permitted Area, including periods of maintenance and repair.

(11) The NPS shall have unrestricted access across the Permitted Area within the Parkway and may enter and inspect the Permitted Area at any time without providing prior notice to the Permittee. During periods of emergency, access shall be subject to reasonable safety precautions. The public shall have access as the Superintendent may deem appropriate. The Permittee will not restrict access administratively or by physical barrier, except when required to comply with Condition No. 10 or Condition No. 36.

(12) If necessary to protect Parkway resources or visitors, the NPS may require the Permittee to suspend its activities in the Permitted Area or to relocate or remove its facilities or equipment; provided that if the NPS determines that the Permittee must relocate or remove its facilities or equipment, the NPS will exercise its best efforts to accommodate the Permittee at another location in the Parkway and will require additional environmental compliance and reappraisal in accordance with applicable law.

(13) Notwithstanding the issuance of this Permit, the NPS (a) may establish trails, roads, or other improvements across, over, on, or through the Permitted Area for use by the NPS, by Parkway visitors, or by others and (b) may authorize its contractors or other permittees to use the Permitted Area at the same time that the Permittee is using it, as long as those other uses will not unreasonably interfere with the Permittee's use of the Permitted Area under this Permit.

(14) The Permittee may not allow another party to co-locate equipment on the Project within the Permitted Area without obtaining the NPS's prior written approval. As a condition of such approval, the NPS will require the co-locator to apply for and be issued its own NPS right-of-way permit or special use permit as appropriate.

(15) The Permittee must keep the Permitted Area clean and free of litter or other debris at all times. Burning of any materials is not allowed.

(16) Except as expressly authorized by this Permit or subsequently approved in writing by the Superintendent, the Permittee may not move, remove, alter, damage, disturb, harass or destroy any Parkway resources within the Permitted Area, including cattle and any other authorized livestock, while conducting activities within the agricultural permit area, or the Parkway. As directed by the

Superintendent, the Permittee must take all reasonable measures to avoid or minimize damage to Parkway resources. The Superintendent may require reasonable mitigation in return for allowing impacts to Parkway resources under this Permit.

(17) The Permittee must immediately suspend all activities and notify the Superintendent upon the discovery of any threatened or endangered species or archeological, paleontological, or historical resources within or near the Permitted Area. All natural and cultural resources discovered in the Permitted Area are the property of the United States.

(18) The Permittee must do everything reasonably within its power to prevent and suppress fires resulting from Permittee's activities under this Permit. The Permittee shall immediately notify the Superintendent or the designated NPS contact in the event of a fire resulting from pipeline operations or major leak or rupture of the pipeline crossing through or within proximity of the Parkway.

(19) The Permittee may not use pesticides or herbicides on Parkway lands without obtaining the Superintendent's prior written approval.

(20) Any underground utilities previously located within this Right-of-Way which are damaged or disrupted during operation or maintenance of the Project shall be repaired or restored by the Permittee within four (4) hours.

(21) Within 6 months after the expiration or termination of this Permit, the Permittee shall abandon all its facilities and equipment in accordance with the following:

- a. Physically disconnect and abandon in-place the portion of the pipe located directly beneath the Parkway roadbed;
- b. Fill the abandoned in-place pipe beneath the Parkway roadbed with material of sufficient quality and quantity to eliminate the potential for roadbed subsidence should the structural integrity of the abandoned pipe become compromised;
- c. Seal the abandoned in-place pipe;
- d. Remove all other associated pipe owned by Permittee within the boundary of Parkway but not located directly beneath the Parkway roadbed, and
- e. Restore the surface of all lands or waters affected by the pipe removal to pre-disturbance conditions as directed and approved by the Superintendent should any restoration be needed as determined by the Superintendent.
- f. These obligations survive the expiration or termination of this Permit until they are completed.

Any facilities or equipment not removed within that time will be deemed abandoned and will be disposed of in accordance with applicable federal law. In that event, the Permittee will be liable to the NPS for all of its costs in disposing of the facilities or equipment and restoring the Permitted Area.

(22) Before the Permit's effective date, the Permittee must file with the NPS a performance bond payable to the NPS, issued by a surety satisfactory to the NPS, to guarantee its compliance with all

terms and conditions of this Permit and with all applicable laws and regulations. The bond for this Permit must be in the amount of \$570,000.00 and must be filed with Park Permit Coordinator, who can be reached at BLRI_permits@nps.gov. This bond must be maintained for the entire term of the Permit.

(23) The Permittee must procure and maintain in force and effect during the term of this Permit commercial general liability insurance to protect against claims arising out of the acts or omissions of the Permittee or its officers, employees, agents, or representatives while conducting the activities authorized by this Permit. The insurance policy must provide coverage for discharges or escapes of pollutants or contaminants into the environment, including sudden or accidental discharges or escapes. The policy must be in the minimum amount of \$1,000,000 per occurrence and \$3,000,000 aggregate; must be issued by a United States company duly licensed to do business in Virginia; and must name the United States of America as an additional insured. Before the NPS Regional Director executes this Permit, the Permittee must provide the NPS with a copy of its Certificate of Insurance showing the required coverage.

(24) This Permit is not a defense to liability under 54 U.S.C. § 100722(c)(3) for any activity not expressly authorized by this Permit.

(25) The Permittee will indemnify and hold harmless the United States and its officers, employees, agents, and representatives from and against all liability of any sort whatsoever arising out of the Permittee's activities under this Permit. This agreement to indemnify and hold harmless from and against all liability includes liability under federal or state environmental laws, including the Comprehensive Environmental Response, Compensation, and Liability Act, as amended; the Resource Conservation and Recovery Act, as amended; and the Federal Water Pollution Control Act (commonly known as the Clean Water Act), as amended. This agreement to indemnify and hold harmless will survive the Permit's termination or expiration.

(26) In accordance with applicable federal law, the Permittee will not discriminate against any person because of race, color, religion, sex, or national origin.

(27) Nothing in this Permit obligates the NPS to expend in any one fiscal year any sum in excess of appropriations made by Congress or administratively allocated by the NPS for the purpose of this Permit, or to involve the NPS in any contract or other obligation for the further expenditure of money in excess of such appropriations or allocations.

(28) The Permittee is subject to the terms and conditions in 36 CFR 14.9 (attached as Exhibit B.)

(29) The following required plans are attached in Exhibit C and the Permittee must follow these plans in the event of these incidents:

- a. Emergency Response in the event of human accidents, injury, or death;
- b. Contingency plans for:
 - i. fires (both fire prevention and actions in case of fire),
 - ii. earthquakes

(30) The Permittee shall exercise this privilege subject to the supervision of the Superintendent or designee, and all terms and conditions of this Permit. Failure to do so may result in the immediate suspension of the permitted activity or the revocation of the Permit.

(31) The Permittee is responsible for making all necessary contacts and arrangement with other Federal, State, and local agencies to secure required inspections, permits, licenses, etc.

(32) If any provision of this permit shall be found invalid or unenforceable, the remainder of this permit shall not be affected and the other provisions of this Permit shall be valid and enforced to the fullest extent permitted by law.

(33) Pursuant to 41 U.S.C § 22, “No Member of Congress shall be admitted to any share or part of any contract agreement made, entered into or accepted by or on behalf of the United States, or to any benefit to arise thereupon.”

(34) Per Secretarial Order 3379 (January 29, 2020), the operation of unmanned aircraft (drones) in the Parkway is prohibited, except as permitted in rare instances and in writing by the Superintendent. The airspace over the Parkway is regulated and administered by Federal Aviation Administration (FAA). All aircraft are prohibited from landing in the Parkway.

(35) This Permit does not grant permission to enter closed areas, and the NPS reserves the right to close portions of the Parkway for purposes of public safety, administration, and protection of natural and cultural resources.

(36) The Permittee may not dig, excavate, or otherwise disturb the ground surface without prior authorization from the Superintendent. If ground disturbance is ever authorized, the following conditions will apply, and the Parkway may add additional terms and conditions for ground disturbance as the Superintendent deems necessary:

a. Any ground-disturbing activities occurring inside the Parkway that exceed 100 square feet shall be reclaimed to attain 70% of original cover with target native species. Should plantings or re-vegetation be necessary, it must first be approved by the Parkway.

b. The Permittee shall use only weed-free fill that has been obtained from outside the Parkway. The Superintendent must approve the source of the fill before it is brought into the Parkway, and it must be inspected by NPS RMS for the presence of non-native, invasive weeds prior to approving the source.

c. The Permittee shall install temporary fencing of sufficient strength to prevent wildlife, cattle, and other farm animals and visitors from falling into the excavation around any temporary excavation left open for more than one (1) day.

d. No trees may be cut or destroyed without first obtaining approval from the Superintendent or his representative. The Parkway will be reimbursed for the market value of any trees removed. Any trees that must be removed shall be replaced in kind as specified by the Superintendent.

e. Any plantings necessary in the agricultural permit area, shall comply with the following:

- i. Permittee shall take soil samples and have analysis done for the ROW and areas extending at least ten (10) feet outside the disturbed areas. A copy of the soil analysis shall be provided to the Park Superintendent.
- ii. Fertilize and lime agricultural areas (including ten (10)-foot buffer) according to the soil test recommendations prior to seeding.
- iii. No-till, frost seeding is required on all disturbed lands, extending at least ten (10) feet beyond the outer edge of disturbance, within the agricultural permit portions of the Parkway crossing. The seed mixture shall consist of 33% each of Timothy grass, orchard grass, and red clover.
- iv. Seeding shall take place from late January until March, utilizing these seeds in varieties that are adapted to Virginia, and using the seeds with a high germination percentage.
- v. Permittee shall consult with the local Extension Agent for varieties adapted to mountains in Virginia and recommendations shall be approved in advance by NPS.
- vi. Seeding equipment shall be adjusted to place seed at a shallow depth of one quarter to one half ($\frac{1}{4}$ to $\frac{1}{2}$) inch to allow for blending with the existing agricultural permit area.
- vii. The entire site shall be monitored for two (2) years to ensure 90% recovery of the grass seed mix as approved by NPS. Should reseeding recovery not reach 90%, additional reseeding and monitoring by the Permittee will continue until NPS confirms 90% recovery has been reached. NPS will determine when the use of the area for the agricultural permit may resume.

f. Should plantings be necessary in non-agricultural permit areas in the Permitted Area, they shall be over seeded with the seed mix as specified in the "Blue Ridge Parkway Guidelines for Seeding and Rehabilitation," as detailed in Exhibit D.

(37) Permittee shall inspect all personnel before accessing NPS lands and waters to ensure boots and clothing are free of mud and other materials that could transport noxious weeds, exotic and invasive species onto NPS lands or into NPS waters. Such materials shall be removed and the apparel in question cleaned prior to accessing NPS lands and waters. The Permittee shall clean any equipment used inside the Parkway by pressure-washing prior to entering the Parkway and shall ensure it is clean of any soil, plant matter, other materials to minimize import of non-native, invasive species.

(38) Dead trees adjacent to the Permitted Area shall remain standing as snags without intervention. If trees fall into the Permitted Area, Permittee may chip or saw trees into smaller pieces and scatter within or adjacent to the Permitted Area.

(39) If the Whorled Sunflower (*Helianthus verticillatus*) is discovered in the Permitted Area, Permittee may not conduct any activities under this Permit until the required consultation is

complete. Following consultation, NPS may require additional mitigations to protect Parkway resources.

(40) Permittee shall implement the Historic Property Treatment Plan for the Bent Mountain Rural Historic District, as detailed in Exhibit F, and abide by the terms of the Programmatic Agreement for the Mountain Valley Project - FERC CP16-10-000, as detailed in Exhibit E.

(41) The Permittee is responsible for any cleanup costs required as a result of spills or accidents resulting from activities during the Permit. The Permittee is also responsible for any costs and charges associated with the restoration of the resource due to disturbed natural, cultural, and/or historic resources. Cleanup will be conducted in accordance with all applicable federal and state environmental laws.

(42) Refueling of equipment on Parkway lands is prohibited.

(43) The Permittee may not use, borrow, or rent Parkway equipment.

(44) Maintenance activities on Parkway lands shall be limited to daylight hours. All requests to work during non-daylight hours must be submitted in writing to the Parkway Superintendent for approval fourteen (14) days prior.

(45) No roadways or trails shall be constructed or maintained on Parkway lands in connection with inspection, operation, or maintenance of the pipeline without prior written consent from the Superintendent.

(46) The Permittee agrees that in no way does this Permit authorize the expansion or other uses of this property.

(47) No vehicles, equipment, or materials shall be parked or staged on Parkway lands at any time without first obtaining approval from the Superintendent or his or her representative.

(48) Vehicles, trucks, tractors, or other equipment for the purpose of maintenance or monitoring by the Permittee or its agents shall not use the Parkway motor road, nor obstruct access to any adjacent public or private access to the Parkway motor road, for access to the permitted area. Crossing of the Parkway on State system roads shall not interfere with traffic flow.

By signing this Permit on the date indicated below, the Permittee's authorized representative acknowledges that he or she has read and understands all of the Permit's terms and conditions, agrees that the Permittee will abide by all of the Permit's terms and conditions, and requests that the NPS Blue Ridge Parkway Superintendent execute the Permit and issue it to the Permittee.

Mountain Valley Pipeline



(Signature)

Robert J. Cooper

Printed name

Senior Vice President, Construction Services

Title

September 24, 2020

Date

By signing this Permit on the date indicated below, the National Park Service Interior Region 2, South Atlantic-Gulf Regional Director hereby executes the permit and issues it to the Permittee.

LANCE
HATTEN

Digitally signed by LANCE
HATTEN
Date: 2020.09.29
13:26:16 -04'00'

(Signature)

Acting Regional Director, Interior Region 2, South Atlantic-Gulf
National Park Service
United States Department of the Interior

September 29, 2020

Date

- Exhibit A - As Built Map
- Exhibit B - 36 CFR 14.9
- Exhibit C - Mountain Valley Pipeline Contact Information/Emergency Response and Contingency Plans
- Exhibit D - Blue Ridge Parkway Guidelines for Seeding and Rehabilitation
- Exhibit E - Programmatic Agreement for the Mountain Valley Project - FERC CP16-10-000
- Exhibit F - Historic Property Treatment Plan for the Bent Mountain Rural Historic District

Exhibit A – As Built Map

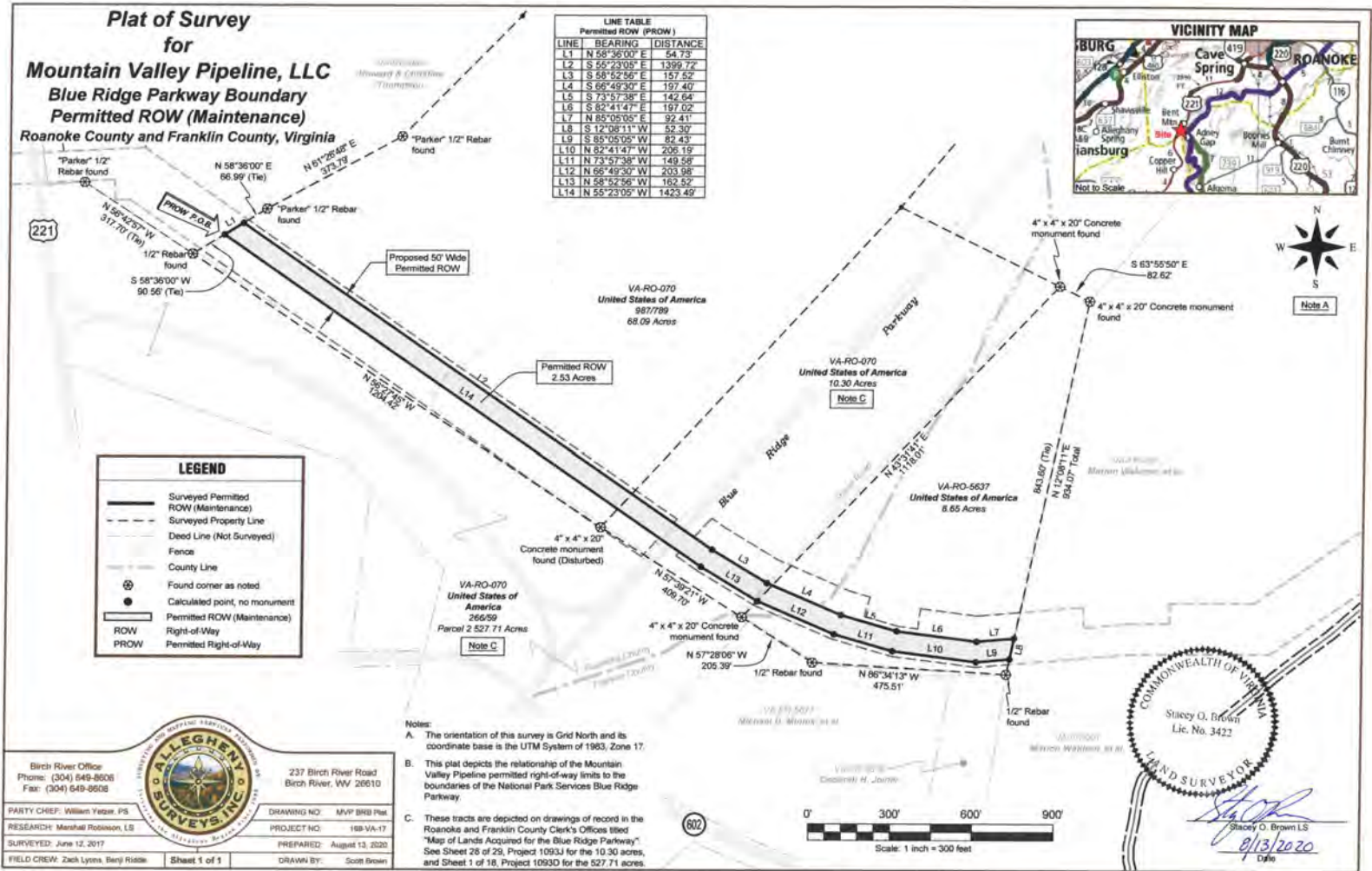


Exhibit B – 36 CFR 14.9



National Park Service, Interior

§ 14.9

(h) *Right-of-Way* includes license, permit, or easement, as the case may be, and, where applicable, includes "site".

[45 FR 47092, July 11, 1980, as amended at 60 FR 55791, Nov. 3, 1995]

Subpart B—Nature of Interest

§14.5 Nature of interest granted; settlement on right-of-way; rights of ingress and egress.

§14.6 In form of easement, license, or permit.

No interest granted by the regulations in this part shall give the holder thereof any estate of any kind in fee in the lands. The interest granted shall consist of an easement, license, or permit in accordance with the terms of the applicable statute; no interest shall be greater than a permit revocable at the discretion of the authorized officer unless the applicable statute provides otherwise. Unless a specific statute or regulation provides otherwise, no interest granted shall give the grantee any right whatever to take from the public lands or reservations any material, earth, or stone for construction or other purpose, but stone and earth necessarily removed from the right-of-way in the construction of a project may be used elsewhere along the same right-of-way in the construction of the same project.

§14.7 Right of ingress and egress to a primary right-of-way.

In order to facilitate the use of a right-of-way granted or applied for under the regulations of this part, the authorized officer may grant to the holder of or applicant for such right-of-way an additional right-of-way for ingress and egress to the primary right-of-way, including the right to construct, operate, and maintain such facilities as may be necessary for ingress and egress. The holder or applicant may obtain such additional right-of-way only over lands for which the authorized officer has authority to grant a right-of-way of the type represented by the primary right-of-way held or requested by the applicant. He must comply with the same provisions of the regulations applicable to his primary

right-of-way with respect to the form of and place of filing his application for an additional right-of-way, the filing of maps and other information, and the payment of rental charges for the use of the additional right-of-way. He must also present satisfactory evidence that the additional right-of-way is reasonably necessary for the use, operation, or maintenance of the primary right-of-way.

§14.8 Unauthorized occupancy.

Any occupancy or use of the lands of the United States without authority will subject the person occupying or using the land to prosecution and liability for trespass.

§14.9 Terms and conditions.

An applicant, by accepting a right-of-way, agrees and consents to comply with and be bound by the following terms and conditions, excepting those which the Secretary may waive in a particular case:

(a) To comply with State and Federal laws applicable to the project for which the right-of-way is approved, and to the lands which are included in the right-of-way, and lawful existing regulations thereunder.

(b) To clear and keep clear the lands within the right-of-way to the extent and in the manner directed by the superintendent; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project in such manner as to decrease the fire hazard and also in accordance with such instructions as the superintendent may specify.

(c) To take such soil and resource conservation and protection measures including weed control, on the land covered by the right-of-way as the superintendent may request.

(d) To do everything reasonably within his power, both independently and on request of any duly authorized representative of the United States, to prevent and suppress fires on or near the lands to be occupied under the right-of-way, including making available such construction and maintenance forces as may be reasonably obtainable for the suppression of such fires.

(e) To build and repair such roads, fences, and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.

(f) To pay the United States the full value for all damages to the lands or other property of the United States caused by him or by his employees, contractors, or employees of the contractors, and to indemnify the United States against any liability for damages to life, person or property arising from the occupancy or use of the lands under the right-of-way; except that where a right-of-way is granted hereunder to a state or other governmental agency whose power to assume liability by agreement is limited by law, such agency shall indemnify the United States as provided above to the extent that it may legally do so.

(g) To notify promptly the superintendent of the amount of merchantable timber, if any, which will be cut, removed, or destroyed in the construction and maintenance of the project, and to pay the United States through such superintendent in advance of construction such sum of money as such superintendent may determine to be the full stumpage value of the timber to be so cut, removed, or destroyed.

(h) To comply with such other specified conditions, within the scope of the applicable statute and lawful regulations thereunder, with respect to the occupancy and use of the lands as may be found by the National Park Service to be necessary as a condition to the approval of the right-of-way in order to render its use compatible with the public interest.

(i) That upon revocation or termination of the right-of-way, unless the requirement is waived in writing, he shall, so far as it is reasonably possible to do so, restore the land to its original condition to the entire satisfaction of the superintendent.

(j) That he shall at all times keep the authorized officer informed of his address, and, in case of corporations, of the address of its principal place of business and of the names and addresses of its principal officers.

(k) That in the construction, operation, and maintenance of the project, he shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin and shall require an identical provision to be included in all subcontracts.

(l) That the allowance of the right-of-way shall be subject to the express condition that the exercise thereof will not unduly interfere with the management and administration by the United States of the lands affected thereby, and that he agrees and consents to the occupancy and use by the United States, its grantees, permittees, or lessees of any part of the right-of-way not actually occupied or required by the project, or the full and safe utilization thereof, for necessary operations incident to such management, administration, or disposal.

(m) That the right-of-way herein granted shall be subject to the express covenant that it will be modified, adapted, or discontinued if found by the Secretary to be necessary, without liability or expense to the United States, so as not to conflict with the use and occupancy of the land for any authorized works which may be hereafter constructed thereon under the authority of the United States.

§ 14.10 Areas of National Park System.

(a) The Act of March 3, 1921 (41 Stat. 1353; 16 U.S.C. 797), provides that no right-of-way for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utilization of power within the limits as then constituted of any national park or monument, shall be approved without the specific authority of Congress.

(b) Pursuant to any statute, including those listed in this subpart, applicable to lands administered by the National Park Service, rights-of-way over or through such lands will be issued by the Director of the National Park Service, or his delegate, under the regulations of this subpart.

Exhibit C – Mountain Valley Pipeline Contact Information/Emergency Response and Contingency Plans

If emergency pipeline maintenance is required in the Permitted Area, the Permittee shall notify the Parkway within two (2) hours, by calling:

Blue Ridge Parkway Communication Center

(828) 298-2491 - BLRI_communications@nps.gov

In the case of an OSHA-reportable injury, criminal incident, spill, or environmental emergency within the Permitted Area involving the Project, the Permittee or its officers, employees, representatives, agents, contractors, or subcontractors, the Permittee shall notify the Parkway within two (2) hours of the event by contacting OR in the case of any spill or environmental emergency involving the Project, the Permittee or its officers, employees, representatives, agents, contractors, or subcontractors within five (5) miles of the Parkway, :

Superintendent

(828) 348-3441 - BLRI_superintendent@nps.gov

and

Blue Ridge Parkway Communication Center

(828) 298-2491 - BLRI_communications@nps.gov.

Mountain Valley Pipeline Operations emergency contact information is as follows:

• **Emergency Contact Number, MVP Gas Control, 1-833-740-1092**

• Cliff Baker, Senior Vice President - Midstream Field Operations, Equitrans Midstream Operations (cell **412-855-3866**)

Additional details addressing emergency response, fire and earthquake preparedness follow in the remainder of this Exhibit.

**Emergency Preparedness and Response
Plan Framework for the National Park
Service Blue Ridge Parkway**

Mountain Valley Pipeline Project

Prepared by:



September 2020

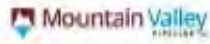


TABLE OF CONTENTS

1.0 INTRODUCTION 1
2.0 PURPOSE 1
3.0 REGULATORY COMPLIANCE 2
4.0 RESPONSIBILITIES 2
5.0 RESPONSE COORDINATION 3
6.0 EMERGENCY COMMUNICATIONS 3
7.0 HAZARD IDENTIFICATIONS AND KEY RESPONSE CRITERIA 5

LIST OF TABLES

Emergency Contact List 4



1.0 INTRODUCTION

Mountain Valley Pipeline, LLC (MVP), a joint venture between EQT Midstream Partners, LP and affiliates of NextEra Energy, Inc.; Con Edison Gas Midstream LLC; and RGC Midstream, LLC (collectively referred to as MVP), is seeking 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 (Project) located in 17 counties in West Virginia and Virginia. MVP plans to construct an approximately 304-mile, 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. Construction began in 2017 and is anticipated to conclude in 2021. Construction on National Forest System lands will occur in 2021.

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 (Transco) Zone 5 compressor station 165 in Pittsylvania County, Virginia. In addition to the pipeline, the Project will include approximately 171,600 horsepower of compression at three compressor stations currently planned along the route, as well as measurement, regulation, and other ancillary facilities required for the safe and reliable operation of the pipeline. The pipeline is designed to transport up to 2.0 million dekatherms per day of natural gas.

An approximate 0.5-mile long segment of the Project will cross portions of the Blue Ridge Parkway (BLRI) in Roanoke and Franklin Counties, Virginia. The BLRI is managed by the National Park Service (NPS). MVP access to this portion of NPS lands will occur through issuance of Construction and Right-of-Way Permits to construct and operate the pipeline.

The purpose of this Plan is to provide measures to be implemented in emergency situations to be utilized by the FERC, NPS, MVP, the construction contractor, and any other party that may be present during operations and maintenance.

2.0 PURPOSE

The purpose of this Plan is to provide an overview of methods to be implemented if the need for emergency management is imminent. This document discusses the existing support structure, chain of command, and emergency communication protocols to be used as a guided for the development Emergency Preparedness and Response Plan to be implemented while the pipeline is operational and if maintenance is required.

Emergency response procedures will be implemented for the following potential events or similar events:

- Pipeline breach, damage to structures, or equipment failure;
- Explosions;
- Fires;
- Natural disasters, including earthquakes; and/or
- Serious personal injury.

Maintenance contractors are required to develop and submit to MVP Site Specific Emergency Action Plans (SSEAP) prior to the start of any work within the permanent right-of-way. The SSEAP will identify and outline potential hazards including detailed plans to prevent, mitigate and/or eliminate the hazards as well as emergency response procedures for the above potential events as well as identified potential hazard scenarios. The contractors will be responsible for training all employees and the Compliance Inspection Contractor (CIC). SSEAP's will be thoroughly vetted by MVP and disseminated to the CIC and the NPS.

The Emergency Preparedness and Response Plan (Plan) provides procedures and information to enable MVP, the contractor, the CIC, and NPS to prepare for and effectively respond to emergency situations. The primary objective of this Plan is to prevent adverse impacts to human health and safety, property, and the environment that could potentially occur as a result of the construction and operation of the Project.

3.0 REGULATORY COMPLIANCE

The U.S. Department of Transportation (USDOT) "Minimum Federal Safety Standards" (49 Code of Federal Regulations [CFR] Part 192) provide the standards pursuant to which the Project will be designed, constructed, operated, and maintained. The proposed Project facilities will be designed, constructed, operated, and maintained to meet or exceed the safety requirements set forth in 49 CFR Part 192. The intent of the USDOT regulations for pipeline facilities is to provide the public with adequate protection from pipeline failures. Included in 49 CFR Part 192 are specifications for material selection and qualification, minimum design and construction requirements, and protection from internal, external, and atmospheric corrosion.

4.0 RESPONSIBILITIES

MVP and the contractor are responsible for the effective response to any emergency situation or event related to the maintenance and operation of the Project. As discussed above, if maintenance is required, each contractor will develop a detailed and thorough SSEAP in conjunction with MVP requirements that will be thoroughly vetted prior to the start of construction activities. Additionally, to ensure a coordinated and effective response, a chain of command will be developed during construction activities and will be followed in the event of an emergency. The following are factors for the establishment of a chain of command:

- Type of event (natural, environmental, pipeline leak, external forces);
- Severity and geographic area (multiple or combination of events);
- Anticipated duration;
- Multi-division/discipline response required; and
- External agency coordination.

5.0 RESPONSE COORDINATION

The amount of resources and coordination required for response to a specific hazard or emergency is determined by type, severity, location, and duration of the event. Most events during construction activities will be managed at the field operations level by the contractor and may require increasing resource requirements to match the severity and duration of the event. Events not associated with a construction activity will be addressed by the Mountain Valley Department associated with that event, for example, spills occurring would be addressed by Mountain Valley's Environmental Department while issues associated with pipeline integrity would be addressed by Mountain Valley's Pipeline Integrity department.

6.0 EMERGENCY COMMUNICATIONS

Effective communication and exchange of information is essential in every emergency response. Misdirected, incorrect, or untimely information can be detrimental and even increase the threat to life or property. As an emergency event escalates, the rapid increase of information creates chaos and confusion. Simple communication diagrams can help to alleviate this situation. Communication chain diagrams will be developed for reference during maintenance activities as part of the contractors' SSEAP and additionally will be developed as part of the Final Construction Emergency Preparedness and Response Plan during operation. All contractor employees, MVP personnel as well as local emergency responders will be provided and trained on the appropriate communication chain diagrams to follow in the event of an emergency. Operations personnel are trained in emergency response procedures as required by the Pipeline and Hazardous Materials Safety Administration (PHMSA).

In case of emergency, call 911 first. Additional potential emergency contacts will be included in the Final Construction and Operations Emergency Preparedness and Response Plan and should be contacted as appropriate, depending on the situation (e.g., fire, injury) as outlined in the communication chain diagrams.

This Emergency Contact List shall be verified prior to beginning any construction throughout operations by Mountain Valley to ensure accurate contact information. This information will be provided to the Contractors so that it can be included in the SSEAPs. MVP will be responsible for providing updated information to the contractors in a timely manner. The contractors will update the SSEAP accordingly and provide training to reflect any changes.



Emergency Contact List¹		
In Case of Emergency - Call 911 Fire – Call 911 First		
Federal, State and County Government Representatives		
NPS Law Enforcement Officer: 828-298-2491	Roanoke County, VA: 911 and 540-562-3265	Franklin County, VA: 911 and 540-483-3091
State and Police and County Sheriffs		
Roanoke County, VA: 911 and 540-777-8601	Franklin County, VA: 911 and 540-483-3000	
Roanoke County Fire and Rescue: 911 and 540-777-8701	Franklin County Fire and Rescue: 911 and 540-483-3091	
Virginia State Police: (540) 375-9500		
Poison Control		
National Poison Control: (800) 222-1222 Provides connections to counties		
Hospitals and Clinics		
Roanoke County, VA: Carilion Roanoke Memorial Hospital (540) 981-7000	Roanoke County, VA: Carilion Roanoke Community Hospital (540) 985-8000	Franklin County, VA: Carilion Franklin Memorial Hospital (540) 483-5277
Hazardous Spill Response and Notification – Call 911		
Directly after 911 notification, the following mandatory notifications will be made by the Compliance Inspection Contractor. Select and notify the appropriate government agency(ies) based on geographic location of the spill site.		
Virginia Secretary of Safety and Homeland Security: (804) 786-5351	Virginia Department of Environmental Quality: (804) 698-4000	National Response Center: (800) 424-8802
MVP Contact Information		
MVP 24 hour Emergency Number - 1-833-929-1736		
¹ An additional list will be completed by construction contractor prior to operation and maintenance activities.		

7.0 HAZARD IDENTIFICATIONS AND KEY RESPONSE CRITERIA

The right-of-way corridor for the Project can pose potential hazards or threats in association with maintenance activities. The most effective response to any situation is awareness of the hazard, its potential effects and consequences, and an understanding of the resources and actions necessary to respond. While it would be unreasonable to list all the potential hazards and detail each response, the construction contractors' SSEAPs is designed to identify any and all potential hazards including detailed plans to prevent, mitigate and/or eliminate the hazards as well as emergency response procedures that would be effective in any given potential hazard scenario. All employees will be trained accordingly. Additionally, response methods and responsibilities will be identified, outlined and



*Mountain Valley Pipeline Project
Framework Construction Emergency Preparedness and Response Plan for the
National Park Service Blue Ridge Parkway*

determined by MVP in the Final Emergency Preparedness and Response Plan for operation.

The Final Operations Emergency Preparedness and Response Plan shall be appended to this Exhibit. MVP will submit when final.

Exhibit D – Blue Ridge Parkway Guidelines for Seeding and Rehabilitation

Establishment of Grass

1. Grading. Unnatural or disturbed grades will be brought back to natural and/or existing grades.
2. Fine Grading. Drag or harrow final surfaces to a smooth and even grade. Maintain unobstructed drainage.
3. Bed Preparation. After final grades are achieved, remove all loose rocks, debris and clods. Spread fertilizer and limestone evenly and incorporate into the top 2-4 inches of loose soil. Rate per 1,000 square feet as follows:

Limestone--Agricultural limestone containing a minimum of 85% calcium carbonate or equivalent, meeting the following graduations:

- 100% passing a 10-mesh sieve,
- 98% passing a 20-mesh sieve,
- 55% passing a 60-mesh sieve, and
- 40% passing a 100-mesh sieve.

Rate per 1,000 square feet is 125 pounds.

Fertilizer--Analysis 5-10-5 at 45 pounds per 1,000 square feet or 10-20-10 at 25 pounds per 1,000 square feet.

4. Seeding Mixture. Sow uniformly at the rate of between two (2) and three (3) pounds per 1,000 square feet on flat areas and up to four (4) pounds per 1,000 square feet on slopes with the following mix:

March 1 to September 31

<i>For Elevations Above 2,500 Feet</i>				
Name of Seed	Shoulders/Ditches		Slopes	
	Lbs/Acre	Lbs/1000	Lbs/Acre	Lbs/1000
Clover, white	6	1/8	6	1/8
Fescue, chewings	65	1-1/2	40	7/8
Fescue, K31	29	5/8	79	1-3/4
Red Top	11	1/4	--	--

For Elevations Below 2,500 Feet

Name of Seed	Shoulders/Ditches		Slopes	
	Lbs/Acre	Lbs/1000	Lbs/Acre	Lbs/1000
Clover, white	6	1/8	6	1/8
Fescue, chewings	29	5/8	79	1-3/4
Fescue, K31	65	1-1/2	40	7/8
Red Top	9	3/16	--	--

September 1 to March 1

For Elevations Above 2,500 Feet

Name of Seed	Shoulders/Ditches		Slopes	
	Lbs/Acre	Lbs/1000	Lbs/Acre	Lbs/1000
Clover, alsike	12	1/4	12	1/4
Fescue, chewings	65	1-1/2	40	7/8
Fescue, K31	29	5/8	79	1-3/4
Winter rye grain (Dec. 1-Feb. 15)	44	1	44	1

For Elevations Below 2,500 Feet

Name of Seed	Shoulders/Ditches		Slopes	
	Lbs/Acre	Lbs/1000	Lbs/Acre	Lbs/1000
Clover, alsike	12	1/4	12	1/4
Fescue, chewings	65	5/8	79	1-3/4
Fescue, K31	29	1-1/2	40	7/8
Winter rye grain (Dec. 1-Feb. 15)	44	1	44	1

5. Make two (2) applications at right angles to each other either by hand or mechanical spreader. Lightly roll immediately after sowing.

Optimal planting times for elevations above 2,500 feet are March 20 through April 20 and July 20 through August 15).

Optimal planting times for elevations below 2,500 feet are March 1 through April 1 and August 15 through September 1).

6. Mulch. After rolling, uniformly apply 1-2 bales per 1,000 square feet of mulch (native materials of grain straw or equivalent cover of another suitable mulching material). 30-40% bare ground should be visible after mulch is applied. Secure mulch in place by staking and tying. Netting is the preferred anchoring method on steep slopes.
7. Water. If easily accessible, water with mist spray soaking ground to a minimum depth of two (2) inches. Water should be clean, fresh and free from harmful substances.

Slopes Stabilization

For slopes less than 20 percent, begin with the procedures described *Establishment of Grass*.

For slopes greater than 20 percent, install a mechanical device that stabilizes the soil:- any blanket that is biodegradable, weed-seed free (enka matte, excelcior blanket, etc.) or any on-site materials, such as rocks, that will hold soil in place. Native type materials should be considered first. Non-native type materials can be used when natives are not available (e.g., coconut matting).

Complete seeding as per procedures described in *Establishment of Grass*.

Exhibit E - Programmatic Agreement for the Mountain Valley Project - FERC CP16-10-000

**PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL ENERGY REGULATORY COMMISSION,
U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT
AND
NATIONAL PARK SERVICE,
U.S. DEPARTMENT OF AGRICULTURE FOREST SERVICE,
U.S. ARMY CORPS OF ENGINEERS,
THE STATE HISTORIC PRESERVATION OFFICES FOR
WEST VIRGINIA AND VIRGINIA, AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE MOUNTAIN VALLEY PROJECT
(FERC Docket No. CP16-10-000)**

WHEREAS, the Undertaking known as the Mountain Valley Project (MVP or Project or Undertaking), located in the State of West Virginia and the Commonwealth of Virginia, consists of about 304 miles of 42-inch-diameter natural gas transmission pipeline; three compressor stations; seven meter stations, interconnections, and taps; 36 mainline block valves; and associated cathodic protection beds, temporary extra workspaces, staging areas, yards, and access roads. The pipeline will begin at the Mobley Interconnect in Wetzel County, West Virginia and terminate at the Transcontinental Gas Pipe Line Company Station 165 Interconnect in Pittsylvania County, Virginia. All Project facilities, and the area of potential effect (APE),¹ are detailed in the final Environmental Impact Statement (EIS) issued by the Federal Energy Regulatory Commission, (FERC or Commission) on June 23, 2017; and

WHEREAS, the FERC is the lead federal agency for the Project (as defined by the regulations implementing Section 106 of the National Historic Preservation Act [NHPA, Title 54 United States Code (USC) § 306108] at Title 36 Code of Federal Regulations [CFR] Part 800.2(a)(2); Council on Environmental Quality [CEQ] regulations for implementing the National Environmental Policy Act at 40 CFR Part 1501.5; Section 313(b)(1) of the Energy Policy Act of 2005; and the May 2002 *Interagency Agreement on Early Coordination of Required Environmental and Historic Preservation Reviews Conducted in Conjunction With the Issuance of Authorizations to Construct and Operate Interstate Natural Gas Pipelines Certificated by the Federal Energy Regulatory Commission* [signed by FERC, CEQ, Advisory Council on Historic Preservation [ACHP], U.S. Department of Agriculture, U.S. Department of the Army, U.S. Department of Commerce, U.S. Department of Energy, U.S. Environmental Protection Agency, U.S. Department of the Interior, and U.S. Department of

¹ Section 4.10.6.1 of the final EIS defined the direct APE for archaeological sites as 150 feet on each side of the pipeline centerline, while the direct APE for historic architectural sites was 225 feet on each side of the centerline.

Transportation]). The MVP is an Undertaking for which FERC must comply with Section 106 of the NHPA and its implementing regulations, "Protection of Historic Properties" (36 CFR § 800), on behalf of the agencies that cooperated in the production of the final EIS. Because the MVP is a complex multi-state Project, where effects on all historic properties cannot be fully determined prior to approval of the Undertaking by all federal permitting agencies, the FERC is using this Programmatic Agreement (PA) to resolve adverse effects at affected historic properties in accordance with 36 CFR § 800.14(b)(3); and

WHEREAS, on October 13, 2017, the Commission issued a Certificate of Public Convenience and Necessity (Certificate) to Mountain Valley Pipeline LLC (Mountain Valley), in FERC Docket No. CP16-10-000, authorizing the MVP, under Section 7 of the Natural Gas Act (NGA, 15 USC § 717); and

WHEREAS, the ACHP was established by the NHPA to develop and interpret the Section 106 implementing regulations, and to oversee and facilitate the operation of the Section 106 process (36 CFR § 800(2)(b)). In a letter to FERC, dated December 14, 2016, the ACHP stated that it was formally entering the Section 106 consultations for this Undertaking. The ACHP is required as a signatory to execute this PA (36 CFR § 800.6(c)(1)(ii)); and

WHEREAS, the State Historic Preservation Office (SHPO) of West Virginia, represented by the West Virginia Division of Culture and History (WVDCH), is a consulting party under the Section 106 process (in accordance with 36 CFR § 800.2(c)(1)). The WVDCH had the opportunity to review all previous cultural resources reports of investigations in West Virginia submitted to it by Mountain Valley prior to November 2017, and commented on recommendations of National Register of Historic Places (NRHP) eligibility and Project effects for all sites identified in the APE in the state. Prior to November 2017, it was the opinion of the WVDCH that historic architectural sites LE-150 (Underwood Farmstead), NR#85001583 (St. Bernard's Church), and BX-351 (Losch/Cunningham Farmstead) are historic properties in West Virginia that would be adversely affected by the MVP. On September 18, 2017, Mountain Valley filed with FERC Treatment Plans to resolve adverse effects at the Underwood Farmstead, St. Bernard's Church, and Losch/Cunningham Farmstead, and these plans were reviewed by the WVDCH (in a letter dated October 27, 2017). In accordance with 36 CFR § 800.6(c)(1)(ii), the West Virginia SHPO is required as a signatory to execute this PA; and

WHEREAS, the SHPO of Virginia, represented by the Virginia Department of Historic Resources (VADHR), is a consulting party under the Section 106 process. The VADHR had the opportunity to review all previous reports of investigations in Virginia submitted to it by Mountain Valley prior to November 2017, and comment on recommendations of NRHP-eligibility and Project effects for sites identified in the APE in the Commonwealth. Prior to November 2017, it was the opinion of the VADHR that archaeological sites 44GS241, 44RN400 and 44RN401, and historic sites 35-5127 (Big

Stony Creek Historic District), 35-412 (Greater Newport Rural Historic District), 60-574 (North Fork Valley Rural Historic District), 80-5698 (Coles-Terry Rural Historic District), and 80-5677 (Bent Mountain Rural Historic District) are historic properties either listed or eligible for listing on the NRHP within the APE in Virginia that will be adversely affected by the MVP. The VADHR reviewed the Treatment Plans produced by Mountain Valley to resolve adverse effects. In accordance with 36 CFR § 800.6(c)(1)(ii), the Virginia SHPO is required as a signatory to execute this PA; and

WHEREAS, the MVP pipeline route will cross lands administered by the U.S. Department of Agriculture Forest Service (FS) and the U.S. Army Corps of Engineers (COE), and the Mineral Leasing Act (30 USC § 185) authorizes the Secretary of the Interior and by delegation the U.S. Bureau of Land Management (BLM) to issue a Right-of-Way Grant allowing the MVP pipeline to cross federal lands administered by two or more federal agencies. The BLM was a cooperating agency (as defined at 40 CFR Part 1501.6) in the production of the EIS, has designated FERC as the lead federal agency for compliance with Section 106 (in accordance with 36 CFR § 800 (2)(a)(2)), and is a signatory (per 36 CFR § 800.6(c)(2)) to this PA; and

WHEREAS, the MVP pipeline route will cross a total of about 3.5 miles of land within Jefferson National Forest, in Monroe County, West Virginia and Giles and Montgomery Counties, Virginia, administered by the FS. The FS will need to amend its Land and Resource Management Plan for the Jefferson National Forest to allow for the MVP, and the FS is considering whether to concur with the Right-of-Way Grant if issued by the BLM. The MVP will affect historic properties eligible for the NRHP within the Jefferson National Forest, including the Appalachian National Scenic Trail (ANST, site number 21-5012) and archaeological site 44GS241. The pipeline will be bored under the trail, and Mountain Valley will implement other measures to reduce impacts on the ANST (summarized in sections 4.8.2.4 and 4.8.2.6 of the FERC's final EIS). The FS was a cooperating agency in the production of the EIS, has designated FERC as the lead federal agency for compliance with Section 106, and is a signatory to this PA; and

WHEREAS, the MVP pipeline route will cross the Weston and Gauley Bridge Turnpike (NR#98001430) in Braxton County, West Virginia, which is an historic property listed on the NRHP that is owned at the crossing location by the COE (Huntington District). Because the pipeline will be bored under the trail, and Mountain Valley will implement other measures to reduce impacts (summarized in sections 4.8.2.4 and 4.8.2.6 of the FERC's final EIS), the COE agrees with FERC staff that the MVP will have no adverse effects on the Weston and Gauley Bridge Turnpike at the crossing, and the WVDCH concurs. The COE is considering whether to concur with the Right-of-Way Grant if issued by the BLM. The COE was a cooperating agency in the production of the EIS, has designated FERC as the lead federal agency for compliance with Section 106, and is a signatory to this PA; and

WHEREAS, the MVP pipeline route will cross the Blue Ridge Parkway (BRP) in Roanoke County, Virginia, and the Blue Ridge Parkway Historic District is listed on

the NRHP. The BRP is managed by the U.S. Department of the Interior National Park Service (NPS), and the NPS must issue a Right-of-Way Grant and construction permits allowing the MVP pipeline to cross NPS lands, making the Project an Undertaking for which the NPS must comply with Section 106 of the NHPA. The NPS agrees with FERC staff that the MVP will have no adverse effects on the BRP and the Blue Ridge Parkway Historic District. The NPS is a consulting party under Section 106 of the NHPA for this Project, as requested in its November 14, 2016 letter to FERC, and is a signatory to this PA; and

WHEREAS, the NPS has consulted with the VADHR on the permitting for the crossing of the BRP, and reviewed cultural resources reports provided by Mountain Valley. The NPS worked with Mountain Valley to avoid archaeological resources on NPS lands. However, a portion of the NRHP-eligible Bent Mountain Rural Historic District overlaps a segment of NPS land in the vicinity of the MVP pipeline crossing of the BRP, and FERC staff, in consultation with the VADHR, determined that the MVP would have an adverse effect upon the Bent Mountain Rural Historic District. The terms of the NPS construction permits indicates that Mountain Valley's Treatment Plan for the Bent Mountain Rural Historic District will resolve adverse effects; and

WHEREAS, the MVP pipeline route also crosses a segment of the ANST within the Jefferson National Forest, and the NPS is the lead federal agency for the administration of the entire ANST under the National Trails System Act (16 USC § 1241 et seq.). FERC staff will continue to consult with the FS, NPS, Appalachian Trail Conservancy (ATC), and VADHR regarding the MVP's pipeline crossing of the ANST, and potential Project-related effects on ANST views and the experience of visitors to the trail in the vicinity of the pipeline crossing; and

WHEREAS, Mountain Valley shall be responsible for constructing and operating the Undertaking, conducting additional cultural resources investigations (including archaeological surveys and testing), implementing Treatment Plans, and other tasks under this PA. Therefore, Mountain Valley is invited to be a concurring party to this PA; and

WHEREAS, the Giles County, Virginia Board of Supervisors (Giles County) is a consulting party under the Section 106 process (in accordance with 36 CFR § 800.2(c)(3)), as requested in their February 18, 2016 letter to FERC. Historic properties that may be adversely affected by the MVP (including archaeological site 44GS241, Big Stony Creek Historic District, and the Greater Newport Rural Historic District) are located in the county. Giles County had an opportunity to comment on FERC's finding of adverse effects (per 36 CFR § 800.5(a)) and comment on Mountain Valley's Treatment Plans to resolve adverse effects at affected historic properties in the county (per 36 CFR § 800.6(a)). Therefore, the county is invited to concur with this PA (per 36 CFR § 800.6(c)(3)); and

WHEREAS, the Montgomery County, Virginia Board of Supervisors (Montgomery County) is a consulting party under the Section 106 process (in accordance with 36 CFR § 800.2(c)(3)), as requested in their March 30, 2016 letter to FERC. Historic properties that may be adversely affected by the MVP (including the North Fork Valley Rural Historic District) are located in the county. Montgomery County had an opportunity to comment on FERC's finding of adverse effects (per 36 CFR § 800.5(a)) and comment on Mountain Valley's Treatment Plans to resolve adverse effects at affected historic properties in the county (per 36 CFR § 800.6(a)). Therefore, the county is invited to concur with this PA (per 36 CFR § 800.6(c)(3)); and

WHEREAS, the Roanoke County, Virginia Board of Supervisors (Roanoke County) is a consulting party under the Section 106 process (in accordance with Part 800.2(c)(3)), as requested in their June 30, 2015 letter to FERC. Historic properties that may be adversely affected by the MVP (including archaeological sites 44RN400 and 44RN401, Coles-Terry Rural Historic District, and Bent Mountain Rural Historic District) are located in the county. Roanoke County had an opportunity to comment on FERC's finding of adverse effects (per 36 CFR § 800.5(a)) and comment on Mountain Valley's Treatment Plans to resolve adverse effects at affected historic properties in the county (per 36 CFR § 800.6(a)). Therefore, the county is invited to concur with this PA (per 36 CFR 800.6(c)(3)); and

WHEREAS, the ATC is a consulting party under the Section 106 process (in accordance with 36 CFR 800.2(c)(5)), as requested in their February 7, 2017 letter to FERC, because of its unique partnership with the NPS to manage the ANST. The ATC had an opportunity to review and comment on Mountain Valley's ANST crossing plan, and Mountain Valley's visual impact assessment for the Jefferson National Forest, and to comment on the FS finding of no adverse effect for the ANST as stated in the final EIS (in accordance with 36 CFR § 800.5.(C)). Therefore, the ATC is invited to concur with this PA; and

WHEREAS, Francis Collins, Jerry and Jerolyn Deplazes, Clarence and Karolyn Givens, and Shannon Lucas (historic property landowners) are owners of historic properties in the APE within the Greater Newport Rural Historic District in Giles County, Virginia, and are consulting parties under the Section 106 process (in accordance with 36 CFR § 800.2(c)(5)), as requested in their letters to FERC dated March 10 and 23, 2016. These historic property landowners had an opportunity to comment on FERC's finding of adverse effects (per 36 CFR § 800.5(a)) and comment on Mountain Valley's Treatment Plan for the Greater Newport Rural Historic District to resolve adverse effects at the affected historic properties they own (per 36 CFR § 800.6(a)). Therefore, these specific historic property landowners are invited to concur with this PA; and

WHEREAS, FERC is responsible for government-to-government consultations with Indian Tribes for this Project on behalf of the cooperating agencies, and provided information about the Project to Indian Tribes listed on table 4.10.5-1 of the final EIS that may attach religious or cultural importance to historic properties in the APE. On October

31, 2017, the Eastern Band of Cherokee Indians filed a letter with FERC accepting the Treatment Plan for site 44GS241, and requesting the presence of tribal monitors during data recovery excavations at the site. The Cherokee Nation, in a letter to FERC dated October 31, 2017, stated that it does not object to the Project, if tribal monitors are employed at site 44GS241 during data recovery excavations. The Cherokee Nation and the Eastern Band of Cherokee Indians also both requested to be consulting parties and to participate in this PA. Therefore, the Eastern Band of Cherokee Indians and the Cherokee Nation are invited to concur with this PA; and

WHEREAS, no human remains, funerary objects, sacred objects, or objects of cultural patrimony, as defined in the Native American Graves Protection and Repatriation Act (NAGPRA, 25 USC 3001), were found during archaeological investigations conducted to date for this Project, or are expected to be encountered at affected NRHP-eligible archaeological sites (44GS241, 44RN400, and 44RN401) where data recovery excavations are the recommended treatment measures. However, if any such discoveries are made during data recovery excavations or construction, the remains shall be treated in accordance with Mountain Valley's *Plan for Unanticipated Historic Properties and Human Remains* (Discovery Plan), discussed below in Stipulation I.E; and

WHEREAS, FERC apprised the public of the status of compliance with Section 106 of the NHPA through section 4.10 of its final EIS; and

WHEREAS, as of June 2017, when the final EIS was issued, Mountain Valley had documented cultural resources surveys covering about 96 percent of the MVP pipeline route. Pursuant to 36 CFR § 800.4(b)(2) and § 800.5(a)(3), future studies to identify historic properties and assess Project effects shall be conducted in a phased manner. In some areas, Mountain Valley has not yet completed inventory and evaluation investigations due, in part, to lack of access to the relevant privately-owned parcels. Since issuance of the Commission Order on October 13, 2017, Section 7(h) of the NGA allows Mountain Valley to access all parcels where access was previously denied and complete cultural resources investigations. Environmental Condition 15 in Appendix C of the Commission's October 13, 2017 Order requires Mountain Valley to produce remaining cultural resources survey and evaluation reports and necessary avoidance and/or treatment plans for review and approval by FERC staff, in consultations with consulting parties, before construction is allowed. General procedures for the conduct of future cultural resources investigations are outlined in Stipulation I of this PA; and

WHEREAS, signatories to this PA include both "required" and "invited" signatories. Unless otherwise defined in this PA, all terms are used as defined at 36 CFR § 800.16; and

NOW, THEREFORE, FERC, WVDCH, VADHR, BLM, NPS, FS, COE, and ACHP agree that the following Stipulations shall be implemented in order to take into account the effect of the Undertaking on historic properties, and to satisfy all federal agencies responsibilities under Section 106 of the NHPA.

STIPULATIONS

The federal agencies that have actions related to the Undertaking (including FERC, FS, BLM, NPS, and COE) shall ensure that the Stipulations of this PA are implemented.

I. STANDARDS

- A. All identification and evaluation studies and treatment measures shall be conducted by cultural resources professionals who meet, at a minimum, the Secretary of the Interior's "Draft Historic Preservation Professional Qualification Standards" (20 June 1997, *Federal Register* Vol. 62, No. 119; 36 CFR 61, section 112(a) (1)).
- B. All identification and evaluation investigations and reports, and treatment measures and plans, shall be consistent with applicable SHPO guidelines, the Secretary of the Interior's "Standards and Guidelines" (48 FR 44716-42, September 29, 1983), the NPS *Bulletin* series, the ACHP's publication "Treatment of Archaeological Properties," and FERC Office of Energy Project's "Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects" (July 2017 version).
- C. 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.
- D. At the same time that the final comprehensive treatment program report is filed with FERC, Mountain Valley shall document the return of all archaeological materials (except human remains, funerary objects, sacred objects, and objects of cultural patrimony) collected during inventory and evaluation studies and treatment measures conducted for the Project on private lands to the individual landowners, unless the landowners agree to the donation of artifacts to repositories approved by FERC staff and the WVDCH and VADHR. Artifacts recovered from sites on federal lands shall be curated at repositories designated by the federal land managing

agencies. Human remains, funerary objects, sacred objects, and objects of cultural patrimony shall be treated in accordance with the applicable provisions of NAGPRA for federal lands, state burial laws for non-federal lands,² and Mountain Valley's Discovery Plan, as discussed in Stipulation I.E. below. All materials and records resulting from archaeological investigations related to this Project shall be curated in a manner consistent with 36 CFR § 79, particularly the standards at Parts 79.9 and 79.10.

- E. Mountain Valley produced a Discovery Plan that has been reviewed and approved by FERC staff and the WVDCH and VADHR. The Discovery Plan includes procedures to be followed if human remains or unanticipated historic properties are discovered during identification or evaluation studies, data recovery excavations, or construction.

II. IDENTIFICATION OF HISTORIC PROPERTIES

- A. FERC is responsible for ensuring that Mountain Valley conducts inventories of all portions of the APE that have not been previously surveyed for cultural resources (including portions of the pipeline route, extra workspaces, staging areas, yards, cathodic protection beds, aboveground facilities, new or improved access roads, where access was previously denied on privately-owned land, and for any post-Certificate newly requested variances or route realignments). Limited archaeological testing, conducted by Mountain Valley's contractors, may be necessary at some sites to evaluate their eligibility for inclusion in the NRHP. Archaeological testing shall be conducted according to testing plans that have been submitted for review and approval to FERC staff and the WVDCH and VADHR (and to federal land managing agencies for sites on federal lands).
- B. Mountain Valley shall obtain whatever permits are necessary to conduct cultural resources investigations. On federal lands, this may include permits issued under the Federal Land Policy and Management Act or the Archaeological Resources Protection Act (ARPA). Mountain Valley shall apply for these permits as early as possible, so that federal land managing agencies have thirty (30) days to notify Indian Tribes, as required under ARPA. Copies of the permits shall be filed by Mountain Valley with FERC.

² See West Virginia Code § 29-1-8a; and Virginia Code § 18.2-126, 18.2-127, and 10.1-2305.

- C. In reports documenting the results of additional inventory and evaluation studies, Mountain Valley's cultural resources contactors will make recommendations regarding the NRHP eligibility (in terms of 36 CFR § 60.4) and project effects (per 36 CFR § Part 800.5) on all cultural resources, including traditional cultural properties and historical landscapes, identified in the APE. Based on Mountain Valley's recommendations, FERC staff will make final determinations of eligibility and effect, after consultations with the WVDCH and VADHR (and federal land managing agencies for sites on federal lands, interested Indian Tribes, and other consulting parties, as appropriate).
- D. Those cultural resources which FERC staff determines do not meet the NRHP criteria, after consultations with WVDCH and VADHR (and federal land managing agencies for sites on federal lands, interested Indian Tribes, and other consulting parties, as appropriate), will require no further considerations. Historic properties, which are cultural resources that FERC staff, after consultations with the WVDCH and VADHR (and federal land managing agencies for sites on federal lands, interested Indian Tribes, and other consulting parties, as appropriate), determines to be listed or eligible for listing on the NRHP, will be treated in accordance with Stipulation III of this PA below. If unable to agree on a determination, FERC will follow the regulations.

III. TREATMENT OF HISTORIC PROPERTIES

- A. Avoidance, No Effect, and No Adverse Effect
 - I. Mountain Valley developed Avoidance Plans for the Sam's Run Historic District and sites 46WZ149, 46WZ136CEM, and 46WZ153CEM in Wetzel County, West Virginia; 46HS99, 46HS140, and WV-HA-27-CEM in Harrison County, West Virginia; 46LE81, 46LE82, 46LE92, 46LE111, and historic architectural site 265³ in Lewis County, West Virginia; 46BX131, 54/46BX126-CEM, 234/46BX127-CEM, and 46BX129-CEM in Braxton County, West Virginia; 46WB112, 46WB405, 46WB407, 46WB440, 235/46WB404-CEM, and 46WB434-CEM in Webster County, West Virginia; 46NI808, 46NI811, 46NI813, 46NI817, 46NI818, 46NI819, 46NI821, 46NI822, 46NI824, 46NI827, 46NI846, 46NI847, 46NI848, 46NI851, 46NI855, 46NI856, 242/46NI840-CEM, WV-NI-40-CEM, 46NI841-CEM, 46NI842-CEM, and 239/46NI843-CEM in Nicholas

³ Sites without Smithsonian Trinomial System permanent numbers are typically historic architectural resources with temporary field numbers. FERC staff will require that Mountain Valley obtain permanent site numbers from the WVDCH and VADHR.

County, West Virginia; 46GB492, 46GB533, 46GB535, 46GB540, 46GB542, 46GB543, and 241/46GB515-CEM in Greenbrier County, West Virginia; 46FA551 and 46FA552 in Fayette County, West Virginia; 46SU147, 46SU181, 46SU722, 46SU725, 45SU730, 46SU739, 46SU740, and historic site 4 in Summers County, West Virginia; 46ME273, 46ME280, and 46ME282 in Monroe County, West Virginia, 44GS226, 44GS230, 44GS232, 44GS235, 44GS252, and 21-5012 in Giles County, Virginia; 44MY54 in Montgomery County, Virginia; 80-5161 in Roanoke County, Virginia; 44FR355, 44FR357, 44FR368, 44FR369, 44FR371, 44FR392, 44FR402, and 44FR407 in Franklin County, Virginia; and 44PY427 in Pittsylvania County, Virginia. These Avoidance Plans have previously been reviewed and accepted by FERC and WVDCH and VADHR (and federal land managing agencies for sites on federal lands). The FERC staff and WVDCH and VADHR (and federal land managing agencies for sites on federal lands) agree that the MVP would have no effect (in accordance with 36 CFR § 800.4(d)(1)) upon historic properties that are avoided. This finding was conveyed to other consulting parties and the public through FERC's final EIS. Mountain Valley must implement the measures outlined in the previously approved Avoidance Plans.

2. The FERC staff and WVDCH and VADHR (and federal land managing agencies for sites on federal lands) agree that the MVP will result in no adverse effects (per 36 CFR § 800.5(b)) on the following sites: 46BX111, 46BX114, and NR#98001430 (Weston and Gauley Bridge Turnpike) in Braxton County, West Virginia; 46GB498, 46GB504, and 46GB505 in Greenbrier County, West Virginia; 46ME311 in Monroe County, West Virginia; 21-5012 (ANST); 35-18 (Doe Creek Farm), and 35-412-10 (Adlai Jones Farm) in Giles County, Virginia; 60-326 (Bennett Log Store), and 60-5170 (Norfolk & Southern Railroad) in Montgomery County, Virginia; 80-5161 (BRP), 80-5297 (Elijah Henry House) and the following historic architectural sites within the boundaries of the proposed Bent Mountain Rural Historic District (80-487, 80-6555, 80-5656, 80-5657, 80-5658, 80-498, 80-5661, 80-497, 80-5661, 80-5659, 80-5660) in Roanoke County, Virginia; and 44FR370, and 33-5329 (Farmstead), 33-5398 (House), 33-5325 (House), and 33-5304 (Clear View Diary) in Franklin County, Virginia. The findings of no adverse effects are based on distance from workspaces, vegetation cover, landscape, and measures that would be implemented by Mountain Valley to avoid or minimize adverse effects. The finding of no adverse effect for specific historic properties was conveyed to other consulting parties and the public through FERC's final EIS. Mountain Valley must implement the measures it agreed to in the previously accepted cultural resources inventory and testing reports, and Avoidance Plans, in order to avoid or minimize adverse effects at each of these sites so that the FERC staff and WVDCH and VADHR (and federal

land managing agencies for sites on federal lands) could reach the finding of no adverse effects.

3. Whenever feasible, avoidance shall be the preferred option for newly identified historic properties in the APE. In consultations with FERC staff and the WVDCH and VADHR (and federal land agencies for sites on federal lands, interested Indian Tribes, and other consulting parties, as appropriate), Mountain Valley shall develop plans to avoid any newly identified historic properties that may be affected by the MVP. If avoidance is not possible, Mountain Valley shall develop treatment plans to resolve adverse effects on newly identified historic properties that would be affected, as discussed in Stipulation III.B below.

B. Treatment Plans

1. As of October 2017, Mountain Valley developed Treatment Plans to resolve adverse effects at archaeological sites 44GS241, 44RN400, 44RN401, and historic sites LE-150 (Underwood Farmstead), NR#85001583 (St. Bernard's Church), BX-351 (Losch/Cunningham Farmstead), 35-5127 (Big Stony Creek Historic District) 35-412 (Greater Newport Rural Historic District), 60-574 (North Fork Valley Rural Historic District), 80-5677 (Bent Mountain Rural Historic District), and 80-5698 (Coles-Terry Rural Historic District). Copies of the Treatment Plans were provided by Mountain Valley to FERC staff and WVDCH and VADHR (and federal land managing agencies, interested Indian Tribes, and other consulting parties, as appropriate), and filed in the FERC docket. The WVDCH commented on the Treatment Plans for the adversely affected historic properties in West Virginia on October 27, 2017. All other consulting parties who have not yet commented have fifteen (15) calendar days after the execution of this PA to provide FERC staff with comments on previously filed Treatment Plans.
2. In response to requests from the Eastern Band of Cherokee Indians and the Cherokee Nation (Tribes), Mountain Valley shall document to FERC that it has made a good faith effort to reach mutual agreements with the Tribes about having tribal monitors present during data recovery excavations at archaeological site 44GS241.
3. If new historic properties are identified after October 2017 that cannot be avoided and may be adversely affected by the MVP, Mountain Valley shall develop Treatment Plans for the mitigation of effects, including visual effects for those properties where the viewshed is part of the historic significance. Mountain Valley shall provide copies of the newly developed Treatment Plans to FERC staff and the WVDCH and VADHR (and federal land managing agencies, interested Indian Tribes, and other consulting

parties, as appropriate) for a thirty (30) calendar day review period. FERC staff will take timely comments into consideration before approving any final Treatment Plans.

4. FERC staff will continue consulting with the FS, NPS, VADHR, and ATC (and other consulting parties, as appropriate) regarding the determination of effects for the MVP on the ANST within the Jefferson National Forest. If after consultations, FERC staff finds that there will be a Project-related adverse effect on the ANST, Mountain Valley will prepare a Treatment Plan for the mitigation of adverse effects, including adverse effects on the viewshed of the ANST and the experience of trail users in the vicinity of the pipeline crossing. The Treatment Plan for the ANST will be reviewed in manner consistent with Stipulation III.B.3 above.
5. In situations where either the WVDCH or VADHR (or federal land managing agencies for sites on federal lands, interested Indian Tribes, or other consulting parties, as appropriate) disagrees with the measures to mitigate effects proposed by Mountain Valley in any draft Treatment Plan, Mountain Valley shall consult with FERC staff and the WVDCH or VADHR, and the objecting party, and revise the Treatment Plan as needed to settle the objections, if possible. FERC will have final approval authority for Treatment Plans.
6. Treatment measures shall not be implemented without written permission from FERC (or the appropriate federal land managing agency for sites on federal lands). Mountain Valley shall be responsible for implementing the measures outlined in approved final Treatment Plans.

IV. REPORTING REQUIREMENTS AND REVIEWS

- A. Mountain Valley shall provide copies of draft reports documenting additional inventories, testing plans, evaluative testing, and new Avoidance and Treatment Plans to FERC staff and WVDCH and VADHR (and to federal agencies for sites on federal lands, interested Indian Tribes, and other consulting parties, as appropriate). The reviewing parties shall provide their comments on draft reports and plans to FERC staff within thirty (30) calendar days of receipt. If timely comments are not received from any party during the review period, FERC shall proceed based on review and consideration of timely comments received from other parties. Mountain Valley shall revise reports and plans to address the consolidated comments on drafts provided by FERC. Mountain Valley shall distribute copies of final reports and plans to FERC staff and WVDCH and VADHR (and to federal land managing agencies for sites on federal lands, interested

- G. Starting with the execution of this PA, until its termination, Mountain Valley shall file with FERC a Cultural Resources Annual Report (by the end of December for each calendar year after the start of Project construction). Mountain Valley shall also provide a copy of its Cultural Resources Annual Report to the WVDHC and VADHR (and to federal land managing agencies, interested Indian Tribes, and other consulting parties, as appropriate). The Annual Report shall summarize all cultural resources field work and reports and plans submitted to FERC within the previous year.
- H. Within thirty (30) calendar days after completion of field work and/or all measures or investigations outlined in a Treatment Plan, Mountain Valley shall file with FERC a Management Summary of the treatment measures implemented, and provide copies of the Management Summary to WVDHC and/or VADHR (and to federal land managing agencies for sites on federal lands, interested Indian Tribes, and other consulting parties, as appropriate).
- I. No later than one (1) year after the MVP is placed in service, Mountain Valley shall file with FERC a draft comprehensive report detailing the results of the overall Project treatment program, and provide copies of the draft report to the WVDCH and VADHR (and to federal land managing agencies for sites on federal lands, interested Indian Tribes, and other consulting parties, as appropriate). The reviewing parties shall provide their comments on the draft Project treatment program report to FERC staff within thirty (30) calendar days of receipt. If timely comments are not received from any party during the review period, FERC shall proceed based on review and consideration of timely comments received from other parties. Mountain Valley shall file with FERC a final comprehensive Project treatment program report within six (6) months after receiving consolidated comments from FERC staff on the draft. The final report shall address all comments on the draft. Copies of the final report shall be provided by Mountain Valley to the WVDCH and VADHR (and to federal land managing agencies for sites on federal lands, interested Indian Tribes, and other consulting parties, as appropriate).

V. AMENDMENTS

- A. Modifications, amendments, or termination of this PA as necessary shall be accomplished by the signatories in the same manner as the original PA, through the circulation of drafts, consultations, and consensus.

- B. Any signatory to this PA may request that the PA be amended. Whereupon, FERC shall circulate a draft amendment to the signatories for a thirty (30) calendar day review, and during that period the signatories shall consult about the amendment. An amendment shall be effective upon the signatures of all signatories to this PA, in accordance with 36 CFR § 800.6(c)(7). A copy of the amended PA shall be provided by FERC staff to all signatories, filed with the ACHP, and placed in in FERC's public record for this proceeding.

VI. DISPUTE RESOLUTION

- A. Should any party to this PA object in writing to FERC regarding any activity carried out or proposed in this PA, or the manner in which the terms of this PA are implemented, FERC shall consult with the objecting party to resolve the objection.
- B. If FERC determines that such objection cannot be resolved, FERC will forward all documentation relevant to the dispute to the ACHP, including the proposed response to the objection. The ACHP shall provide FERC with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation.
- C. If the ACHP does not provide its advice regarding the dispute with the thirty (30) calendar time period, FERC shall make a final decision on the dispute and proceed accordingly. Prior to reaching its final decision on the dispute, FERC shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories, or consulting parties, and provide them with a copy of the written response. FERC will then proceed according to its final decision.
- D. If at any time during implementation of the measures stipulated in the PA, an objection pertaining to this PA should be raised by a member of the public, FERC shall notify the parties to this PA and take the objection into account, consult with the objector, and should the objector so request, with any of the parties to this PA to consider the objection.

VII. DURATION AND TERMINATION

- A. This PA shall remain in effect until all Stipulations of the PA and requirements of the treatment program have been met, including data recovery, analyses, reporting, curation, and dissemination of information.

- B. This PA shall be null and void if the terms are not carried out within ten (10) years from the date of its execution, unless the signatories agree in writing to an extension for carrying out its terms.
- C. If any signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment to the PA, per Stipulation V.B. If an amendment cannot be agreed to within thirty (30) calendar days after any signatory provides written notice of its objection, the objecting signatory may terminate its participation in the PA with written notice to the other signatories. If a single signatory terminates its participation, the other signatories shall consult to determine if the PA is still valid. If any SHPO terminates its participation, the ACHP and FERC shall consult to determine if a new PA should be executed (per 36 CFR § 800.7(a)(2)). If all the signatories agree, the entire PA may be terminated.
- D. Any concurring party may terminate its participation in the PA by providing written notice to all the other parties. Termination by a concurring party does not invalidate the PA.
- E. If the PA becomes null and void (in accordance with Stipulation VII.B. above) or is terminated, FERC shall request the ACHP to comment pursuant to 36 CFR § 800.7(c). After considering the comments of the ACHP, FERC shall notify the other signatories of actions it will pursue to resolve adverse effects at affected historic properties and meet its obligations under Section 106 of the NHPA.

VIII. OTHER TERMS AND CONDITIONS

- A. This PA is limited in scope to the MVP, as authorized by the October 13, 2017 Commission Order in Docket No. CP16-10-000.
- B. Construction shall not proceed on any portion of the Project until the applicable provisions of this PA have been implemented for that portion. FERC and federal land managing agencies (for segments on federal land) may allow construction in portions of the Project where inventories have been completed and no historic properties would be adversely affected, prior to the completion of treatment programs in other portions of the Project.
- C. This PA may be signed by the parties using photocopy, facsimile, e-mail, Adobe-pdf files, or counterpart pages. FERC shall file an executed copy of the PA with the ACHP and in FERC's public record for this proceeding.

The PA shall be considered executed when signed by FERC, the WVDCH and VADHR, and ACHP (in accordance with 36 CFR § 800.14(b)(3)).

- D. FERC staff shall coordinate signatory review of activities conducted under the terms and conditions of this PA, within five (5) years of its execution. At that time, the signatories shall consult to determine if progress of activities under the PA is satisfactory, or a signatory may suggest an amendment or raise an objection, which shall be resolved according to Stipulations V. or VI.
- E. During the duration of this PA, in the event that another federal agency, not included in the original PA, receives an application for a permit related to this Undertaking, that agency may fulfill its Section 106 responsibilities by notifying the signatories and stating in writing that it will concur with the terms of this PA.
- F. Execution and implementation of this PA evidences that FERC, BLM, NPS, FS, and COE have satisfied their Section 106 responsibilities for all individual actions of the MVP and that FERC has afforded the ACHP an opportunity to comment on the Project and its effect on historic properties.

SIGNATORIES

Federal Energy Regulatory Commission

By:  Date: 11/21/2017
Rich McGuire, Director, Division of Gas - Environment and Engineering

State Historic Preservation Office of West Virginia

By: _____ Date: _____
Title: _____

State Historic Preservation Office of Virginia

By: _____ Date: _____
Julie V. Langan, Director, Department of Historic Resources

Advisory Council on Historic Preservation

By: _____ Date: _____
Title: _____

USDOI Bureau of Land Management

By: _____ Date: _____
Title: _____

USDOI National Park Service

By: _____ Date: _____
Title: _____

USDA Forest Service

By: _____ Date: _____
Ken Amey, Acting Regional Forester, Southern Region

U.S. Department of the Army Corps of Engineers, Huntington District

By: _____ Date: _____

SIGNATORIES

Federal Energy Regulatory Commission

By: _____ Date:
Rich McGuire, Director, Division of Gas - Environment and Engineering

State Historic Preservation Office of West Virginia

By: Susan M. Pierce Date: 12/5/2017
Susan M. Pierce, Deputy State Historic Preservation Officer
West Virginia Division of Culture and History

State Historic Preservation Office of Virginia

By: _____ Date:
Julie V. Langan, Director, Department of Historic Resources

Advisory Council on Historic Preservation

By: _____ Date:
Title:

USDOJ Bureau of Land Management

By: _____ Date:
Title:

USDOJ National Park Service

By: _____ Date:
Title:

USDA Forest Service

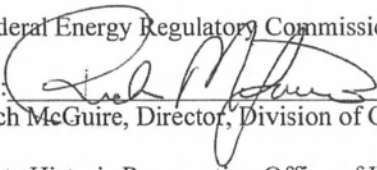
By: _____ Date:
Joby P. Timm, Forest Supervisor, Jefferson National Forest

U.S. Department of the Army Corps of Engineers, Huntington District

By: _____ Date:

SIGNATORIES

Federal Energy Regulatory Commission

By:  Date: 11/21/2017
Rich McGuire, Director, Division of Gas - Environment and Engineering

State Historic Preservation Office of West Virginia

By: _____ Date: _____
Title: _____

State Historic Preservation Office of Virginia

By:  Date: 12/8/17
Julie V. Langan, Director, Department of Historic Resources

Advisory Council on Historic Preservation

By: _____ Date: _____
Title: _____

USDOI Bureau of Land Management

By: _____ Date: _____
Title: _____

USDOI National Park Service

By: _____ Date: _____
Title: _____

USDA Forest Service

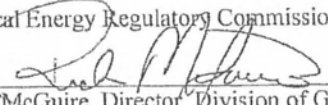
By: _____ Date: _____
Ken Amey, Acting Regional Forester, Southern Region

U.S. Department of the Army Corps of Engineers, Huntington District

By: _____ Date: _____

SIGNATORIES

Federal Energy Regulatory Commission

By:  Date: 11/21/2017
Rich McGuire, Director, Division of Gas - Environment and Engineering

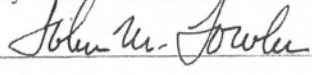
State Historic Preservation Office of West Virginia

By: _____ Date: _____
Title: _____

State Historic Preservation Office of Virginia

By:  Date: 12/8/17
Julie V. Langan, Director, Department of Historic Resources

Advisory Council on Historic Preservation

By:  Date: 12/15/17
Title: _____

USDOI Bureau of Land Management

By: _____ Date: _____
Title: _____

USDOI National Park Service

By: _____ Date: _____
Title: _____

USDA Forest Service

By: _____ Date: _____
Ken Amey, Acting Regional Forester, Southern Region

U.S. Department of the Army Corps of Engineers, Huntington District

By: _____ Date: _____

SIGNATORIES

Federal Energy Regulatory Commission

By: _____ Date:
Rich McGuire, Director, Division of Gas - Environment and Engineering

State Historic Preservation Office of West Virginia

By: _____ Date:
Title:

State Historic Preservation Office of Virginia

By: _____ Date:
Julie V. Langan, Director, Department of Historic Resources

Advisory Council on Historic Preservation

By: _____ Date:
Title:

USDOI Bureau of Land Management

By: Mitchell Leverette Date: 11/30/17
Mitchell Leverette, Acting State Director, Eastern States

USDOI National Park Service

By: _____ Date:
Title:

USDA Forest Service

By: _____ Date:
Ken Amey, Acting Regional Forester, Southern Region

U.S. Department of the Army Corps of Engineers, Huntington District

By: _____ Date:

SIGNATORIES

Federal Energy Regulatory Commission

By: _____ Date:
Rich McGuire, Director, Division of Gas - Environment and Engineering

State Historic Preservation Office of West Virginia

By: _____ Date:
Title:

State Historic Preservation Office of Virginia

By: _____ Date:
Julie V. Langan, Director, Department of Historic Resources

Advisory Council on Historic Preservation

By: _____ Date:
Title:

USDOJ Bureau of Land Management

By: _____ Date:
Title:

USDOJ National Park Service

By:  _____ Date: 29 November 2017
Jonathan Meade, Deputy Regional Director
Northeast Region

USDA Forest Service

By: _____ Date:
Ken Amey, Acting Regional Forester, Southern Region

U.S. Department of the Army Corps of Engineers, Huntington District

By: _____ Date:

SIGNATORIES

Federal Energy Regulatory Commission

By: _____ Date: _____
Rich McGuire, Director, Division of Gas - Environment and Engineering

State Historic Preservation Office of West Virginia

By: _____ Date: _____
Title: _____

State Historic Preservation Office of Virginia

By: _____ Date: _____
Julie V. Langan, Director, Department of Historic Resources

Advisory Council on Historic Preservation

By: _____ Date: _____
Title: _____

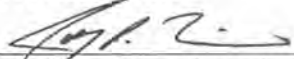
USDOI Bureau of Land Management

By: _____ Date: _____
Title: _____

USDOI National Park Service

By: _____ Date: _____
Title: _____

USDA Forest Service

By:  _____ Date: 11/30/17
Joby P. Timm, Forest Supervisor, George Washington & Jefferson National Forests

U.S. Department of the Army Corps of Engineers, Huntington District

By: _____ Date: _____

CONCURRING PARTIES:

Giles County, Virginia Board of Supervisors

By: _____ Date: _____
Title: _____

Montgomery County, Virginia Board of Supervisors

By: _____ Date: _____
Title: _____

Roanoke County, Virginia Board of Supervisors

By: _____ Date: _____
Title: _____

Appalachian Trail Conservancy

By: Ronald D. Tipton Date: 11/30/17
Title: _____

Cherokee Nation

By: _____ Date: _____
Title: _____

Eastern Band of Cherokee Indians

By: _____ Date: _____
Title: _____

Heirs of Francis Collins

By: _____ Date: _____

Jerry and Jerolyn Deplazes

By: _____ Date: _____

Karolyn Givens

By: _____ Date: _____

Mountain Valley Pipeline LLC
by and through its operator, EQM Gathering OPCO, LLC

MVC

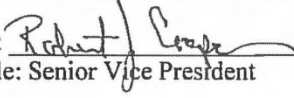
By:  _____ Date: 11/28/17
Title: Senior Vice President

Exhibit F - Historic Property Treatment Plan for the Bent Mountain Rural Historic District

MOUNTAIN VALLEY PIPELINE PROJECT

**REVISED HISTORIC PROPERTY TREATMENT PLAN
Bent Mountain Rural Historic District (080-0322), Bent Mountain Apple
Orchard Rural Historic District (080-5731), and Coles-Terry Rural Historic
District (080-5689)**

**DOCKET NO. CP16-10
DHR FILE #2014 1194**

Prepared for



**2200 Rice Drive
Canonsburg, PA 15317**

Prepared by



**6 Century Drive, Suite 300
Parsippany, NJ 07054**

**Revised
February 2017**

TABLE OF CONTENTS

1.0	INTRODUCTION	3
1.1	Project Overview	3
1.2	National Park Service - Blue Ridge Parkway Project Role	4
1.3	Project Effect	5
2.0	DISTRICT SETTING AND ASSOCIATION.....	8
2.1	Bent Mountain and Bent Mountain Apple Orchard Rural Historic Districts.....	8
2.2	Coles-Terry Rural Historic District	10
3.0	DESCRIPTION OF MOUNTAIN VALLEY AS IT AFFECTS PROPERTY SETTING AND ASSOCIATION.....	10
4.0	MITIGATION OF ADVERSE EFFECTS IDENTIFIED	12
4.1	Approach to the Development of Mitigation.....	12
4.2	Consultation with Consulting Parties and Other Stakeholders	13
4.2.1	DHR.....	14
4.2.2	Roanoke County	15
4.2.2.1	Mitigation Fund	15
4.2.2.2	Reduction of the Maintained Permanent Easement	16
4.2.2.3	Mislocation/Misidentification of Historic Resources	16
4.2.2.4	Historic Private Water Supplies.....	16
4.2.2.5	Pipeline Class.....	16
4.2.2.6	Historic Agricultural Properties.....	17
4.2.2.7	Indemnification.....	17
4.2.2.8	Restricted Use of Permanent Easement for Future Pipelines	17
4.2.3	Follow Up Consultation with DHR	17
4.2.4	ACHP.....	17
4.2.5	Incorporation of Consulting Parties' Suggestions into Treatment Plan.....	18
4.3	Proposed Mitigation Plan.....	18
4.3.1	Enhanced Right-of-Way Treatment to Reduce Visibility of Permanently Maintained Corridor	19
4.3.2	PIF for the Bent Mountain Rural Historic District and NRHP Nominations for the Bent Mountain Apple Orchard and Coles-Terry Rural Historic Districts	23
4.3.3	Preservation and Restoration of the Bent Mountain Center	25
5.0	SCHEDULE.....	26

FIGURES

- Figure 2.1 Proposed Route within Bent Mountain and Bent Mountain Apple Orchard Rural Historic Districts
- Figure 2.2 Proposed Route within Coles-Terry Rural Historic District
- Figure 4.3.1-1 Proposed Enhanced Right-of-Way Treatment Areas within Bent Mountain Rural Historic District
- Figure 4.3.1-2 Proposed Enhanced Right-of-Way Treatment Areas within Bent Mountain Apple Orchard Rural Historic District
- Figure 4.3.1-3 Proposed Enhanced Right-of-Way Treatment Areas within Coles-Terry Rural Historic District
- Figure 4.3.1-4 Proposed Right-of-Way Revegetation Concept for Enhanced Treatment Areas within Bent Mountain, Bent Mountain Apple Orchard, and Coles-Terry Rural Historic Districts

ATTACHMENTS

- Attachment 1 Avoidance Plans
- Attachment 2 Correspondence
- Attachment 3 Bent Mountain Center Preservation Fund Terms and Conditions

1.0 INTRODUCTION

1.1 Project Overview

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, 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 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 Bent Mountain Rural Historic District (080-0322) and the Coles-Terry Rural Historic District (080-5689), both determined eligible for the National Register of Historic Places (NRHP). Subsequently, DHR's National Register Evaluation Committee determined that that the proposed Bent Mountain Apple Orchard Rural Historic District (080-5731)—located within the boundaries of the previously-identified Bent Mountain Rural Historic District (080-5677)—is also eligible for listing in the NRHP. In a letter dated November 8, 2017, DHR recommended that the FERC individually recognize this new district as an historic property and, as with the Bent Mountain Rural Historic District, found that the Bent Mountain Apple Orchard Rural Historic District will be adversely affected by this undertaking.

The FERC is consulting with the DHR on the treatment of historic properties that will be adversely impacted by the proposed Project. This Treatment Plan has been 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 Bent Mountain, Bent Mountain Apple Orchard, and Coles-Terry Rural Historic Districts. This Treatment Plan also proposes mitigation measures designed to mitigate the adverse effects of the Project.

Mountain Valley developed the direct and indirect Area of Potential Effect (APE) through consultation with the DHR. The indirect APE for historic architectural resources comprised, at a

minimum, a 450-foot-wide corridor centered on the pipeline. In some areas, the APE was expanded up to one mile on either side of the pipeline in areas of higher elevation due to the possibility of distant views. The direct APE for the Project was defined at the outset of the Project as a 300-foot-wide corridor that will accommodate the actual construction right-of-way as well as workspace identified as project engineering and field surveys were completed.¹

Mountain Valley's cultural resources consultants identified the Bent Mountain Rural Historic District (035-5127) in Roanoke County during the Phase I historic architecture survey conducted between May and November 2015. The district was surveyed comprehensively, with records made for resources over 50 years of age within the indirect APE for the Project.² Bent Mountain Apple Orchard Rural Historic District was delineated subsequent to Mountain Valley's Phase I reconnaissance. Identified as a separate historic by its comprising landowners, and determined NRHP-eligible by DHR, the Bent Mountain Apple Orchard Rural Historic District was surveyed comprehensively by Mountain Valley as part of the encompassing Bent Mountain Rural Historic District. Likewise, the Coles-Terry Rural Historic District was identified and determined by DHR to be NRHP-eligible subsequent to Mountain Valley's Phase I reconnaissance survey. The Coles-Terry Rural Historic District; however, was not field inventoried. Mountain Valley consulted the Preliminary Information Form (PIF), utilized by DHR to determine the district's NRHP-eligibility, to acquire a list of the district's contributing resources.

1.2 National Park Service - Blue Ridge Parkway Project Role

The National Park Service – Blue Ridge Parkway (NPS – BRP) also has Section 106 responsibilities related to the NPS' right-of-way and construction permits for the Mountain Valley Pipeline Project for the proposed crossing of the BRP. The NPS – BRP has been consulting with the DHR regarding the Project's effects on eligible and listed historic properties. In a letter dated November 7, 2017, it is DHR's opinion that NPS' issuance of the permits will adversely affect the Bent Mountain Rural Historic District.

In a letter dated November 17, 2017, the NPS provided comments on the Mountain Valley Pipeline Project to the FERC related to the NPS' right-of-way and construction permits for the proposed crossing of the BRP. Specifically, the NPS indicated that:

Since this action is directly related to the broader undertaking by FERC, the Blue Ridge will resolve adverse effects through the FERC MVP PA [Programmatic Agreement]. The terms of the construction permit and the MVP treatment plan each provide measures that resolve adverse effects related to the Parkway permitting necessary for the MVP project.

The letter went on to state that:

¹ In a May 20, 2015, letter, DHR concurred that the indirect APE was appropriately defined and accurately reflected previous consultation.

² Phase I Reconnaissance Architectural Survey for the Mountain Valley Pipeline, Roanoke County, Virginia (March 2016, DHR concurrence: May 25, 2016)

Permittee shall implement the Historic Property Treatment Plan for the Bent Mountain Rural Historic District, and abide by the terms of the Programmatic Agreement for the Mountain Valley Pipeline Project – FERC CP16-10-000.

The MVP Historic Treatment Plan for the Bent Mountain Rural Historic District further addresses mitigation for the adverse effect. Blue Ridge concurs with VADHR that preparation of a Preliminary Information Form, a precursor to the National Register nomination process, for the Bent Mountain Rural Historic District will help mitigate the adverse effect. By using the FERC PA to address adverse effects related to the Blue Ridge permitting, the Section 106 process is synchronized.

1.3 Project Effect

In accordance with Section 106 of the NHPA of 1966, as amended, Mountain Valley applied the Criteria of Adverse Effect to the Bent Mountain Rural³ and Coles-Terry Rural Historic Districts by synthesizing the results of visual, construction-related and operation-related effects assessments.

As noted in Sections 3.2 and 4.1 of Mountain Valley’s Criteria of Effects Report (May 2017), rural historic landscapes may also qualify as a Traditional Cultural Property (TCP), as defined in the NPS’ Guidelines for Evaluating and Documenting Traditional Cultural Properties, if the landscape’s “organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents” or if it serves as a location “where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity.” A rural historic district’s eligibility for the NRHP as a TCP hinges on how the sites, structures, buildings, surrounding landscape, and landscape elements are used by members of the community. As such, Mountain Valley’s assessment of effects to the Bent Mountain Rural and Coles-Terry Rural Historic Districts’ rural historic landscapes involved an evaluation of direct and indirect (visual) effects to primary contributing resources within the historic district and also accounted for direct impacts on historic and current land uses, the results of which were presented in Section 4.1 of the Criteria of Effects Report.

This assessment resulted in a recommendation that changes in the rural historic landscape within the Bent Mountain Rural and Coles-Terry Rural Historic Districts as a result of the proposed Project would not occur to an extent that would diminish the districts’ integrity.

The Project will traverse the Bent Mountain Rural Historic District in a north-south direction and crossing areas that were historically (c.1970) deciduous forest, cropland, pasture, and orchards. However, Mountain Valley’s comparison of recent and historic land cover/use data indicated that orchards, historically located near the center of the district, are no longer intact. Also, logging

³ The proposed Bent Mountain Apple Orchard Rural Historic District (080-5731) is wholly contained within the boundary of the previously-identified Bent Mountain Rural Historic District (080-5677); therefore, Mountain Valley’s Criteria of Effects assessment for Bent Mountain Rural Historic District (080-5677) accounts for the areas and historic architectural resources contained within the proposed boundaries for the Bent Mountain Apple Orchard Rural Historic District (080-5731).

activity at the northwest corner of the district, where the district overlaps with the Coles-Terry Rural Historic District, is evidenced by the infiltration of mixed and evergreen forest in an area that historically was exclusively deciduous forest. The district was historically bisected by a significant amount of evergreen forest that is now much more dispersed. Although parts of the district will incur changes to its surrounding landscape due to tree-clearing, generally, the forested areas are no longer key in distinguishing between different historic land uses. Despite the proposed changes, there will still be a clear distinction between agricultural fields and woodland and differing land uses. Mountain Valley recommended that the Bent Mountain Rural Historic District would continue to convey its rural and agricultural character and would continue to reflect its varying land uses through intact historic landscape features; the Project would not affect the district's continuity of use.

The Project will traverse the Coles-Terry Rural Historic District in a northwest-southeast direction crossing areas that were historically (c.1970) deciduous forest, cropland, and pasture. However, Mountain valley's comparison of recent and historic land cover/use data indicated logging activity at the southeast corner of the district, where the district overlaps with the Bent Mountain Rural Historic District, as evidenced by the infiltration of mixed and evergreen forest in an area that historically was exclusively deciduous forest. Although parts of the district will incur changes to its surrounding landscape due to tree-clearing, generally, the forested areas crossed by the Project are no longer key in distinguishing between different historic land uses.

The Coles-Terry Rural Historic District was determined NRHP-eligible with an existing power transmission corridor bisecting the district near its midpoint, running perpendicular to Poor Mountain Road. Mountain Valley reasonably concluded that this intrusion did not detract from the historic integrity of the district's landscape, because the boundaries of the district were drawn as to generally include all the farmland and woodland along the eastern slope of Poor Mountain. The existing power transmission corridor did not detract from the overall integrity of the district to an extent that it was not included in the district boundary. Similarly, Mountain Valley recommended that changes in the landscape as a result of the Project's permanent easement would not occur to an extent that would diminish the district's integrity. Despite the changes, there will still be a clear distinction between farmland and woodland and differing land uses simply because the district is so heavily wooded. Cropland and pasture will be restored to cropland and pasture post-construction. Mountain Valley further recommended that the Coles-Terry Rural Historic District, like the Bent Mountain Rural Historic District, would continue to convey its rural and agricultural character and would continue to reflect its varying land uses through intact historic landscape features; the Project would not affect its continuity of use.

Mountain Valley's photograph simulations depicting potential views from both the Bent Mountain Rural Historic District and the Coles-Terry Rural Historic District towards the Project demonstrate that the potential changes in the districts' viewsheds and settings are "Inferior." In other words, the visual impact is visually inferior within the context of the existing setting and surrounding landscape. Furthermore, the Project route will avoid any direct impacts on the districts' contributing built environment (Attachment 1).

Following careful study of the Project and its relationship to the Bent Mountain Rural and Coles-Terry Rural Historic Districts, and considering a full range of potential direct and indirect effects to the built environment and surrounding landscape, Mountain Valley recommended that the proposed Project would have No Adverse Effect on the districts.

DHR found, in a letter dated July 7, 2017, that:

Based on the submitted analyses, DHR agrees with the consultant that the expected visual (indirect) impacts from Mountain Valley on the Newport Rural Historic District, Greater Newport Rural Historic District, Big Stony Creek Historic District, Bent Mountain Rural Historic District, and Coles-Terry Rural Historic District do not significantly diminish those characteristics which make them eligible for listing in the NRHP.

...the Greater Newport Rural Historic District, Big Stony Creek Historic District, North Fork Valley Rural Historic District, Bent Mountain Rural Historic District, and Coles-Terry 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 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.

On June 1, 2017, subsequent to Mountain Valley's submittal of the Criteria of Effects Report (May 2017), DHR's National Register Evaluation Committee (Committee) met to evaluate the proposed 835-acre Bent Mountain Apple Orchard Rural Historic District. The proposed district—identified and delineated by its comprising landowners—includes at least four properties associated with Roanoke County's apple orchard industry that date to the Reconstruction Era. Within the proposed boundaries are a 17-acre King-Waldron apple orchard dating to the 1930s that originally had 30 varieties of apples, the King-Waldron House (080-0494) and farm, the Hale family settlement site, the Willett Farm, which is now used as rangeland for longhorn cattle, and the Tazewell Price House (aka "Les Landes," 080-0487), which DHR staff recommended as individually NRHP-eligible in the area of Architecture (Criterion C) in 2016. The Committee deferred making a recommendation pending receipt of additional information about the agricultural landscape associated with the orchards and outbuildings associated with commercial orchard operations.

In September 2017, documentation was submitted for the proposed Bent Mountain Apple Orchard Rural Historic District, which supersedes the previous PIF and adds the word "Apple" to the proposed district's name, has slightly different boundaries than originally proposed and is slightly larger at approximately 870 acres. The additional documentation provided locations of extant apple orchards within the proposed district boundaries; photographs of historic-age buildings associated with the orchard operations, including apple barns with distinctive ventilation openings between the tops of walls and bottoms of ceiling beams; photos of miscellaneous manual equipment and wagons associated with orchard operations; the network of dirt and gravel roads that were used for transportation equipment and crops throughout the proposed district; a twenty-first-century aerial

photograph that shows the Waldron orchard, which has approximately 1,000 living trees; and a topographic map labeled with locations of apple trees, properties historically associated with the apple industry, and properties associated with early Euro-American settlement of the area.

Based on the additional information submitted in September, the Committee found the Bent Mountain Apple Orchard Rural Historic District NRHP-eligible at the local level of significance under Criterion A (Agriculture) and Criterion C (Architecture) with a period of significance of ca. 1870-1967.

In a letter dated November 8, 2017, DHR recommended that:

...the FERC individually recognize [Bent Mountain Apple Orchard Rural Historic District] as an historic property and, as with the Bent Mountain RHD, find that the Bent Mountain Orchard RHD will be adversely affected by this undertaking.

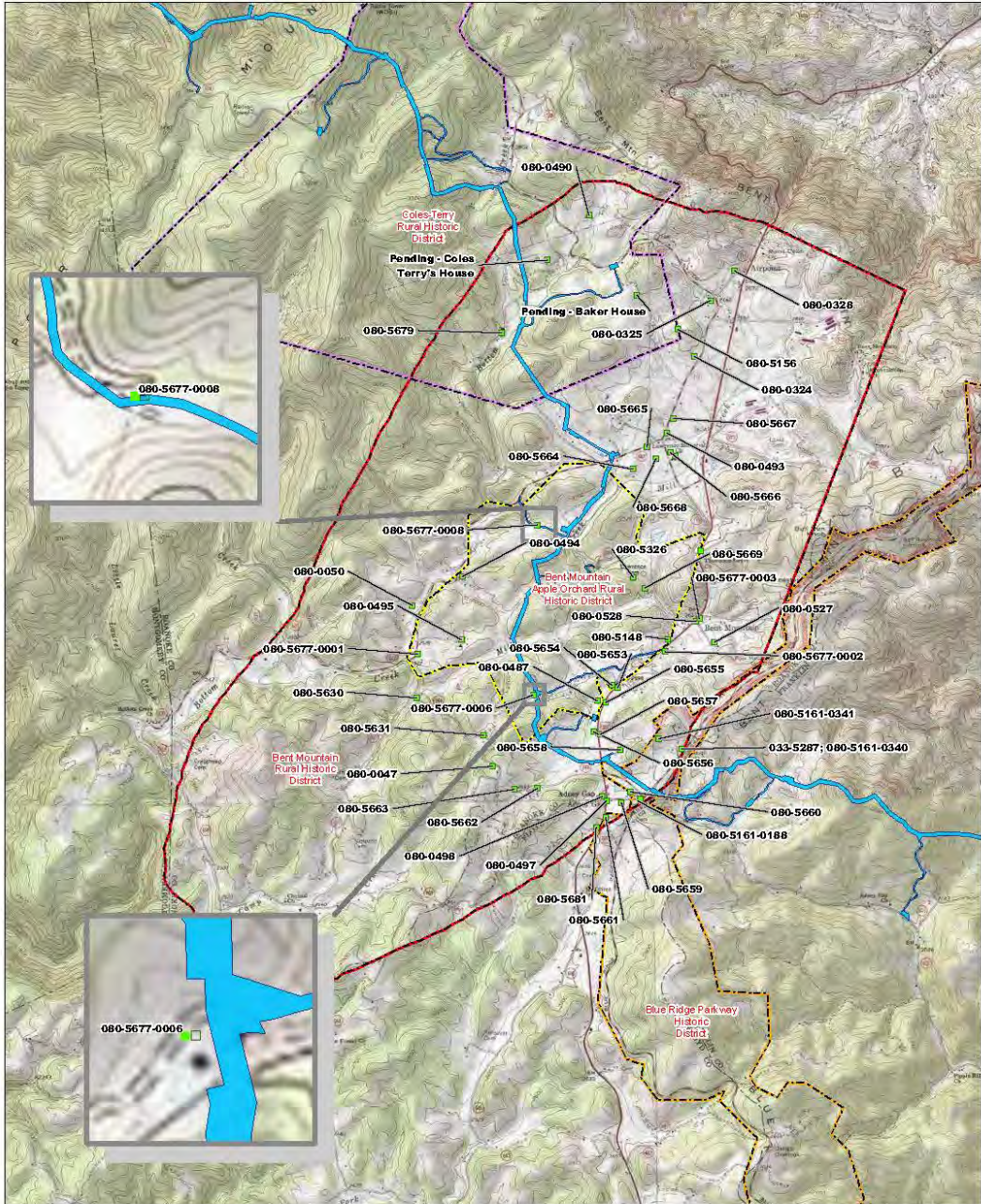
Mountain Valley accepted DHR's finding of an Adverse Effect on the Bent Mountain, Bent Mountain Apple Orchard, and Coles-Terry Rural Historic Districts and has proposed to mitigate that effect as detailed in this Treatment Plan.

2.0 DISTRICT SETTING AND ASSOCIATION

2.1 Bent Mountain and Bent Mountain Apple Orchard Rural Historic Districts

Bent Mountain is a rural community established in the early nineteenth century after the initial settlement of Roanoke County. By the late nineteenth century, Bent Mountain was renowned for its apple orchards and other farm products that were transported to market in Roanoke down the Bent Mountain Turnpike, now U.S. Route 221. Today, Bent Mountain is characterized by its rural agricultural landscape that features late nineteenth- and early twentieth-century homes, barns, and other outbuildings, as well as well-preserved community buildings like the 1917 Bent Mountain School and 1947 Lawrence Memorial United Methodist Church.

During Phase I survey, Mountain Valley's cultural resources consultant recommended additional architectural survey and background research in the Bent Mountain area of Roanoke County to evaluate its eligibility for listing in the NRHP as a rural historic district under Criteria A, C, and D (Figure 2.1). It comprises 42 potentially contributing resources – buildings, structures, and farms made up of multiple buildings and structures as well as fields and other landscape features. Based on reconnaissance-level survey, Bent Mountain exhibits the physical characteristics of a rural historic district, including a concentration of buildings that are united historically by their geography, dates of construction, construction materials, and function. The proposed district covers a large area of valleys and ridges lying northwest of the BRP and partially overlaps with the Coles-Terry Rural Historic District and the BRP Historic District. Furthermore, DHR's National Register Evaluation Committee found on October 12, 2017, based on the available information, that the Bent Mountain Apple Orchard Rural Historic District has unique



Mountain Valley Pipeline Project



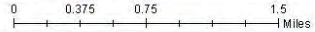
Proposed Route within the Bent Mountain and Bent Mountain Apple Orchard Rural Historic Districts

Figure 2.1

December 2017

Data Sources: ESRI 2017, USGS 2017.

NAD 1983 UTM 17N



Legend

- Primary Contributing Historic Resource
- Limit of Disturbance
- Coles-Terry Rural Historic District
- Bent Mountain Rural Historic District
- Bent Mountain Apple Orchard Rural Historic District
- Blue Ridge Parkway Historic District



characteristics that warrant its individual recognition as a separate, distinctive district within the larger Bent Mountain Rural Historic District that encompasses it.

2.2 Coles-Terry Rural Historic District

This approximately 2,500-acre historic district, partially overlapping the Bent Mountain Rural Historic District, lies on the eastern slope of Poor Mountain and includes the headwaters of Laurel Creek and Bottom Creek. It is mostly forested, and is owned today in its entirety by the Terry family. The district was identified subsequent to Mountain Valley’s Phase I reconnaissance survey by its landowners and is assumed as NRHP-eligible under Criteria A, C, and D (Figure 2.2). To date, six contributing resources dating from the late nineteenth and early twentieth centuries have been identified including farm complexes, residences, cemeteries, and other structures.

3.0 DESCRIPTION OF MOUNTAIN VALLEY AS IT AFFECTS PROPERTY SETTING AND ASSOCIATION

Mountain Valley proposes to cross the Bent Mountain Rural Historic District at approximate milepost 242 of the Project, for a distance of 24,010 feet, or 4.6 miles; the Bent Mountain Apple Orchard Rural Historic District at approximate milepost 243.5 of the Project, for a distance of 9,901 feet, or 1.88 miles; and the Coles-Terry Rural Historic District at approximate milepost 240 of the Project, for a distance of 15,480 feet, or 2.93 miles. Construction of the belowground pipeline will include short-term, long-term, and permanent impacts on the existing vegetation cover types.⁴ Effects related to vegetation removal within the rural historic landscape were among several issues that were the focus of consultation discussions with DHR and stakeholders. When feasible, Project design plans have been modified in response to issues raised in public forums, Project correspondence, and docket filings. Avoidance plans related to specific properties within the district are provided as Attachment 1. These plans were developed by Mountain Valley to avoid direct impacts on contributing historic properties and were approved by the DHR in a letter dated July 7, 2017.

Subsequently, in a letter dated September 21, 2017, DHR found that construction of a new roadway and permanent workspace so close to the Henry-Waldron Cemetery (080-5690), a contributing resource to the Coles-Terry Rural Historic District, is inconsistent with its rural character and will greatly alter the property’s setting and feeling (Attachment 2). DHR concluded that the pipeline Project will adversely affect the Henry-Waldron Cemetery.

Mountain Valley responded to DHR in a letter dated January 17, 2018, explaining that Mountain Valley proposes to utilize an existing 8-foot-wide dirt road running along the northwestern boundary of the Henry-Waldron Cemetery to create a permanent 8-foot-wide access road surfaced with gravel. Mountain Valley clarified that it does not intend to construct a “new roadway” as indicated in DHR’s letter and that in order to minimize impacts on the cemetery, Mountain Valley

⁴ No aboveground Project facilities are proposed within the recommended NRHP boundaries for the Bent Mountain, Bent Mountain Apple Orchard, and Coles-Terry Rural Historic Districts.



Mountain Valley Pipeline Project 		NAD 1983 UTM 17N 0 0.25 0.5 1 Miles
Proposed Route within the Coles-Terry Rural Historic District Figure 2.2 December 2017 Data Sources: ESRI 2017, USGS 2017.		Legend <ul style="list-style-type: none"> ■ Primary Contributing Historic Resource Limit of Disturbance Coles-Terry Rural Historic District Bent Mountain Rural Historic District Bent Mountain Apple Orchard Rural Historic District

proposed to narrow the limits of disturbance (LOD) to provide an approximately 11-foot-wide buffer between the cemetery and the LOD.⁵ This will be accomplished by reducing the access road LOD from the standard 50 feet to 25 feet in width while passing the cemetery to avoid direct impacts (the road will not cross the Henry-Waldron Cemetery's historic property boundary) and to minimize indirect impacts. Furthermore, protective fencing will be installed along the cemetery's northeastern boundary along the access road LOD. The southwestern edge of the road will be constructed at least 11 feet from the Henry-Waldron Cemetery's historic property boundary. Following construction, the road width will be reduced to 8 feet and the permanent road will follow the route of the extant historic-era dirt road. Access to the cemetery will be maintained during construction. The revised avoidance plan for the cemetery is included in Attachment 1. Mountain Valley and DHR discussed the revised approach to the access road in telephone calls on December 29, 2017 and January 3, 2018. DHR indicated that it was likely, following review of the new avoidance plan, that the recommendation for the road would be changed from an adverse impact to a no adverse impact. To date, FERC and Mountain Valley have not received a DHR letter with its findings responding to the Mountain Valley January 17, 2018, letter. Under Stipulation IV.A of the executed Programmatic Agreement for the Project, "If timely comments are not received from any party during the review period [30 calendar days], FERC shall proceed based on review and consideration of timely comments received from other parties." No comments from other parties have been filed on the docket to date.

Of the 24,010 feet of the Project within the Bent Mountain Rural Historic District, the 9,901 feet within the Bent Mountain Apple Orchard Rural Historic District, and the 15,480 feet within the Coles-Terry Rural Historic District, only a few segments, crossing roadways and residential yards, are located in areas that are accessible or visible to the public, or visible from a primary contributing historic resource.

Vegetation removal for Mountain Valley has been minimized to the greatest practicable extent. However, as DHR concluded, project-related disturbances resulting from incompatible land use practices or resulting in the physical removal of vegetation within the rural historic landscape will affect the aspects of integrity of setting, feeling, and association for the Bent Mountain, Bent Mountain Apple Orchard, and Coles-Terry Rural Historic Districts and, as a result, requires treatment.

4.0 MITIGATION OF ADVERSE EFFECTS IDENTIFIED

4.1 Approach to the Development of Mitigation

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 adverse effect to be mitigated for the Bent Mountain, Bent Mountain Apple Orchard, and Coles-

⁵ To avoid confusion, it should be understood that the LOD is the area in which disturbance is *authorized* by FERC, and it is not necessarily reflective of the width of the road that will be utilized or the area that will in fact be disturbed. For new or improved access roads, the disturbed area typically is less than the full LOD.

Terry Rural Historical Districts is, according to DHR, the diminution in the “very agrarian setting and feeling” of the district resulting from the “permanent fifty-foot wide imprint on [its] landscape.” To further clarify this effect and assess its magnitude, it is important to note that DHR specifically states that this effect does not arise from visual impacts on the landscape in the districts. Aboveground impacts from this buried natural gas pipeline will be largely imperceptible following the restoration of the right-of-way—with the exception of the portions of the permanent right-of-way situated in currently forested areas, which will be periodically cleared of woody vegetation to protect the integrity of the pipeline.

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. For the Bent Mountain Rural Historic District, this results in approximately 8,733 feet (or 36 percent) of impacts that will either be avoided or restored. For the Bent Mountain Apple Orchard Rural Historic District, this results in approximately 3,663 feet (or 37 percent). The implication of these measures for the Coles-Terry Rural Historic District is the avoidance or restoration of approximately 2,100 feet (or 14 percent) of impacts. Lastly, there will be no aboveground Project facilities placed on the landscape within any of the districts.

In light of the largely temporary impacts on the physical landscape in non-forested areas and the measures to minimize the visibility of the right-of-way in forested areas, additional changes to Project construction or restoration practices will only minimize, not effectively ameliorate, the adverse effect identified by DHR on the agrarian feeling and setting of the districts. As a result, Mountain Valley has identified a combination of minimization and mitigation measures—enhanced treatment of the permanent right-of-way within the historic districts, preparation of a PIF for the Bent Mountain Rural Historic District and NRHP nominations for the Bent Mountain Apple Orchard and Coles-Terry Rural Historic Districts, and a building restoration and preservation fund—that will directly address the potential adverse effect identified by DHR to the “feeling” of the area for its residents and visitors and will preserve the historic and cultural significance of the districts.

This approach is proportional to the minimal long-term physical adverse effect to the districts. It also is responsive to feedback Mountain Valley received from consulting parties and stakeholders.

4.2 Consultation with Consulting Parties and Other Stakeholders

The DHR recommended that Mountain Valley assist the FERC with outreach to consulting parties and other interested stakeholders (including Preserve Roanoke, the Committee for Appalachian and Piedmont Preservation, Preservation Virginia, Historical Society of Western Virginia, and the Roanoke Valley Preservation Foundation) to identify appropriate mitigation measures for the adverse impacts on the Bent Mountain and Coles-Terry Rural Historic Districts. As there is no steering committee for either of the districts, Mountain Valley contacted representatives of Preserve Roanoke and the Committee for Appalachian and Piedmont Preservation. On behalf of

both of these organizations, Ann Rogers declined to meet with Mountain Valley to discuss potential mitigation strategies.

Mountain Valley prepared its original proposed Treatment Plan for the historic districts in August 2017. The Treatment Plan was circulated to relevant consulting parties and other interested stakeholders for comment on or around August 28, 2017, including:

- Ann Rogers (Preserve Roanoke and the Committee for Appalachian and Piedmont Preservation)
- Sonja Ingram, Preservation Virginia
- Ashley Webb, Historical Society of Western Virginia
- Richard Caywood, Roanoke County Board of Supervisors
- Alison Blanton, Roanoke Valley Preservation Foundation
- Roger Kirchen, DHR

In a letter dated September 9, 2017, Ms. Rogers proposed that the Treatment Plan be revised to include a nomination for the Bent Mountain Apple Orchard Rural Historic District. On November 3, 2017, representatives from Roanoke County, DHR, Ms. Rogers, and Mountain Valley held a conference call to discuss the proposed Treatment Plan. Mr. Caywood, for Roanoke County, indicated that the county did not have specific comments on the proposed mitigation plan but he did discuss concerns related to the specific pipeline route and the consideration of route alternatives as it related to the potential historic districts. Mr. Kirchen from the DHR provided information related to the Bent Mountain Apple Orchard Rural Historic District and indicated that his office would be providing additional information in a forthcoming letter.

Mountain Valley prepared a revised Treatment Plan based on the feedback received from Ms. Rogers and DHR in December 2017. The Treatment Plan was circulated to the same consulting parties and other interested stakeholders as listed above for comment on or around December 20, 2017. Subsequently, FERC granted consulting party status to landowners Grace Terry, Elizabeth Terry Reynolds, Frank Terry, and John Coles Terry in January 2018. Mountain Valley provided a copy of the December 2017 Treatment Plan to the Terry family on or around January 5, 2018.

Attachment 2 includes copies of minutes, email correspondence, letters, and other documents referenced in Section 4.2.

4.2.1 DHR

DHR provided general comments on the draft Mountain Valley treatment plans (August 2017) in a letter dated November 3, 2017. In that letter, DHR suggested that the treatment of the historic districts would benefit from the input of consulting parties. DHR noted that it previously discussed with Mountain Valley the possibility of constricting the maintained pipeline right-of-way as it crosses historic properties, and especially at public roads within historic districts, to minimize the

visibility of the pipeline from public spaces. DHR encouraged the FERC to work with the consulting parties to consider such an effort to minimize impacts.

DHR provided additional comments on the draft Treatment Plan in a letter dated November 8, 2017. In that letter DHR supported the preparation of nominations to the NRHP for the Bent Mountain Apple Orchard and Coles-Terry Rural Historic Districts and the preparation of a PIF, which is a precursor to a NRHP nomination in Virginia, for the Bent Mountain Rural Historic District. DHR recommended that the PIF for the Bent Mountain Rural Historic District will allow for the refinement of boundaries for the Bent Mountain Apple Orchard and Coles-Terry Rural Historic Districts through the development of a historic context for the Bent Mountain Rural Historic District. In a letter dated November 17, 2017, addressed to the FERC, the NPS - BRP concurred with DHR that preparation of a PIF for the Bent Mountain Rural Historic District will help mitigate the adverse effect. The revisions requested by Ms. Rogers, DHR, and NPS are reflected in Section 4.3.

4.2.2 Roanoke County

In a letter dated January 4, 2018, Roanoke County staff provided comments on the draft Treatment Plan that included proposed reforestation within the district similar to Mountain Valley's restoration and revegetation plan for the Jefferson National Forest. Mountain Valley contacted Roanoke County Attorney Ruth Ellen Kuhnelt and held meetings by teleconference on February 5, and February 7, and February 8, 2018, with Ms. Kuhnelt and Mr. Caywood to discuss Roanoke County's comments on the proposed Treatment Plan for Bent Mountain, Bent Mountain Apple Orchard, and Coles-Terry Rural Historic Districts, which were outlined in a letter to the FERC docket dated January 4, 2018 (filed jointly with Giles County), as well as other relevant issues the county wished to address. Sections 4.2.2.1-4.2.2.8 captures an overview of the teleconference discussions and responses to other issues raised in the January 4, 2018, letter.

4.2.2.1 Mitigation Fund

During the February 6, 2018, teleconference, in response to the request in Roanoke County's letter for the establishment of a mitigation fund, Mountain Valley provided an overview of a historic resource mitigation agreement entered into between Mountain Valley and the Commonwealth of Virginia. Mountain Valley explained that the agreement obligates Mountain Valley to expend at least \$1.5 million on historic resources mitigation and to fund the creation of a \$1 million mitigation fund for the purpose of providing grants for the preservation of historic resources within the vicinity of the Project.⁶ Mountain Valley clarified that the fund, to be managed by the Virginia Historical Society (VHS), predated the consulting parties' request for a mitigation fund and that it

⁶ Section 3.a of the agreement, which can be found in Attachment 2, states:

The Mitigation Fund shall operate as an endowment for grant-making purposes to document, preserve, and interpret the historic resources within the Commonwealth's localities affected by the Project. The Commonwealth shall work with [Virginia Historical Society] and determine project selection criteria and a process for evaluating appropriate projects that are consistent with DHR historic resources mitigation standards.

is relevant to, but not a substitute for, the preparation of treatment plans or discussion of other possible compensatory mitigation measures.

Mountain Valley further noted that there was a separate mitigation agreement to provide compensatory mitigation for impacts on forests and water quality.

4.2.2.2 Reduction of the Maintained Permanent Easement

Mountain Valley explained the measures developed with the US Forest Service to introduce undulations and reductions in the maintained area of the right-of-way to reduce visual impacts and noted that Mountain Valley was reviewing possible locations to implement similar measures in the vicinity of the Bent Mountain, Bent Mountain Apple Orchard, and Coles-Terry Rural Historic Districts. Mountain Valley presented an overview of the areas Mountain Valley had targeted 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 parties had additional areas that would like to see the enhanced treatment. Roanoke County staff requested that additional consideration be given to potential views of the Project as it crosses the upper part of the eastern slope of Poor Mountain. Mountain Valley indicated in the calls that it would evaluate whether additional enhanced right-of-way treatment would be beneficial.⁷

4.2.2.3 Mislocation/Misidentification of Historic Resources

Mountain Valley stated that relevant information was provided to DHR and consulting parties and that DHR provided concurrence on Mountain Valley's Criteria of Effects Report. As requested by DHR's July 7, 2017, comment letter on the Criteria of Effects Report, Mountain Valley also provided additional information to DHR and consulting parties, and to date, DHR had not requested any additional information regarding this issue.

4.2.2.4 Historic Private Water Supplies

Mountain Valley provided an overview of the Water Resources Identification and Testing Plan (Plan) and the related conditions in the Virginia State Water Control Board's Supplemental 401 Certification (Certification). Mountain Valley noted that it has two full-time hydrogeologists leading Mountain Valley's water source protection program to whom landowners may be directed to provide information about the identification of private water sources.

4.2.2.5 Pipeline Class

Mountain Valley provided a summary of the applicable federal Pipeline and Hazardous Materials Safety Administration (PHMSA) safety requirements that applied to the pipeline and explained that the pipe through Roanoke County will meet or exceed all federal regulations.

⁷ Shortly after the call, Mountain Valley's consultant evaluated potential views of the Project (as it crosses the upper part of the eastern slope of Poor Mountain) from key travel routes within the Coles-Terry Rural Historic District and has proposed an additional treatment area within the district, milepost 240.1-240.4 (as shown in Table in 4.3.1 below). This results in an additional 0.3 miles of enhanced right-of-way treatment, which is reflected in Section 4.3.1.

4.2.2.6 Historic Agricultural Properties

Mountain Valley explained that landowners are contacted directly on a case-by-case basis to ensure that the existing agricultural practices can continue and that the pipeline is designed to handle heavy equipment up to certain weight limits.

4.2.2.7 Indemnification

Mountain Valley stated that there were overlapping federal and state agencies with authority to ensure that Mountain Valley addressed any damage from the Project.

4.2.2.8 Restricted Use of Permanent Easement for Future Pipelines

Mountain Valley explained that it cannot restrict the authority of the FERC or other regulatory agencies to permit or deny the co-location of future utilities within or without the existing right-of-way in the future. Any future pipelines, whether or not they share an existing right-of-way, would have to go through the process of obtaining all necessary federal and state approvals. In addition, it is noted that additional lines cannot be placed within easements on properties where the easements are obtained through the condemnation process.

4.2.3 Follow Up Consultation with DHR

On Friday, February 9, 2018, John Centofanti of MVP had a telephone conversation with Roger Kirchen of Virginia DHR. Mr. Centofanti described the proposal to create a fund for the preservation of a selected historic structure. Mr. Kirchen expressed that he could support such a project as an element of a revised Treatment Plan but suggested that conditions be placed in the plan to afford DHR an ongoing consultation role to ensure the repairs are appropriate and do not cause adverse effects to this historical resource. Additional changes were made to this Treatment Plan (Section 4.3.3 and Attachment 3) in response to Mr. Kirchen's input.

4.2.4 ACHP

In a letter to the FERC dated January 18, 2018, the Advisory Council on Historic Preservation (ACHP) provided general observations regarding the resolution of adverse effects as proposed in the draft treatment plans based on its review of the plans and the comments submitted to the ACHP for its consideration. Specifically, the ACHP reiterated the request from consulting parties and stakeholders that the FERC require Mountain Valley to follow practices similar to those required by the US Forest Service in the Jefferson National Forest to reduce the distinctive appearance of the right-of-way in high visibility areas in and near the affected historic districts. Furthermore, the ACHP restated the requests of consulting parties and stakeholders to: 1) maintain the agricultural, grazing, and tree harvesting uses along the right-of-way where they currently exist and are recognized as important characteristics of affected historic districts; 2) consider working with local officials to establish financial resources to assist in preserving the rural historic character of the historic districts; and 3) explore how future collocation of additional natural gas pipelines in the right-of-way can be avoided to preserve the existing setting of the historic districts.

4.2.5 Incorporation of Consulting Parties' Suggestions into Treatment Plan

This Treatment Plan has been substantially revised in response to the feedback received from Ms. Rogers (Preserve Roanoke), DHR, the ACHP, and Roanoke County on the August and December 2017 versions of the plan. Those parties' suggestions have been incorporated into this revised Treatment Plan and are reflected in Sections 4.3.1 through 4.3.3.

Several of the proposed mitigation options discussed with consulting parties were not incorporated into this proposed minimization and mitigation plan. Mountain Valley has not proposed to create a general mitigation fund. Instead, Mountain Valley has proposed supplemental compensatory mitigation to assist local stakeholders in addressing needs, identified during consultations, related to specific contributing resources—which predate and are unrelated to any impacts from the Project. While Mountain Valley is sympathetic to the sincere concerns expressed by consulting parties, the justifications presented for a mitigation fund are unrelated to the specific adverse effect to the district identified by DHR and are not in the nature of effects to resources that are mitigated under Section 106. Additionally, the funds proposed in this Treatment Plan can be augmented by applications for grants from the existing mitigation fund created by the Commonwealth and administered by VHS for this purpose.

Mountain Valley does not propose to further upgrade the pipeline classification within the district. For example, approximately 88% of the route through Roanoke County requires only PHMSA Class 1 pipe; however, approximately 97% of the pipe through Roanoke County will be either Class 2 (92.5%) or Class 3 (4.7%). The pipeline class within the district already meets or exceeds the standard required by the federal safety regulations, and increasing the pipeline class further does not mitigate the adverse effects identified by DHR.

Additional water supply protections and agricultural land use preservation measures have not been included because the consulting parties' requests can be met through existing plans, practices, and regulatory requirements. Lastly, Mountain Valley cannot restrict the authority of the FERC or other regulatory agencies to permit or deny the co-location of future utilities within or without the existing right-of-way in the future. It also is worth noting that the FERC evaluated an alternative in its Environmental Impact Statement involving the co-location of a second pipeline within Mountain Valley's right-of-way. FERC concluded that this scenario likely is "technically infeasible."⁸ In addition, it is noted that additional lines cannot be placed within easements on properties where the easements are obtained through the condemnation process.

4.2.6 Proposed Mitigation Plan

In a letter dated November 3, 2017, DHR encouraged the FERC to work with the consulting parties to consider "the possibility of constricting the maintained pipeline right-of-way as it crosses historic properties, and especially public roads within historic districts." In a letter to the FERC dated January 18, 2018, the ACHP reiterated a similar request from consulting parties and stakeholders that the FERC require Mountain Valley to follow practices similar to those required

⁸ Certificate ¶ 302.

by the US Forest Service in the Jefferson National Forest to reduce the distinctive appearance of the right-of-way in high visibility areas in and near the affected historic districts.

4.2.7 Enhanced Right-of-Way Treatment to Reduce Visibility of Permanently Maintained Corridor

Mountain Valley’s proposed minimization plan to address potential adverse effects focuses on further reducing the visibility of the maintained permanent right-of-way from locations with potential visibility within the districts including high visibility areas such as main arterial roadways—a primary concern expressed by DHR and the ACHP.

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. 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.

Mountain Valley will implement the following mitigation measures to lower potential visual impacts from the Project identified during the analysis. Within the following route segments, depicted in Figures 4.3.1-1 through 4.3.1-3, 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.

Bent Mountain Rural Historic District (See Figure 4.3.1-1)

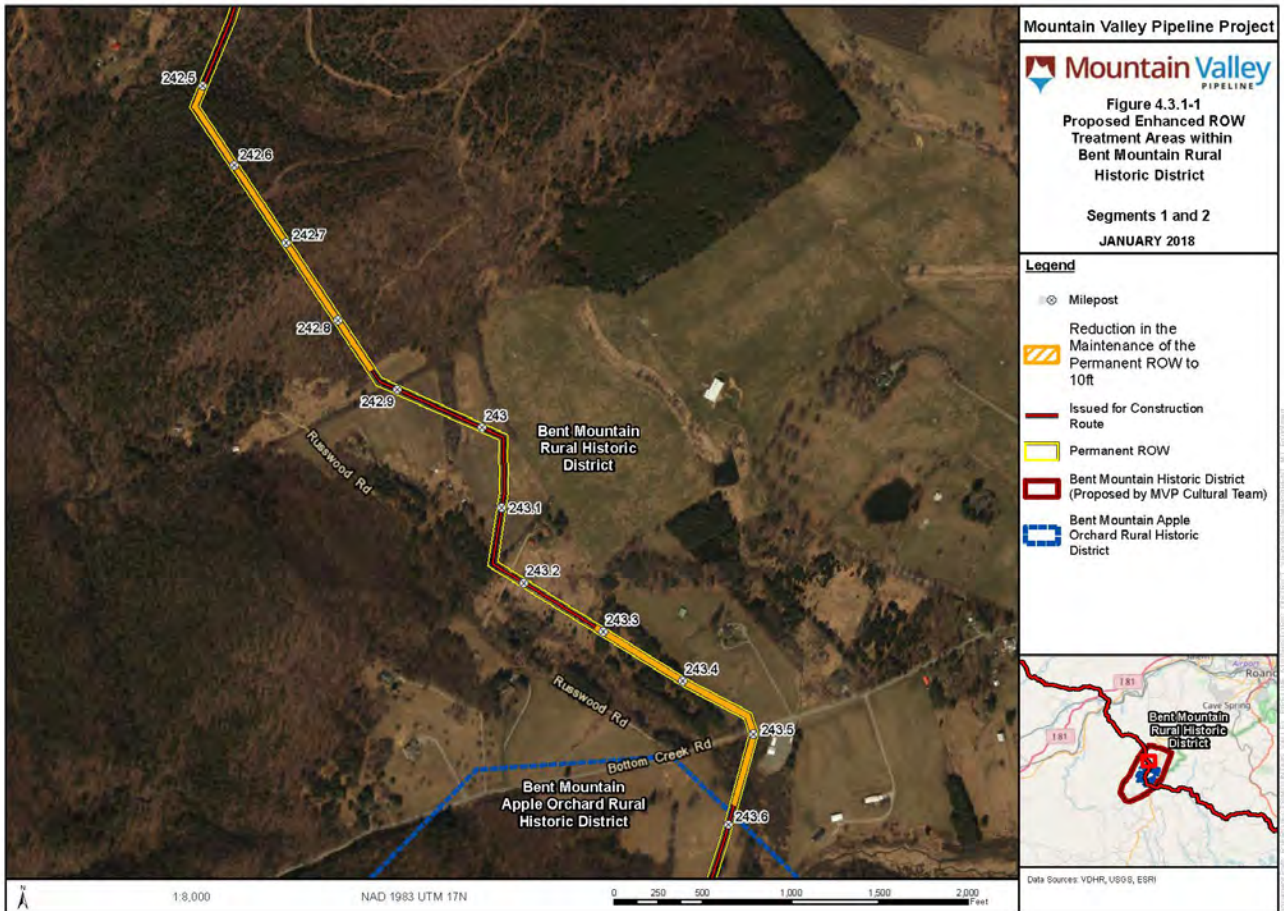
Segment	Milepost Range	Length (feet)	Mileage
1	242.50-242.86	1,901	0.36
2	243.29-243.57	1,478	0.28
	Total	3,379	0.64

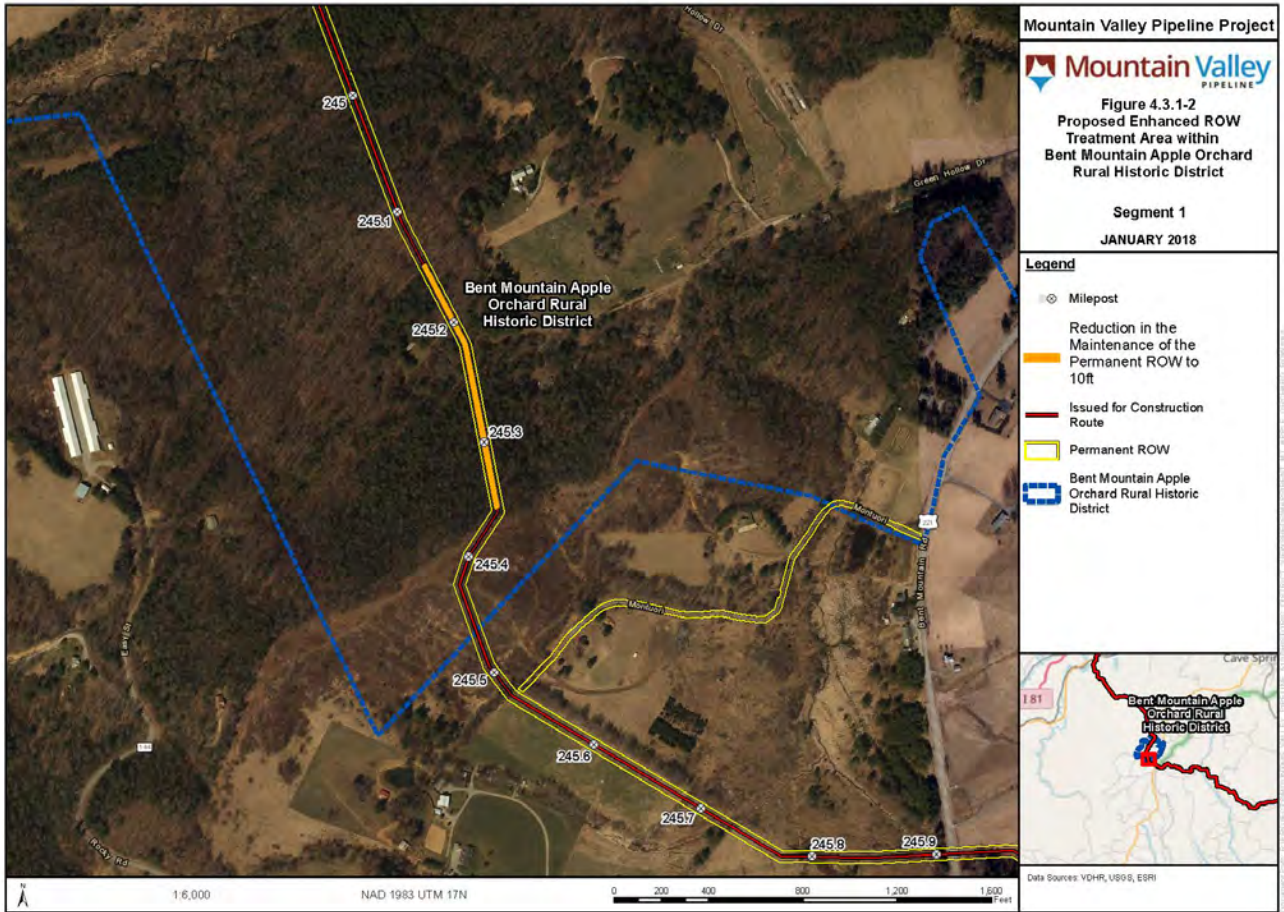
Bent Mountain Apple Orchard Rural Historic District (See Figure 4.3.1-2)

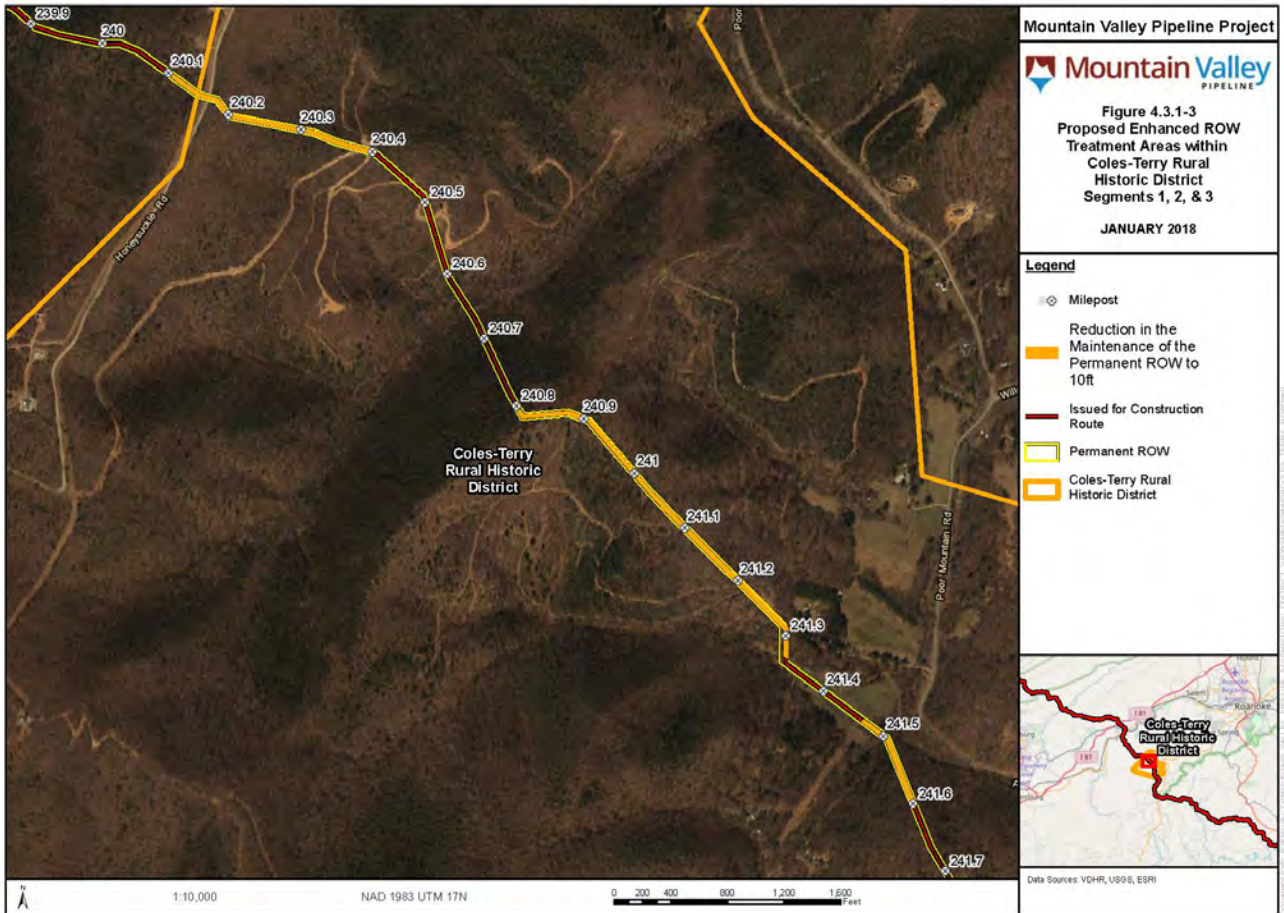
Segment	Milepost Range	Length (feet)	Mileage
1	245.15-245.35	1,056	0.20
	Total	1,056	0.20

Coles-Terry Rural Historic District (See Figure 4.3.1-3)

Segment	Milepost Range	Length (feet)	Mileage
1	240.10-240.40	1,584	0.30
2	240.80-241.33	2,798	0.53
3	241.47-241.60	686	0.13
	Total	5,068	0.96







Mountain Valley will revegetate the construction and permanent operational right-of-way as shown in the concept diagram provided in Figure 4.3.1-4. This entails maintaining an herbaceous strip 10-foot-wide centered over the pipeline (reduced from the typical 50-foot width), and performing trimming or selective cutting of trees over 15 feet in height within a 30-foot-wide strip centered over pipeline. Outside the 10-foot-wide strip, 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 FERC Plan and Procedures (FERC Plan) and consistent with DEQ's approval.⁹ 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 Bent Mountain, Bent Mountain Apple Orchard, and Coles-Terry Rural Historic Districts.

4.2.8 PIF for the Bent Mountain Rural Historic District and NRHP Nominations for the Bent Mountain Apple Orchard and Coles-Terry Rural Historic Districts

Stakeholders have noted the presence of additional historic architectural and natural resources that, in their opinion, may potentially serve as contributing resources to the districts. Mountain Valley's proposed mitigation plan to address potential adverse effects is to fund the preparation of a PIF for the Bent Mountain Rural Historic District and NRHP nominations for the Bent Mountain Apple Orchard and Coles-Terry Rural Historic Districts by a qualified historian or architectural historian meeting the *Secretary of the Interior's Professional Qualification Standards*.

Assuming that access to all properties within the Bent Mountain Apple Orchard and Coles-Terry Rural Historic Districts is obtained, the nomination process will ensure that all contributing and non-contributing objects, sites, structures, buildings, landscape features (natural and built), etc. will be inventoried through intensive-level documentation and research. Furthermore, the process will allow each of these two districts to be designated as a NRHP-listed historic district. This designation will enable Roanoke County to preserve its character through historic preservation programs. Historic preservation programs, used as an economic development tool, will enable Roanoke County to take advantage of its history and, in combination with the county's other NRHP-listed historic districts, further develop a tourism market.

As there is no committee or point of contact specific to the districts, Mountain Valley will afford Preservation Virginia and the Committee for Appalachian and Piedmont Preservation the opportunity to, individually or collectively, choose the qualified professional (provided the professional meets the Secretary of the Interior's Professional Qualification Standards and charges commercially reasonable rates and costs), administer the funds, and manage the qualified professional and deliverables. If an outside organization manages the implementation of the

⁹ The FERC Plan and Procedures comprise construction best management practice standards that the FERC first introduced in 1994. The FERC has encouraged natural gas pipeline companies to adopt these documents into their applications to the FERC and commit to these standards in construction for new pipelines and maintenance on existing pipelines.

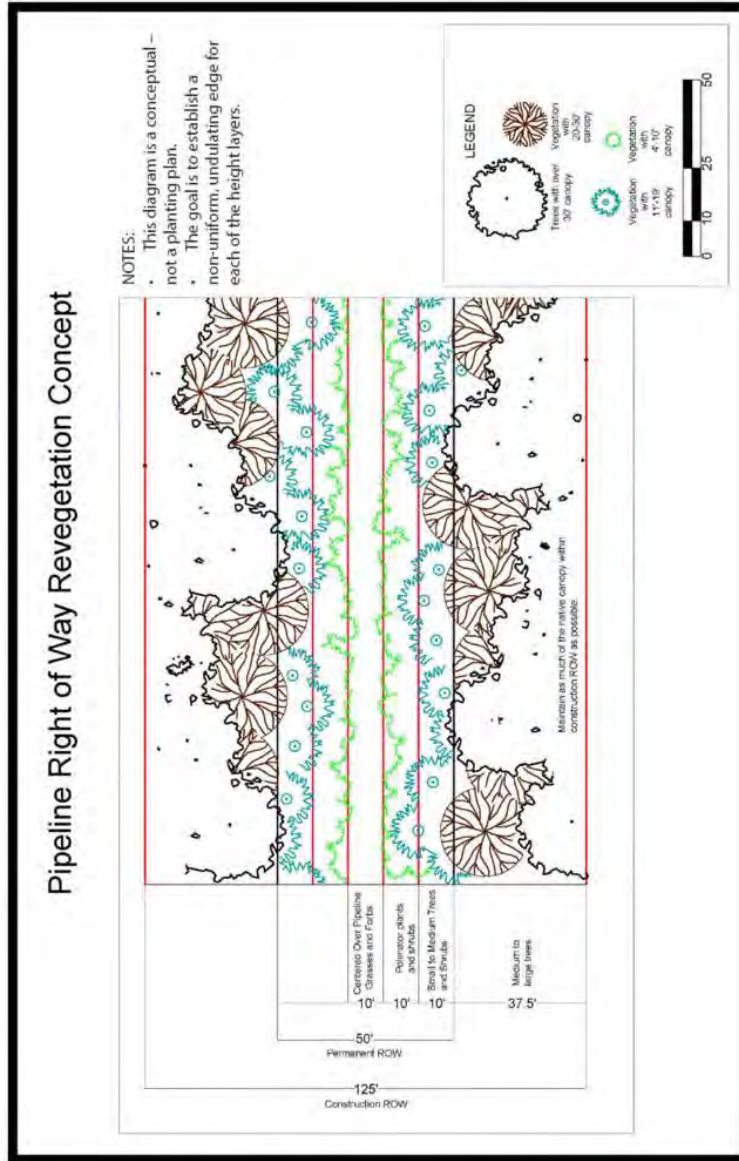


Figure 4.3.1-4 Proposed ROW Revegetation Concept for Enhanced Treatment Areas within Bent Mountain, Bent Mountain Apple Orchard, and Coles-Terry Rural Historic Districts

mitigation plan, it will adhere to all requirements of this document. If these organizations decline to serve in this capacity, Mountain Valley will assume these responsibilities.

Mountain Valley will work with the DHR to finalize the scope for the measures outlined in Section 4.3.2; however, Mountain Valley assumes that the qualified professional will prepare a PIF for the Bent Mountain Rural Historic District and NRHP nominations for the remaining two rural historic districts following all NRHP guidelines and requirements. For the Bent Mountain Apple Orchard and Coles-Terry Rural Historic Districts, the qualified professional, in consultation with DHR, will:

1. Review existing survey, historical research, publications, and architectural traditions;
2. Propose an approximate Period of Significance and Boundary;
3. Produce narrative justification for recommended Period of Significance, narrative justification for recommended boundary, supporting documentation including mapping depicting the recommended boundary, photographs, and major bibliographical references used to determine the recommended boundary;
4. Prepare draft NRHP Nomination (although not anticipated, a second draft submission may be required at the discretion of the DHR, if warranted due to substantive comments);
5. Prepare final NRHP Nomination subsequent to DHR review of the draft NRHP nomination: three (3) hard copies and one (1) digital copy (Microsoft® Office Word format) of the completed final nomination forms and all accompanying material (in appropriate formats);
6. Prepare 2 sets of address labels for all current property owners within the proposed NRHP historic district at the time of submission for use by the DHR in nomination-related correspondence.

4.2.9 Preservation and Restoration of the Bent Mountain Center

In the January 4, 2018, letter to the FERC docket, Roanoke County emphasized the importance of the Bent Mountain Center (formerly Bent Mountain Elementary School 080-0322) as an important cultural resource within the Bent Mountain Rural Historic District. In discussions with Roanoke County on February 5, February 7, and February 8, 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, this Treatment Plan has been revised to include the establishment of a \$500,000 Bent Mountain Center Preservation Fund (Fund) dedicated to the preservation and restoration of the Bent Mountain Center (formerly Bent Mountain Elementary School) (contributing resource 080-0322). The Fund shall be administered by the Roanoke County Board of Supervisors in continuing consultation with DHR. Its use will be subject to the Terms and Conditions set forth in Attachment 3, which ensure that the moneys are

used for valid mitigation purposes consistent with this Treatment Plan and the requirements and objectives of the NHPA. The moneys (\$500,000) to establish the Fund shall be provided by Mountain Valley to the Roanoke County Board of Supervisors within 30 days of the later of the following: (i) the commencement of land disturbance within the District or (ii) the date of Roanoke County's execution of the attached Terms and Conditions. The Fund, in concert with the various avoidance, minimization, and compensation measures identified in this Treatment Plan, rounds out a robust suite of mitigation measures that fully addresses the need to mitigate the adverse effects to the district identified by DHR.

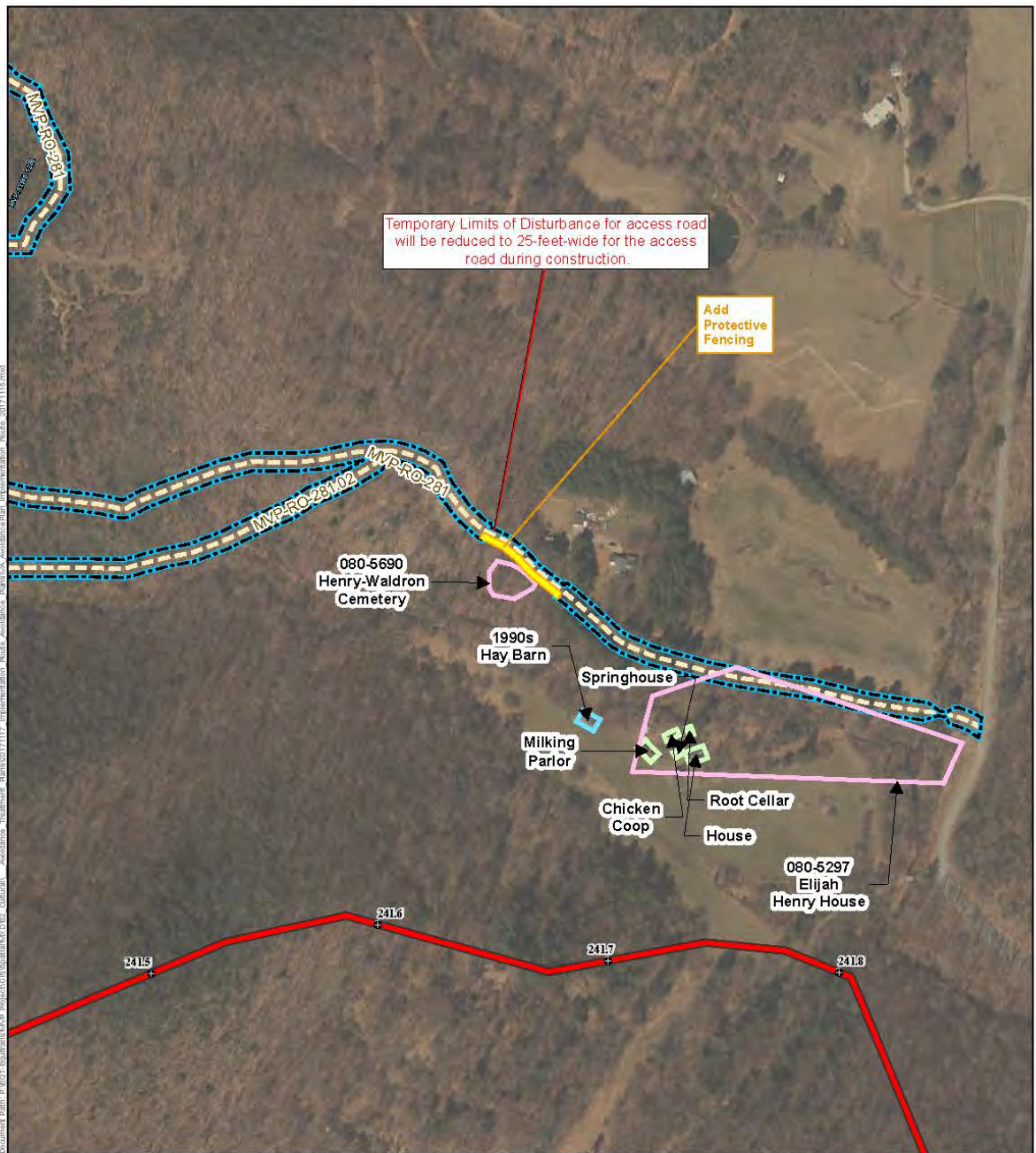
5.0 SCHEDULE

Mountain Valley will implement this Treatment Plan concurrent with construction activities within the district. Within two months of issuance of the approved Treatment Plan, Mountain Valley will develop and submit a final scope of work for the PIF and NRHP Nominations to the DHR for review and approval. The final scope of work will be implemented accordingly (as outlined in Section 4.3 above) and all activities related to the Treatment Plan to be completed by Mountain Valley, except for ongoing monitoring and maintenance of the enhanced right-of-way treatment, will be completed within one year of the date of service for the Mountain Valley Pipeline Project.

ATTACHMENT 1
AVOIDANCE PLANS



<p>Mountain Valley Pipeline Project</p> <p>NAD 1983 UTM 17N</p> <p>0 50 100 200 Feet</p>		
<p>Avoidance Plan 20 Site: 080-5677-0006 Cabin Roanoke County, Virginia</p> <p>April 2017</p> <p>Data Sources: USGS, ESRI, Open Street Map.</p>	<p>Legend</p> <ul style="list-style-type: none"> ■ Avoided Historical Architectural Resource ⊕ Milepost Proposed Route Access Road Proposed Limits of Disturbance Direct APE Permanent Easement Temporary Impact 	



Mountain Valley Pipeline Project		NAD 1983 UTM 17N	0 125 250 500 Feet
<p> Revised Avoidance Plan for Henry-Waldron Cemetery (080-5690) Roanoke County, VA </p> <p> DECEMBER 2017 </p> <p> <small>Data Sources: USGS, ESRI, Open Street Map.</small> </p>	Legend <ul style="list-style-type: none"> Historic Property Boundary Historic Structure Modern Structure Protective Fencing Construction Limits of Disturbance Milepost Proposed Pipeline Route Proposed Access Road 		

ATTACHMENT 2
CORRESPONDENCE

From: Ann M Rogers
To: [Neylon, Megan](#)
Cc: [Kirchen Roger \(DHR\)](#); [Elizabeth Merritt](#); [John Eddins](#); [David Brady](#); [Andrea Ferster](#); [Bert Bondurant](#); [Bonnie Law](#); [Julie Gantenbein](#); [Richard Caywood](#); [Ruth Ellen Kuhnel](#)
Subject: Re: Mountain Valley Pipeline Meeting
Date: Thursday, July 27, 2017 4:15:10 PM

Megan,

I do apologize for taking so long to respond to your invitation to meet to discuss the Mountain Valley Pipeline's impacts to the Bent Mountain and Coles-Terry Rural Historic Districts.

I agree with and wholeheartedly endorse the Virginia SHPO's finding of adverse effects on five historic districts in the proposed route of the MVP. Please refer to the SHPO's letter to you dated 7-7-17.

However, after consultation with various stakeholders who have an interest in the Mountain Valley Pipeline's impacts to historic resources including the Bent Mountain, Coles-Terry, and Blue Ridge Parkway Historic Districts, and other MVP-affected historic resources, I have concluded that until MVP is able to correct the serious flaws in its May 10 cultural resources filing, as discussed in my filing to FERC sent in behalf of Preserve Roanoke on July 12, it is pointless to discuss mitigation.

MVP has not yet offered a reasonable assessment of impacts, which is a necessary precursor to discussion of mitigation.

Thank you for contacting me.

Ann Rogers
Preserve Roanoke

From: "Neylon, Megan" <MNeylon@eqt.com>
To: "Amelvin3@verizon.net" <Amelvin3@verizon.net>
Sent: Monday, July 24, 2017 3:20 PM
Subject: Mountain Valley Pipeline Meeting

Hi Ann,

Per our conversation on Friday July 21, 2017, Mountain Valley Pipeline is trying to set a meeting with you and any other stakeholders interested in the Bent Mountain and Coles-Terry Historic Districts. Mountain Valley is considering adding the following people to the invite list. If there are any additional people that you think should attend, please let me know.

Ashley Webb – The Historical Society of Western Virginia
Alison Blanton – Roanoke Valley Preservation
Sonja Ingram – Preserve Virginia

We would like to have this meeting as soon as possible. We will be in the area on Thursday 7/27/17 as you know to

meet with Big Stony Historic District. If we could make it work, Mountain Valley could meet with you and others interested in Coles-Terry and Bent Mountain Historic Districts later in the afternoon on Thursday.

Thank you,

Megan E. Neylon
Supervisor - Permitting
Office: 724-873-3645
MNeylon@eqt.com

From: Anita Puckett
To: [Neylon, Megan](#)
Subject: Re: North Fork Valley Rural Historic District
Date: Tuesday, August 01, 2017 5:16:45 PM

Sorry, Megan. Our stance is one that no mitigation is possible. MVP needs to move outside the entire District. There's no point in meeting.

Anita

On Tue, Aug 1, 2017 at 11:16 AM, Neylon, Megan <MNeylon@eqt.com> wrote:

Anita,

Elizabeth (Betty) Hahn sent an email to Mountain Valley on July 26, 2017 stating that she has spoken to people interested in the North Fork Valley Rural Historic District and that they decline a meeting with Mountain Valley. Based on your email below, I wanted to reach out to you to see if you would still like to meet. If you would still be interested in meeting with Mountain Valley, I would like to set up a date and time. Please feel free to give me a call to discuss.

Thank you,

Megan E. Neylon

Supervisor - Permitting

Office: [724-873-3645](tel:724-873-3645)

MNeylon@eqt.com

From: Anita Puckett [mailto:anitampuckett@gmail.com]

Sent: Tuesday, July 25, 2017 10:00 AM

To: Neylon, Megan <MNeylon@eqt.com>; Seriff, David <fires1957@yahoo.com>; Ann M Rogers <amelvin3@verizon.net>

Subject: North Fork Valley Rural Historic District

Dear Ms. Neylon,

A short message to let you know that I'm a representative of Preserve Montgomery who is

meet with Big Stony Historic District. If we could make it work, Mountain Valley could meet with you and others interested in Coles-Terry and Bent Mountain Historic Districts later in the afternoon on Thursday.

Thank you,

Megan E. Neylon
Supervisor - Permitting
Office: 724-873-3645
MNeylon@eqt.com

September 19, 2017

Ms. Megan Neylon
Environmental Permitting Supervisor
Mountain Valley Pipeline
555 Southpointe Boulevard
Cannonsburg, PA 15317

Dear Ms. Neylon,

Thank you for your letter of August 25, 2017 forwarding the HISTORIC PROPERTY TREATMENT PLAN for the Bent Mountain Rural Historic District (080-0322) and the Coles-Terry Rural Historic District (080-5689) prepared by Tetra Tech for Mountain Valley Pipeline ("Treatment Plan"). This letter is offered in response.

Response to analysis within HISTORIC PROPERTY TREATMENT PLAN, SECTION 1.2 Project Effect

In Section 1.2 of the Treatment Plan, Tetra Tech states:

As noted in Section 3.2 and 4.1 of Mountain Valley's Criteria of Effects Report (May 2017), rural historic landscapes may also qualify as a Traditional Cultural Property (TCP), as defined in the National Park Service's Guidelines for Evaluating and Documenting Traditional Cultural Properties, if the landscape's "organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents" or if it serves as a location "where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity." A rural historic district's eligibility for the NRHP as a TCP hinges on how the sites, structures, buildings, surrounding landscape, and landscape elements are used by members of the community. As such, Mountain Valley's assessment of effects to the Bent Mountain Rural and Coles-Terry Rural Historic Districts' rural historic landscapes involved an evaluation of direct and indirect (visual) effects to primary contributing resources within the historic district and also accounted for direct impacts on historic and current land uses, the results of which were presented in Section 4.1 of the Criteria of Effects Report.

As seen in the quotation, above, Tetra Tech employs an underlying assumption its May, 2017 Criteria of Effects Report that equates a rural historic district with a traditional cultural property. This assumption of equivalency between a rural historic district and a traditional cultural property is used by Tetra Tech to assess impacts of the Mountain Valley Pipeline on the basis of whether and how much those impacts affect the ways in which the land inside the districts is used. Tetra Tech's Criteria of Effects Report proceeds to analyze the landscape and topographic features within six rural historic districts crossed by the Mountain Valley Pipeline in Virginia on the basis of whether the pipeline's presence would affect the "use" of the land within the districts.

In the report, Tetra Tech considers aspects of land use within the Bent Mountain Rural Historic District and the Coles-Terry Rural Historic District, including historic vs. contemporary land use as orchards, and

Ms. Megan Neylon
September 19, 2017
Page 1

historic vs. contemporary land use in logging. Also, the report considers whether and to what extent the presence of the Mountain Valley Pipeline would impair an observer's ability to distinguish areas historically used for agriculture and those historically in evergreen forest or deciduous forest.

The Treatment Plan summarizes Tetra Tech's findings, saying, "Mountain Valley recommended that the Bent Mountain Rural Historic District . . . would continue to reflect its varying land uses through intact historic landscape features; the project would not affect the district's continuity of use." And, "Mountain Valley further recommended that the Coles-Terry Rural Historic District . . . would continue to reflect its varying land uses through intact historic landscape features; the project would not affect its continuity of use."

The operative word here is "use".

The problem with Tetra Tech's attempt to establish equivalence between rural historic districts and traditional cultural properties, and the subsequent employment of the concept of "land use" as a guiding principal in assessing impacts to rural historic districts, is that rural historic districts do not share with traditional cultural properties a dependence on land use as a criterion for eligibility determination.

National Register Bulletin 38, **Guidelines for Evaluating and Documenting Traditional Cultural Properties**, states in the section titled "Period of significance":

Describing the period of significance for a traditional cultural property can be an intellectual challenge, particularly where the traditions of a Native American or Micronesian group are involved. In such cases there are often two different kinds of "periods." One of these is the period in which, in tradition, the property gained its significance--the period during which the Cahuilla people emerged from the lower world through Tahquitz Canyon, or the period when civilization came to Truk through the magical arrival of the culture-bearer Sowukachaw on Mt. Tonaachaw. Such periods often have no fixed referent in time as it is ordinarily construed by Euroamerican scholarship (except, perhaps, by some of the more esoteric subfields of cosmology and quantum mechanics). To the Cahuilla, their ancestors simply emerged from the lower world at the beginning of human life on earth, whenever that may have been. A Trukese traditional authority will typically say simply that Sowukachaw came to Truk "nċċmw nċċmw nċċmw" (long, long ago). It is usually fruitless, and of little or no relevance to the eligibility of the property involved for inclusion in the National Register, to try to relate this sort of traditional time to time as measured by Euroamerican history. Traditional "periods" should be defined in their own terms. If a traditional group says a property was created at the dawn of time, this should be reported in the nomination or eligibility documentation; for purposes of National Register eligibility there is no need to try to establish whether, according to Euroamerican scholarship or radiocarbon age determination, it really was created at the dawn of time.

The second period that is often relevant to a traditional property is its period of use for traditional purposes. Although direct, physical evidence for such use at particular periods in the past may be rare in the case of properties used by Native American groups, it is usually possible

Ms. Megan Neylon
September 19, 2017
Page 2

to fix a period of use, at least in part, in ordinary chronological time. Establishing the period of use often involves the weighing of indirect evidence and inference. Interviews with traditional cultural authorities are usually the main sources of data, sometimes, supplemented by the study of historical accounts or by archeological investigations. Based on such sources of data it should be possible at least to reach supportable inferences about whether generations before the present one have used a property for traditional purposes, suggesting that it was used for such purposes more than fifty years ago. It is seldom possible to determine when the traditional use of property began, however--this tends to be lost, as it were, in the mists of antiquity.

... The length of time a property has been used for some kinds of traditional purposes may be difficult to establish objectively. Many cultural uses may have left little or no physical evidence, and may not have been noted by ethnographers or early visitors to the area. Some such uses are explicitly kept from outsiders by members of the group ascribing significance to the property. Indirect evidence and inference must be weighed carefully, by or in consultation with trained ethnographers, ethnohistorians, and other specialists, and professional judgments made that represent one's best, good-faith interpretation of the available data.

Consideration of when and how land has been used for traditional purposes, as discussed in Bulletin 38, is integral to the assessment of traditional cultural properties, without which it is impossible to identify period of significance or historic eligibility for those properties. However, National Register Bulletin 30, **Guidelines for Evaluating and Documenting Rural Historic Landscapes**, offers an entirely different set of criteria to use in determining period of historic significance and eligibility. (Please note that a rural historic district is a type of rural historic landscape that contains buildings and/or structures.) In dealing with these questions, Bulletin 30 focuses almost exclusively on the appearance of the land within the district, not present-day or past uses. For the Traditional Cultural Property the guiding principal in determining eligibility is whether the land was used in a specific cultural context at least 50 years ago. For the Rural Historic District, the important question is whether the land currently looks like it did at least 50 years ago. The two approaches are distinct and cannot be considered interchangeable.

Says Bulletin 30, "For the purposes of the National Register, a rural historic landscape is defined as a geographical area that historically has been used by people, or shaped or modified by human activity, occupancy, or intervention, and that possesses a significant concentration, linkage, or continuity of areas of land use, vegetation, buildings and structures, roads and waterways, and natural features." Here we see an emphasis on the appearance of the landscape/district that harkens to a bygone era of "human activity, occupancy, or intervention," not on an assessment of whether the district/landscape reflects past or present usage in a specific cultural context.

Bulletin 30 further emphasizes the notion of physical evidence of historic land use -- as distinct from history of actual land use -- in discussing historic context, saying, "Historic contexts provide background information about the patterns of history and development that shaped a particular geographical area. This information links a rural property with important historic trends or themes, such as dairy farming or cattle grazing, indicating whether the property is unique or representative of its time and place. Contextual information also allows the grouping of properties having similar patterns of historic development, making it possible to weigh their relative importance."

Ms. Megan Neylon
September 19, 2017
Page 3

Bulletin 30 deals with the interactions between humans and the natural environment within rural historic districts. This interaction is described in terms of physical patterns of historic land use, not evidence of continuous use within a traditional cultural context. Says the Bulletin: "Spatial organization, concentration of historic characteristics, and evidence of the historic period of development distinguish a rural historic landscape from its immediate surroundings. In most instances, the natural environment has influenced the character and composition of a rural area, as well as the ways that people have used the land. In turn, people, through traditions, tastes, technologies, and activities, have consciously and unconsciously modified the natural environment. Politics, social customs, ownership, economics, and natural resources have determined the organization of rural communities and the historic properties they contain."

Our consideration of the differences between traditional cultural properties and rural historic districts demonstrates that they are two distinct entities within the realm of historic preservation. The singular importance to the traditional cultural property of land use within a continuing cultural context does not apply to the rural historic district. For this reason, Tetra Tech's pervasive focus on past and contemporary land use in its assessment of the Mountain Valley Pipeline's impacts to rural historic districts in Virginia is misguided and misleading, especially considering that a rationale for considering the historic districts as equivalent to traditional cultural properties is nowhere proffered by Tetra Tech. The pervasive, unsubstantiated focus on the equivalence of rural historic districts and traditional cultural properties in Tetra Tech's May, 2017 Criteria of Effects Report sidesteps consideration of genuinely adverse impacts that would result from building the pipeline through Virginia's rural historic districts.

Mountain Valley Pipeline's impacts to 3 rural historic districts and the Blue Ridge Parkway in Roanoke County, VA

Please refer to my four previous filings to FERC which discuss anticipated impacts resulting from pipeline construction through the Coles-Terry Rural Historic District, the Bent Mountain Rural Historic District, the Bent Mountain Apple Orchard Rural Historic District, and the Blue Ridge Parkway Historic District. These filings are summarized in the chart, below. The overriding concern expressed throughout these filings is that FERC and MVP have treated the rural historic districts that are crossed by MVP as nothing more than collections of buildings to be avoided, or buildings as arbitrary vantage points from which to assess the visibility of the pipeline. Because the pipeline has been routed through rural – not urban – historic districts, impacts to the landscape and topographic features within the districts must be taken into consideration as part of the Section 106 process for the MVP. As stated in National Register Bulletin 30, "Large-scale features, such as bodies of water, mountains, rock formations, and woodlands, have a very strong impact on the integrity of setting." The MVP runs roughshod over vast swaths of these large-scale features in the Coles-Terry Rural Historic District, the Bent Mountain Rural Historic District, and the Blue Ridge Parkway Historic District. MVP and FERC have both consistently failed to consider this fact. Section 106 cannot be considered to be served until MVP and FERC's analysis looks at the "spaces between" buildings, as requested by Virginia Department of Historic Resources in its April 21, 2015 meeting with Tetra Tech.

Ms. Megan Neylon
September 19, 2017
Page 4

FERC Accession #	Summary of our issues in this filing
20161221-5427	<p data-bbox="553 422 1057 447">Comments to Draft Environmental Impact Statement</p> <ol style="list-style-type: none"> <li data-bbox="570 474 1325 583">I. The position of the DEIS is that the historic significance of the Blue Ridge Parkway lies principally in the manmade structures thereon, and that, since the MVP avoids manmade structures on the Blue Ridge Parkway, "it is unlikely that the MVP would have any adverse effects on the district." <li data-bbox="570 590 1325 726">II. By confining its attention to structures within the district, rather than considering impacts to the district in its entirety, FERC is missing opportunities to consider whether the pipeline's permanent imposition of a treeless stripe on the historic landscape would adversely affect the historic integrity of the Coles-Terry Rural Historic District. <li data-bbox="570 732 1325 842">III. The failure to consider impacts to landscapes and topographic features of both the Coles-Terry Rural Historic District and the Blue Ridge Parkway Historic District is a serious flaw in the DEIS, and must be corrected in subsequent documentation. <li data-bbox="570 848 1325 1010">IV. As inheritors of the remarkable "sculpture" that is the Blue Ridge Parkway, it is incumbent on 21st century stakeholders to maintain the subtle and exquisite conformations of the Parkway as important relics of the cultural, economic, aesthetic, and conservation milieu of the middle-to-late 20th century period during which the Parkway was designed, constructed, and enjoyed by motorists. <li data-bbox="570 1016 1325 1178">V. The MVP will permanently impose the footprint of 21st century industrialization on the 19th century landscape of Adney Gap inside the Blue Ridge Parkway. This is an inappropriate use of the Blue Ridge Parkway and should be avoided in the interest of safekeeping this national treasure for the enjoyment and edification of many future generations of Americans. <li data-bbox="570 1184 1325 1293">VI. The MVP will impose a flat stripe of highly condensed soil – called a "grassy highway" by one resident of Bent Mountain, VA – across the historic farm fields of Adney Gap, resulting in an unavoidable interruption of the visitor's experience of the Parkway's historic/scenic attributes. <li data-bbox="570 1299 1325 1598">VII. The headwaters of the South Fork of the Roanoke River can be seen, in histories of Bent and Poor Mountain, to play an integral role in the history of Poor Mountain and the integrity of the Coles-Terry Rural Historic District. The MVP crosses through the area of springs and first order streams described eloquently in Grace Fortescue Terry's 1957 essay, "Bent Mountain", and crosses Bottom Creek, another water body enshrined in the high literary style of Terry's narrative, four times. Construction of the MVP through the exquisitely pristine, irreplaceable headwaters of the Roanoke River would undermine the very bedrock of Roanoke County and southwestern Virginia's cherished historic landscapes. <li data-bbox="570 1604 1325 1684">VIII. If allowed to proceed, pipeline construction inside the Coles-Terry Rural Historic District would decimate the aquatic features of Poor Mountain cherished among historians and among residents of Bent Mountain, Poor

Ms. Megan Neylon
September 19, 2017
Page 5

	Mountain, Roanoke County, the Commonwealth of Virginia, and all who have visited this astonishingly beautiful region.
20161222-5276	<p>Addendum to Comments to Draft Environmental Impact Statement</p> <ol style="list-style-type: none"> I. This document forwards to FERC two Hill Studio visualizations of the view of Poor Mountain from the Poor Mountain Overlook on the Blue Ridge Parkway. One visualization shows the view "BEFORE" construction of the proposed Mountain Valley Pipeline. The other shows the view "AFTER" pipeline construction. II. The Coles-Terry Rural Historic District, which comprises a 2.4-mile wide expanse of land at the crest and on the east-facing slope of Poor Mountain, is visible from the Poor Mountain Overlook on the Blue Ridge Parkway. The construction of the MVP through the Coles-Terry Rural Historic District will drastically alter the appearance of Poor Mountain as viewed from the Poor Mountain Overlook, as well as from many points on U.S. 221 in Bent Mountain. The imposition of the MVP's treeless vertical "stripe" at the crest and down the eastern slope of Poor Mountain – indelibly demarcating 21st century industrialization – will permanently impair the appearance of the mountain as viewed from the Parkway. This incursion will result in adverse effects to integrity of the Blue Ridge Parkway Historic District.
20170713-5027	<p>Comments to MVP's May, 2017 Criteria of Effects Report</p> <ol style="list-style-type: none"> I. In this filing, we (1) list all the techniques and technologies employed by Tetra Tech to attempt to portray the MVP pipeline as having no significant impact on historic resources in Virginia; (2) list all the documents and page numbers where the concerned reader who is interested in understanding Tetra Tech's techniques and technologies must search within MVP's massive and unsystematically organized May 10 filing; and (3) explain why each of the techniques and technologies employed by Tetra Tech fails to substantiate the conclusion that Tetra Tech and MVP have attempted to use them for – to claim that the MVP pipeline will have no significant adverse effects whatsoever on historic resources in Virginia. II. The assumption employed by Tetra Tech that the MVP pipeline's potential to adversely impact rural historic districts lies exclusively in whether the pipeline would be visible from historic buildings thereon is wholly untenable. Nowhere in National Park Service Bulletin 30 is it stated or implied that a rural historic district's significance can or should be assessed solely on the basis of what can be seen from the district's buildings, or from arbitrarily assigned "vistas" or "key observation points". Tetra Tech's analysis, as described in these comments, imposes an arbitrary and capricious denial of the MVP pipeline's impacts to the landscape and topographic features of rural historic districts in Virginia. Tetra Tech's methodology is anathema to the preservation standards supported by both the National Park Service and the National Register of Historic Places.

Ms. Megan Neylon
September 19, 2017
Page 6

	<p>III. The methodology described in MVP's May 10 filing stands as a deliberate and calculated affront to the guidance provided by Virginia Department of Historic Resources, and a denial of the precepts of historic preservation embodied in the National Register of Historic Places, National Park Service Bulletin 30, and Section 106 of the National Historic Preservation Act.</p> <p>IV. Tetra Tech's analysis of the MVP pipeline's impacts to historic resources in Roanoke County and elsewhere in Virginia is an affront to the principals of federally-mandated historic preservation practice as established in U.S. laws and regulations and must be done over in a manner that conforms to the letter and spirit of those laws and regulations.</p> <p>V. MVP's May 10 filing fails utterly to document the dramatic alteration of visual elements of the Coles-Terry Rural Historic District as viewed from the top of the district along Honeysuckle Road. This is the point where the MVP pipeline begins its descent down the eastern slope of Poor Mountain into the Bent Mountain community. Standing on Honeysuckle Road, the observer looking down at the MVP pipeline's flat, treeless "stripe" will have an experience similar to that of riding a roller coaster in an amusement park. This is precisely the type of industrial development that will destroy the integrity of the Coles-Terry Rural Historic District in perpetuity. The drastic interruption of tree cover along the crest of Poor Mountain, the drastic interruption of the variegated rocky topography of that beautiful point on Poor Mountain, and the visual impact of the MVP pipeline's sheer vertical descent down the extraordinarily steep slope of Poor Mountain will all impose an immense impairment of the significance of the Coles Terry Rural Historic District and of the scenic qualities of this mountain.</p>
20170908-5122	<p>Comments to Final Environmental Impact Statement</p> <p>I. The MVP pipeline will radically transform the visual experience of travelers entering the Blue Ridge Parkway at Adney Gap by imposing a flat "stripe" of high condensed soil through a grassy agricultural field that current displays the picturesque terracing associated with the historically significant practice of mountainside livestock grazing. Mountainside cow paths or terraces can be seen today in old farm fields located in the uplands of Virginia and throughout the southeastern U.S. These sites where farmers have historically grazed cattle on the sides of slopes are subtly marked with intricate patterns formed by pathways that are the routes habitually used by the cows to walk across the elevated grazing areas. The cows' habitual use of the same pathways for decades creates a subtle but unmistakable terracing on the side of the mountain or hill, offering a tangible reminder of the longstanding tradition of cattle rearing by small farmers in mountain lands in the southeastern U.S.</p> <p>II. Contrary to claims made by MVP, the MVP pipeline corridor is not likely to blend in visually with the surrounding fields of Adney Gap after construction is completed. This is because farmers do not run cattle on fields treated with herbicides. Farmers currently leasing land from the Blue Ridge Parkway at Adney Gap for cattle grazing will be unwilling to</p>

Ms. Megan Neylon
September 19, 2017
Page 7

	<p>continue to graze their cattle inside the MVP pipeline corridor at Adney Gap due to the uncertainty of whether and when MVP, and subsequent holders of easements on the MVP pipeline, will use herbicides to prevent growth of trees and heavy shrubs in the pipeline corridor. Thus the entire MVP corridor will be “off limits” to cattle grazing. At Adney Gap, therefore, the MVP corridor will never blend in visually with the surrounding landscape because it will never be subjected to cattle grazing.</p> <p>III. If constructed, the proposed MVP pipeline would convert Green Hollow Drive, the longest extant gravel remnant of the historic Bent Mountain Turnpike (the predecessor of modern-day U.S. 221), to a permanent access road for pipeline construction crews and their heavy equipment. This transformation of the historic road network that served an important apple growing region on Bent Mountain within the period of historic significance for the Bent Mountain Rural Historic District would destroy the topographic, landscape, and visual characteristics that endow the network of old roads with historic significance. We request that FERC take corrective action under Section 106 to address the adverse impacts to the historic road network within the Bent Mountain Rural Historic District that would result from the conversion of Green Hollow Drive to a permanent MVP pipeline access road.</p> <p>IV. We also request FERC’s careful consideration of the MVP pipeline’s direct and adverse impacts to the historically significant apple growing region that was served by these historic gravel and dirt roads, which includes the King-Waldron Orchard, the Samuel Willett House, and the William Hale Settlement. The combined impacts to historic roads and landscape features in this portion of the Bent Mountain Rural Historic District resulting from construction of the MVP pipeline would be significant and must be given the fullest consideration under Section 106 of the National Historic Preservation Act.</p> <p>V. In light of the ongoing nature of Preserve Roanoke’s engagement with VDHR in the development of the proposed Bent Mountain Apple Orchard Rural Historic District, which would be crossed by the MVP pipeline, we assert that the Section 106 process for the MVP pipeline cannot be considered complete until an eligibility determination has been made for the proposed district, and the pipeline’s impacts to the district are assessed under Section 106. Certification of the MVP pipeline must be postponed until after this process of eligibility determination and impacts assessment has been satisfactorily completed.</p> <p>VI. Preserve Roanoke hereby requests FERC’s assurance that MVP will conduct all the archaeological investigations described in Preservation Virginia’s June 29, 2017 letter cited in 20170908-5122, and that both Preservation Virginia and VDHR will be consulted and fully engaged in these investigations. We strongly urge FERC to take every action to ensure that the significant archaeological sites on the Blackwater River in Franklin County, VA are given every feasible protection under Section 106 of the National Historic Preservation Act. Without full execution of the treatment plan recommended by Preservation Virginia – and supported by the</p>
--	--

Ms. Megan Neylon
September 19, 2017
Page 8

	<p>Virginia SHPO -- for the archaeological sites on the Blackwater River in Franklin County, VA, the Section 106 process for the MVP pipeline will be incomplete. Certification of the MVP pipeline must be postponed until the completion of this important work under the Section 106 process.</p> <p>VII. Preserve Roanoke strongly urges FERC to approve Preservation Virginia as a Consulting Party in the Section 106 process for the MVP pipeline. Having Preservation Virginia as a Consulting Party will ensure that the archaeological sites on the Blackwater River in Franklin County are given an appropriate level of protection under Section 106.</p> <p>VIII. Preserve Roanoke hereby concurs with and adopts the following comments submitted by Preserve Montgomery County under the Section 106 process for the MVP pipeline: 20170822-5008 and 20170821-5025.</p> <p>IX. Preserve Roanoke hereby concurs with and adopts comments listed below, submitted under the Section 106 process for the MVP pipeline by the Greater Newport Rural Historic District Committee.</p> <ul style="list-style-type: none"> a) 20141117-5027 b) 20150617-5078 c) 20160304-5077 d) 20160516-5379 e) 20160830-5133 f) 20161024-5068. <p>X. Preserve Roanoke hereby concurs with and adopts certain portions of the comments listed below, submitted under the Section 106 process by the Greater Newport Rural Historic District Committee. The portions we wish to concur with and adopt include all except the Committee's recommendations regarding alternative routes for the MVP pipeline.</p> <ul style="list-style-type: none"> a) 20161221-5365 b) 20170221-5263 c) 20170306-5177 d) 20170510-5023.
--	--

Response to proposed mitigation plan within HISTORIC PROPERTY TREATMENT PLAN, SECTION 4.3

Section 4.1 of the Treatment Plan describes the impacts to the physical landscape of the Bent Mountain and Coles-Terry Rural Historic Districts resulting from construction of the MVP as "largely temporary", saying, "Aboveground impacts from this buried natural gas pipeline will be largely imperceptible following the restoration of the right-of-way, with the exception of the portions of the permanent right-of-way situated in currently forested areas, which will be periodically cleared of woody vegetable to protect the integrity of the pipeline. . . . 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." We disagree with the Treatment Plan's description of MVP impacts as "temporary". We discuss this at length in FERC Accession numbers: 2016-1221-5427, 20161222-5276, 20170713-5027, and 20170908-5122.

Ms. Megan Neylon
September 19, 2017
Page 9

Section 4.2 of the Treatment Plan says that DHR recommended that MVP reach out to consulting parties and other stakeholders to identify appropriate mitigation measures for the adverse impacts on the Bent Mountain and Coles-Terry Rural Historic Districts. The County of Roanoke has been approved by FERC as a consulting party in the Section 106 process for the MVP, and yet the County has not received an invitation from MVP to discuss mitigation. We are concerned that Roanoke County's status as a consulting party is being shortchanged in FERC's conduct of the Section 106 process for the MVP. Roanoke County's August 2, 2017 letter to FERC (Accession # 20170802-5115) voices this concern, saying:

Giles and Roanoke Counties, Virginia (collectively, Counties) write to request that the Federal Energy Regulatory Commission (Commission) undertake direct consultation with the Counties prior to making findings and determinations regarding the potential impacts of the Mountain Valley Pipeline Project (MVP Project), as required by Section 106 of the National Historic Preservation Act (NHPA) and implementing regulations. The Commission's Office of Energy Projects (OEP) Staff has not consulted directly with the Counties regarding the MVP Project's potential impacts on historic resources located within either county, or measures to avoid or mitigate those impacts.

The Counties separately requested and were granted consulting party status for purposes of the Section 106 process. Despite their consulting party status, OEP Staff has not consulted them regarding any proposed findings or determinations during the Section 106 process, and has not contacted the Counties to schedule consultation meetings in the future. Except for having been sent excerpts from the Phase IA archeological survey report and architectural survey reports that specifically addressed their respective jurisdictions from Mountain Valley Pipeline, LLC (Mountain Valley), the Counties have been treated the same as any other party to the certificate proceeding.

It is not clear on the face of the Final Environmental Impact Statement (FEIS) whether the Commission intends to undertake direct consultation with the Counties or any consulting parties in advance of its final decision on issuance of a certificate. This does not comply with the letter or intent of the NHPA and implementing regulations, which provide a specific role for local governments in the Section 106 process.

We request that henceforward Roanoke County be engaged in the Section 106 process for the MVP to the fullest extent allowable under federal law and regulation.

Preserve Roanoke concurs with and adopts the comments submitted by Roanoke County on August 2, 2017 under Accession # 20170802-5115.

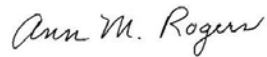
Section 4.3 of the Treatment Plan is an offer by Mountain Valley Pipeline to underwrite the cost to hire a qualified historian or architectural historian meeting the *Secretary of the Interior's Professional Qualification Standards* to perform a National Register nomination for both the Coles-Terry Rural Historic District and the Bent Mountain Rural Historic District.

Ms. Megan Neylon
September 19, 2017
Page 10

I would like to respond to your offer with a counter-offer. Could we seek National Register nomination for the Bent Mountain Rural Historic District as well as for the Bent Mountain Apple Orchard Rural Historic District? The Bent Mountain Apple Orchard RHD is a historically significant apple growing area in Bent Mountain that is wholly contained within the Bent Mountain RHD. In the proposed scenario, surveys for the larger Bent Mountain RHD would also serve the purpose of documenting resources inside the Bent Mountain Apple Orchard RHD. The mitigation plan could state that nomination for the Bent Mountain RHD must include the smaller Bent Mountain Apple Orchard RHD.

Thank you for offering the mitigation, and thank you for considering the counter-offer described above.

Sincerely,



Ann Rogers
Member, Preserve Roanoke
Section 106 Coordinator, Committee for Appalachian and Piedmont Preservation, a Project of Blue Ridge
Environmental Defense League
Member, Roanoke County Pipeline Advisory Committee
(540) 312-3104

cc:

Federal Energy Regulatory Commission
Virginia Department of Historic Resources
Richard Caywood, Roanoke County Assistant County Administrator
Advisory Council on Historic Preservation
National Trust for Historic Preservation
Preservation Virginia
Andrea Ferster
David Brady, Greater Newport Rural Historic District Committee
Anita Puckett, Preserve Montgomery County
Bonnie Law, Preserve Franklin

Ms. Megan Neylon
September 19, 2017
Page 11



COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Molly Joseph Ward
Secretary of Natural Resources

Julie V. Langan
Director

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

September 21, 2017

Ms. Megan L. Neylon
Mountain Valley Pipeline
625 Liberty Avenue, Suite 1700
Pittsburgh, PA 15222

Re: *Mountain Valley Pipeline Project, Phase I Survey Supplemental Information and Criteria of Effects Report: Addendum 2, Montgomery and Roanoke Counties, Virginia (June 2017)*
DHR File No. 2014-1194; FERC #CP16-10

Dear Ms. Neylon:

The Department of Historic Resources (DHR) has received for our review and comment the report referenced above prepared by Tetra Tech for Mountain Valley Pipeline, LLC. The document presents additional Phase I survey information on two architectural properties within the Area of Potential Effects (APE) for the pipeline corridor in order to establish their eligibility for listing in the National Register of Historic Places (NRHP), and evaluates the project's potential effect on six NRHP-eligible architectural resources identified. Five of the six properties had previously been incorrectly identified as located on land under the jurisdiction of the United States Forest Service (USFS) and, as a result, were to be addressed in a later report specific to USFS managed resources.

The two architectural properties included in the current report and evaluated for NRHP eligibility are House and Crib (DHR ID #080-5677-0009) and Single Family Residence and Outbuildings (DHR ID #035-5136). Although a "Phase I Architectural Survey Letter Report" for each of these properties was included as appendixes in the report document, there is no indication that DHR survey forms were completed for them or that the information was entered into our Virginia Cultural Resources Inventory System (VCRIS). We request that this be done as soon as possible. The consultant recommends that 080-5677-0009 does not warrant individual NRHP listing nor is it contributing to the Bent Mountain Rural Historic District (DHR ID #080-5677). Additionally, the consultant recommends that 035-5136 is similarly not eligible for individual listing nor does it contribute to any known historic district. With the information provided in the Phase I letter reports for these two properties, we agree that 080-5677-0009 and 035-5136 lack sufficient historical significance and architectural distinction to be individually eligible for listing in the NRHP. However, we do believe that 080-5677-0009 may contribute to the Bent Mountain Rural Historic District. Unfortunately, without the required VCRIS documentation for this resource DHR is unable to state for certain if this is the case. It should be noted that 035-5136 is located in Giles County which is not reflected in the report's title.

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

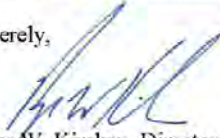
Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

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

The six additional properties for which impacts are assessed are DHR ID #s 060-0290, 060-0337, 060-0340, 060-0414, 060-5178, and 080-5690. We agree that the following properties will not be affected by the project: 060-0290, 060-0337, 060-0340, 060-0414, and 060-5178. Only the Henry-Waldron Cemetery (DHR ID #080-5690) will be indirectly affected because of its "Dominant" viewshed of the undertaking and, therefore, was carried forward for additional analysis. The Henry-Waldron Cemetery is eligible for listing in the NRHP as a contributing element to the Coles-Terry Rural Historic District (DHR ID #080-5689). In our letter dated July 7, 2017, DHR disagreed with the consultant's recommendation that the pipeline project will not adversely affect the Coles-Terry Rural Historic District. In that previous correspondence we stated that the pipeline will have a direct adverse effect on the rural historic district as it will physically bisect the Coles-Terry Rural Historic District. The "Dominant" viewshed of the pipeline project from the Henry-Waldron Cemetery is due to the fact that an associated access road and permanent workspace will be constructed only fourteen feet from the historic cemetery (Please note that in Table 4.0 the workspace is described as "Permanent" while in Table 4.2 it is characterized as "Temporary". The text on page 11 reiterates the workspace as being permanent so that is what we have based our analysis.). The DHR believes that the construction of the new roadway and permanent workspace so close to the cemetery is inconsistent with its rural character and will greatly alter the property's setting and feeling. We, therefore, disagree with the consultant's recommendation and find that the pipeline project will adversely affect the Henry-Waldron Cemetery.

If you have any questions regarding these comments or our review of this project, please do not hesitate to contact me at roger.kirchen@dhr.virginia.gov.

Sincerely,



Roger W. Kirchen, Director
Review and Compliance Division

c. Ms. Sydne Marshall, Tetra Tech

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

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



September 25, 2017

By Fed Ex and Email

Ms. Ann M. Rogers
Preserve Roanoke
6347 Back Creek Road
Boones Mill, VA 24065
amelvin3@verizon.net

Re: Mountain Valley Pipeline
DHR File 2014-1194
FERC Docket CP16-10
Response to Letter Dated September 19, 2017

Dear Ms. Rogers,

Thank you for your constructive comments on the Treatment Plan for the Bent Mountain Rural Historic District and Coles-Terry Rural Historic District (Treatment Plan). You proposed that the August 25, 2017, Treatment Plan be revised to include a nomination for the Bent Mountain Apple Orchard Rural Historic District, which is wholly contained within the Bent Mountain Rural Historic District. Although it does not appear to us that an independent nomination for the orchard would provide any additional benefit, we believe the objective of your suggestion—a focused survey and documentation of the significance of the orchard—can be provided for in a forthcoming revision to the Treatment Plan.

Mountain Valley recognizes the role that orchards play in conveying the historic significance of the Bent Mountain Rural Historic District. The Treatment Plan notes that “by the late nineteenth century, Bent Mountain was renowned for its apple orchards and other farm products that traveled to market in Roanoke down the Bent Mountain Turnpike, now U.S. Route 221.” As indicated in the Treatment Plan, “assuming that access to all properties within the districts is obtained, the nomination process will ensure that all contributing and non-contributing objects, sites, structures, buildings, landscape features (natural and built), etc. will be inventoried through intensive-level documentation and research.” You note that a potential Bent Mountain Apple Orchard Historic District is “wholly contained within the Bent Mountain Rural Historic District.” So, as it stands, the nomination proposed in the Treatment Plan would serve the purpose of documenting all resources within the area that you reference.

We plan to make revisions to the Treatment Plan in the near future after we have completed discussions with other relevant parties, including Roanoke County. In response to your comment, we intend to revise the nomination task list in Section 4.2 of the August 25, 2017, Treatment Plan to specifically identify the orchards and direct the nomination preparer to ensure that the orchards

www.mountainvalleypipeline.info

are fully and adequately addressed in the nomination process of the larger Bent Mountain Rural Historic District. I trust that this revision will meet the intent of your suggestion.

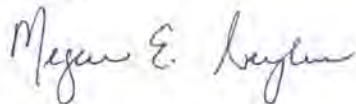
In addition to your suggestion on the Treatment Plan, your letter expresses disagreement with the description of impacts on the Bent Mountain and Coles-Terry Rural Historic Districts as “temporary.” A minor clarification may be helpful. As you are aware, the Virginia Department of Historic Resources found in its July 7, 2017, letter that the project will result in a permanent adverse effect on the districts. That finding triggers the need to evaluate measures to avoid, minimize, or mitigate this adverse effect. To evaluate appropriate measures to avoid, minimize, or mitigate *permanent* adverse effects, it is necessary to assess the nature of the impact and identify which impacts are *temporary*. As stated in the Treatment Plan, surface impacts on many landscape types (e.g., meadows, pastures, cultivated croplands) are, as a factual matter, temporary in nature because the areas will be restored to their preconstruction condition and use. Identifying which physical impacts are temporary is beneficial because it helps to focus the list of potential avoidance and minimization measures to be considered.

Your comment letter also requests that “Roanoke County be engaged in the Section 106 process for the MVP.” Please be aware that Mountain Valley has been in contact with Roanoke County officials regarding consultation on historic resources within the county. Dialogue with the county is ongoing.

The remaining comments in your September 19 letter express critiques of the methodology employed in Mountain Valley’s Criteria of Effects Report—namely, (1) the distinction between rural historic districts and traditional cultural properties and (2) how the landscape (or “space between”) contributing resources in historic districts was evaluated. These criticisms have been addressed in prior correspondence, including my August 25, 2017, letter to you. Unfortunately, I have nothing new to add.

If additional clarification is needed, you may contact me by telephone at (724) 873-3645 or by e-mail at mneylon@eqt.com if you have questions.

Sincerely,



Megan E. Neylon
Senior Environmental Coordinator

cc: Mr. Roger Kirchen, VDHR



COMMONWEALTH of VIRGINIA

Department of Historic Resources

Molly Joseph Ward
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan
Director

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

November 7, 2017

John McDade, Cultural Resources Manager
Blue Ridge Parkway
199 Hemphill Knob Road
Asheville, North Carolina 28803

Re: PEPC # 67207
Right-of-Way Permit 5:140:1947 and Construction Permit 2017.139
Mountain Valley Pipeline, LLC
Installation of Natural Gas Pipeline across the Blue Ridge Parkway
Roanoke, Franklin and Floyd Counties, Virginia
DHR File No. 2016-0936 and 2014-1194

Dear Mr. McDade:

Thank you for your e-mail of September 8, 2017 providing the Department of Historic Resources (DHR) with a map of the revised Area of Potential Effects (APE) for indirect effects in response to our request of August 14, 2017. We appreciate the clarification of the APE and agree that it is appropriate for the National Park Service (NPS)'s issuance of right-of-way and construction permits to the Mountain Valley Pipeline, LLC.

Based on the September 8 clarification of the APE and the additional information provided in the NPS letter of August 25, 2017, we have completed our review of the report titled *Addendum I Criteria of Effects Report for Historic Architectural Resources within the Blue Ridge Parkway National Park, Franklin, Roanoke and Floyd Counties, Virginia* prepared by Hannah L. Dye, M.A. and Sydne L. Marshall, Ph.D., RPA, of Tetra Tech, Inc. in June 2017.

The DHR reiterates its earlier recommendations and agrees with NPS's evaluation that the 19th Century Residence (DHR Inventory No. 080-0487), the Store/Service Station (DHR Inventory No. 080-0496), and the Late 19th Century Vernacular Farmhouse and Concrete Block Garage (DHR Inventory No. 080-0497) are potentially individually eligible for listing

Western Region Office
962 Kline Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

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

in the National Register of Historic Places (NRHP). The DHR also concurs with NPS that the following properties are potentially eligible for listing in the NRHP as contributing resources to the Bent Mountain Historic District (DHR Inventory No. 080-5677), a property that itself is eligible for NRHP listing: the Turn of the Twentieth Century Folk Victorian – Style House and ca. 1950-1975 Barn (080-0498), the Twentieth Century House (080-0530), the 1963 Ranch House (080-5655), the Early to Mid-Twentieth Century Building (080-5656), the ca. 1941 House and Garage (080-5657), the Farm with ca. 1920s-1930s Dwelling and Outbuildings (080-5658), the ca. 1955 House (080-5659), the ca. 1930 Vernacular House and Outbuildings (080-5660), and the ca. 1920 House (080-5661). Finally, we agree with NPS that the following properties are not eligible for listing in the NRHP either individually or as contributing to the Bent Mountain Historic District: the House and Outbuilding (033-0185), the Concrete Foundation (080-5677-0004), the House at 18550 Callaway Road, and the House at 18428 Callaway Road. We also note that on

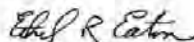
Following up on our teleconference of November 2, 2017, we are now able to provide the results of our Department's National Register Evaluation Committee meeting on October 12, 2017. Based on the additional documentation submitted in September, the Committee finds the Bent Mountain Apple Orchard Rural Historic District (DHR ID# 080-5731) eligible at the local level of significance under Criterion A (Agriculture) and Criterion C (Architecture) with a period of significance of ca. 1870-1967.

With respect to the NPS project's effects to architectural resources, including the Bent Mountain Apple Orchard Rural Historic District, DHR agrees with NPS' determination of no adverse effect with one exception. The NPS' issuance of permits will in our opinion have an adverse effect on the larger Bent Mountain Rural Historic District (DHR ID #080-5677). The DHR is on record stating that the undertaking will have an adverse effect on this historic property. As such further consultation will be needed to consider ways to reduce, avoid or mitigate the project's adverse effect.

As we have previously stated in our August 14 and October 23, 2017 letters, based on the documentation provided, DHR agrees that no further archaeological investigations are warranted in connection with this project as presently designed. If plans should change, however, further consultation with DHR will be needed.

We look forward to working with you to bring this project to a successful resolution. If you have any questions concerning our comments, or if we may provide any further assistance, please do not hesitate to contact me at (804) 482-6088; fax (804) 367-2391; e-mail ethel.eaton@dhr.virginia.gov or Marc Holma at (804) 482-6090 (for architectural issues).

Sincerely,



Ethel R. Eaton, Ph.D., Senior Policy Analyst
Division of Resource Services and Review

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

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



COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Molly Joseph Ward
Secretary of Natural Resources

Julie V. Langan
Director

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

November 8, 2017

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

Re: Mountain Valley Pipeline LLC – Docket No. CP16-10-000
DHR File No. 2014-1194

Dear Mr. Friedman:

As a follow up to our November 3, 2017 comments on the effect of the referenced undertaking on historic properties, the Department of Historic Resources (DHR), which serves as the Virginia State Historic Preservation Office (SHPO), provides below further guidance to the Federal Energy Regulatory Commission (FERC) regarding the identification of historic properties and assessment of effects.

As noted in our earlier comments, DHR’s National Register Evaluation Committee has determined that the proposed Bent Mountain Orchard Rural Historic District (DHR ID #080-5731) is eligible for listing in the National Register of Historic Places (NRHP). The Bent Mountain Orchard Rural Historic District is located within the boundaries of the previously-identified Bent Mountain Rural Historic District (DHR ID #080-5677). It is our recommendation that the FERC individually recognize this new district as an historic property and, as with the Bent Mountain RHD, find that the Bent Mountain Orchard RHD will be adversely affected by this undertaking. While the overlap of the Bent Mountain, Bent Mountain Orchard, and Coles-Terry rural historic districts reflect the need for further refinement of district boundaries, based on the available information, it is our opinion that each of these districts has unique characteristics that warrant individual recognition.

DHR further recommends that the adverse effects to the Bent Mountain, Bent Mountain Orchard, and Coles-Terry rural historic districts be addressed as follows. We support the preparation of nominations to the NRHP for the Bent Mountain Orchard RHD and Coles-Terry RHD and the preparation of a Preliminary Information Form (PIF), which is a precursor to a NRHP nomination in Virginia, for the Bent Mountain RHD. The PIF for the Bent Mountain RHD will allow for the refinement of boundaries for the Bent Mountain Orchard RHD and Coles-Terry RHD while developing the unique historic context for the Bent Mountain RHD. In our opinion, the level of effort required for this proposed treatment does not surpass that

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

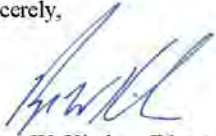
Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Page 2
November 8, 2017
DHR File No. 2014-1194

which has already been recommended; however, this treatment will recognize the significance of the newly-identified historic property and provide the data important to the future management of these districts.

We look forward to continued consultation on this project. Should you have any questions concerning these comments, please do not hesitate to contact me at roger.kirchen@dhr.virginia.gov.

Sincerely,



Roger W. Kirchen, Director
Review and Compliance Division

- c. Mr. John Eddins, ACHP
Ms. Ann Rogers
Mr. John Centofanti, MVP

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

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



United States Department of the Interior

NATIONAL PARK SERVICE
Northeast Region
United States Custom House
200 Chestnut Street
Philadelphia, PA 19106

IN REPLY REFER TO:

A.1.2. (NER-RSS)

November 17, 2017
Paul Friedman, Project Manager
Federal Energy Regulatory Commission
888 First Street NE
Washington, D.C. 20426

RE: Mountain Valley Pipeline Section 106 Consultation

Dear Mr. Friedman:

The National Park Service (NPS) submits the following comments on FERC's Mountain Valley Pipeline (MVP) Section 106 submission to the Advisory Council on Historic Preservation (ACHP), including FERC's assessment of adverse effect and internal working draft programmatic agreement (PA). Our comments address the Appalachian National Scenic Trail (Appalachian Trail) and the Blue Ridge Parkway (Blue Ridge), both units of the National Park System.

The NPS understands FERC wishes to expedite completion of the MVP Section 106 process, and we are supportive of that goal. We believe that considering the NPS comments provided below will address our concerns and allow FERC to execute the PA quickly.

In summary, NPS believes that applying the agreed upon US Forest Service (USFS) revegetation management protocols at key points along the Trail where the ROW is visible could address our key viewshed concerns. We also wish to work with FERC and MVP regarding avoiding and minimizing cumulative and long-term potential visual effects to the Trail, particularly on non-USFS lands where the ROW runs parallel to the Trail, which we believe should be attainable through similar revegetation protocols.

About the Appalachian National Scenic Trail

The NPS has a "demonstrated interest" (36 CFR Part 800.2) in the effects of the undertaking on the Appalachian Trail, and therefore the NPS requests an opportunity to consult on the assessment of effects on the Trail and on proposed measures to resolve any direct and indirect adverse effects. Utilizing the National Register of Historic Places Multiple Property Documentation Form (MPDF) being prepared by the NPS for nominating the Appalachian Trail to the National Register of Historic Places (NRHP) and

considering the criteria of adverse effects at 36 CFR §800.5, the NPS believes the undertaking as proposed in the FEIS could have an adverse effect on the Trail.

As outlined in the MPDF, the Appalachian Trail is significant at the national level under Criterion A in the areas of Recreation and Conservation and meets Criteria Consideration G for properties that have achieved exceptional significance within the past 50 years. Resources eligible for nomination under the MPDF are those that were constructed as part of the effort to develop the trail or predecessor trails that were incorporated into and became part of the Appalachian Trail. Those resources consist of the Appalachian Trail footpath, side trails, bridges (built for the trail), vistas and viewpoints, and overnight use areas.

The Appalachian Trail's essential function is to provide a pathway to reach, travel through, and experience the remote natural, wild, scenic, and cultural lands along the Appalachian Mountain range. Views, vistas, and viewpoints are directly associated with the Appalachian Trail's significance as a recreational resource, reflecting both its original design intent as a skyline trail and contributing to the visitor experience by providing some of the most satisfying and exhilarating moments of a hike. The many notable viewing locations along the Appalachian Trail afford wide-angle panoramas that produce a sense of perspective and awe at the enormity of a given scenic tableau. They are among the chief interests of the hike, providing an opportunity to see forward to what lies ahead, study the features of the surrounding landscape, and marvel at the great distance walked to reach the viewing location.

The Appalachian Trail historic district is broken down into state Segments. The setting surrounding the Trail corridor is vital to each Segment's ability to convey its historical associations under Criterion A in the areas of Recreation and Conservation. The feeling of an Appalachian Trail Segment is expressed through the combination of its physical features, primarily the Trail's intentionally primitive design as it blends into the wild, natural, or cultural setting. The feeling of being on the Trail is also found in the grandeur of its views and vistas; quiet and solitude that offers the chance for contemplation and respite from urban life; and the community of thru-hikers and day hikers that choose to walk the Trail because of its location, setting, and reputation as the most famous of all American recreational hiking trails.

Comments on Appalachian Trail

The undertaking will affect the viewshed of the Appalachian Trail and the recreational visitor experience described above. The proposed MVP pipeline route cleared ROW would cross and parallel large sections of the Appalachian Trail through forested and steep mountainous terrain and across public and private lands. However, it is our understanding that FERC and MVP have consulted with the USFS to identify effects to USFS land and have developed methods to minimize and mitigate those effects.

The measures proposed by the USFS are explained in Appendix H, but unfortunately, would only apply on USFS land. Of the 43 miles of MVP that could be viewed from the Trail, 3.4 miles are on the Jefferson National Forest. A substantial portion of the MVP pipeline route will parallel the Appalachian Trail on non-USFS land and potentially be visible from the Trail. To reduce effects to the visitor experience, the NPS requests consultation to identify specific areas where similar measures could be applied to the ROW on private land in order to reduce impacts to Trail users from key viewsheds.

The USFS is proposing to amend the Jefferson National Forest Plan to allow the High Scenic Integrity Objectives for the Trail on USFS land to not be met for up to five years after construction of MVP, which is an unprecedented action. The NPS reviewed the visual impact assessment (VIA) in the final EIS and feels that further consultation is needed to assess long term effects to the Trail's viewshed, particularly from several key viewing points such as Kelly's Knob and Angel's Rest. We wish to consult with FERC and MVP in the manner FERC has done with the USFS and as required by Section 106.

Two areas in particular are of concern: Kelly's Knob and Angel's Rest.

- **Kelly's Knob:** At an elevation of approximately 3,600 feet, Kelly's Knob offers multiple locations for viewing the surrounding landscape, including elevated perches on rock outcroppings where visitors climb to take in panoramic views. Portions of the proposed pipeline route are approximately two miles from Kelly's Knob. Approximately six miles of the cleared ROW may be seen by Trail hikers from this location. The view from Kelley's Knob includes portions of the pipeline route on Sinking Creek Mountain and in the valley that are not on USFS land and thus not subject to any proposed USFS revegetation management protocols. The forested areas present greater potential for altering the view visitors expect to see because of tree clearing than non-forested areas present. Strategic revegetation along parts of the ROW in this area could lessen impacts.
- **Angel's Rest:** At an elevation of approximately 3,600 feet, Angel's Rest overlook on Pearis Mountain offers panoramic views out across Pearisburg, Virginia, the New River and surrounding mountains and valleys. The proposed pipeline route is approximately six miles from Angel's Rest. Approximately eight miles of the cleared ROW may be seen by Trail hikers from this location. The majority of the visible area of the pipeline route from Angel's Rest is on private forested land and also not subject to any proposed USFS revegetation management protocols.

The NPS is also concerned about cumulative impacts on the Trail. Based on a bare-earth viewshed analysis NPS and Appalachian Trail Conservancy conducted, the ROW may be intermittently visible along 100 miles of the Appalachian Trail and from up to 16 trail vistas and viewpoints. Twenty-six percent of the Appalachian Trail length on National Forest land in Virginia is within the MVP and proposed Atlantic Coast Pipeline impact areas. The cumulative impacts of these and other existing gas and utility corridors on the integrity of the Appalachian Trail in Virginia should be evaluated. Consultation conducted as a result of the PA would allow identification of areas where viewsheds and the visitor experience would be most impacted, and develop measures to minimize and mitigate potential impacts.

Finally, there are several references made in the final EIS to avoiding impacts to the Appalachian Trail by boring under it. Boring under the Trail should avoid directly disturbing the Trail footpath at the proposed crossing on top of Peter's Mountain. However, construction impacts may still occur at the Trail crossing and certainly will occur on the pipeline construction access road (Pocahontas Road) that is co-aligned with the Trail.

Comments on Blue Ridge Parkway

The Blue Ridge Parkway is consulting with the Virginia Department of Historic Resources, State Historic Preservation Office (VADIIR), on our Section 106 responsibilities for the NPS right-of-way and construction permits related to MVP. While the permitting will not adversely affect the NRHP-eligible Blue Ridge Parkway historic district, VADHR has determined that activities permitted by Blue Ridge will adversely affect the NRHP-eligible Bent Mountain Rural Historic District. Since this action is directly related to the broader undertaking by FERC, the Blue Ridge will resolve adverse effects through the FERC MVP PA. The terms of the construction permit and MVP treatment plan each provide measures that resolve adverse effects related to the Parkway permitting necessary for the MVP project.

In addition to the treatment plan, the terms and conditions of the Blue Ridge construction permit for MVP will include the following conditions to minimize the adverse effect to Bent Mountain Rural Historic District.

- Permittee shall narrow clearing and the temporary construction right-of-way to a width of 75 feet for an approximate distance of 75 feet in length, to reduce visual impacts from tree clearing as viewed from the Parkway Motor Road, entrance ramp and area historic districts. Additional tree clearing may be required in the vicinity at the direction of the Parkway Resident Landscape Architect to feather the appearance of the Right-of-Way as viewed from the Parkway Motor Road and entrance ramp.
- Permittee must provide a list of trees to be removed to provide view of background scenery and for construction activities. The list shall include the individual species, diameter at breast height (dbh), and overall height, and must be provided at least 15 working days in advance of proposed removal. The NPS will review and provide approval in writing. A field meeting shall be conducted with NPS and Permittee staff to mark the approved trees for removal. Trees may only be cut between November 15 and March 15 to protect migratory birds and rare bats that are known to occur.
- Permittee shall implement the Historic Property Treatment Plan for the Bent Mountain Rural Historic District, and abide by the terms of the Programmatic Agreement for the Mountain Valley Project – FERC CP16-10-000.

The MVP Historic Property Treatment Plan for the Bent Mountain Rural Historic District further addresses mitigation for the adverse effect. Blue Ridge concurs with VADHR that preparation of a Preliminary Information Form, a precursor to the National Register nomination process, for the Bent Mountain Rural Historic District will help mitigate the adverse effect. By using the FERC PA to address adverse effects related to the Blue Ridge permitting, the Section 106 process is synchronized.

Comments on Draft Programmatic Agreement

The NPS provides the following specific comments on the revised draft PA (received via email, November 9, 2017).

We suggest the 10th WHEREAS clause be revised as follows and separated into three separate clauses:

Whereas clause #10

WHEREAS, the MVP pipeline route will cross the Blue Ridge Parkway (BRP) in Roanoke and Franklin Counties, Virginia, and the Blue Ridge Parkway Historic District is eligible for listing in the National Register of Historic Places (NRHP). The BRP is managed by the U.S. Department of the Interior National Park Service (NPS), and the NPS must issue a Right-of-Way Grant and construction permits allowing the MVP pipeline to cross the Blue Ridge Parkway lands, making the project an undertaking for which NPS must comply with Section 106. NPS agrees with FERC that the MVP will have no adverse effects on the Blue Ridge Parkway Historic District. The NPS is a consulting party under Section 106 of the NHPA, and is invited to be a signatory to this PA; and

Two additional WHEREAS clauses to be added:

WHEREAS, the BRP has consulted with VADHR on the permitting at Blue Ridge Parkway and reviewed MVP cultural resource surveys. The BRP worked with MVP to avoid archeological resources on BRP land but VADHR determined that there will be an adverse effect on the Bent Mountain Rural Historic District. The terms of the BRP construction permits and the MVP treatment plan for Bent Mountain Rural Historic District will resolve this adverse effect; and

WHEREAS, the MVP pipeline route also crosses a segment of the Appalachian Trail within the Jefferson National Forest, and the NPS is the lead federal agency for the administration of the entire Appalachian Trail under the National Trails System Act (16 USC § 1241 *et seq.*). *FERC is continuing consultations with the NPS, VADHR and USFS regarding the pipeline's direct crossing of the Appalachian Trail and the potential effects to Appalachian Trail's views and visitor experiences; and*

We suggest that the 16th WHEREAS clause be revised as follows:

WHEREAS, *for implementation of the PA stipulations, a PA "signatory" includes both "required" and "invited" signatories and unless otherwise defined in this PA, all terms are used as defined at 36 CFR § 800.16; and*

NPS recommends the following stipulations be added:

II. E. FERC recognizes that the NPS and VADHR have not yet concurred with FERC's "no adverse effect determination" for the pipeline's direct crossing of the Appalachian Trail within the Jefferson National Forest nor has there been consultation with the NPS to assess indirect effects to the Appalachian Trail's views where the pipeline will run parallel to the Trail. FERC will continue consultation with the NPS, VADHR, USFS and other appropriate consulting parties to assess potential effects and resolve any adverse effects.

III. A. 3. FERC will continue consultations with NPS, VADHR, USFS and other appropriate consulting parties to determine if any treatment measures are necessary to avoid, minimize or mitigate any direct effects resulting from the pipeline construction activities or the direct crossing of the Appalachian Trail.

III. B. 3. Upon completion of the assessment of effect (Stipulation II. E.) for any potential adverse effects to the Appalachian Trail's views and the visitor experience by the MVP, MVP shall develop site-specific Treatment Plans for the mitigation of effects, including effects where the viewshed and the visitor experience is part of the historic significance. MVP shall provide copies of the newly developed site-specific Treatment Plans to FERC staff, NPS and VADHR (and federal land managing agencies, interested Indian Tribes, and other consulting parties, as appropriate) for a fifteen (15) calendar day review period. FERC will take timely comments into consideration before approving any final Treatment Plans.

NPS recommends the following stipulations be revised:

VI. E. *If the PA becomes null and void (per stipulation VI. B.) or is terminated*, FERC shall request the ACHP to comment pursuant to 36 CFR § 800.7(e). After considering the comments of the ACHP, FERC shall notify the other signatories of actions it will pursue to resolve adverse effects at affected historic properties and meet its obligations under Section 106 of the NHPA.

VII. D. *FERC shall coordinate signatory review of the PA, its terms and conditions, and activities conducted under the PA, within five (5) years of its execution. At that time, the signatories shall consult to determine if progress of activities under the PA is satisfactory, or a signatory may suggest an amendment or raise an objection, which shall be resolved according to Stipulations V.B. or VI.A.*

FERC's responsibilities under Section 106 regulations 36 CFR Part 800.2(a)(5) require consultation with the NPS as we have a "demonstrated interest" in the effects of the undertaking in regards to both the Blue Ridge Parkway and the Appalachian Trail. FERC is aware that Blue Ridge staff have been consulting with the VADHR regarding effects to the Parkway and adjacent historic districts. Through our recommended consultation, we believe the effects to the Appalachian Trail can also be properly assessed in a timely manner. As FERC has done with the USFS, we believe the consultation can result in those effects being minimized or mitigated.

We appreciate your consideration of our comments and are committed to assisting your efforts to conclude your Section 106 requirements within your intended schedule. We look forward to further consultation regarding MVP's effects on the Appalachian Trail and the Blue Ridge Parkway. Please feel free to contact Appalachian National Scenic Trail Superintendent Wendy Janssen (304-535-6279), Blue Ridge Parkway Acting Chief of Staff Alexa Viets (828-348-3402) if you have any questions.

Sincerely,



John Anfinson
Associate Regional Director, Acting
Resource Stewardship and Science
Northeast Regional Office, NPS



Sarah Craighead
Deputy Regional Director, Acting
Southeast Regional Office, NPS



Preserving America's Heritage

January 18, 2018

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

Ref: ACHP Comments on Draft 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 treatment plans developed by Mountain Valley Pipeline, LLC (Mountain Valley) to address adverse effects to historic properties from construction of the Mountain Valley Pipeline Project. The treatment plans were developed in August 2017 for effects to:

- 1) North Fork Valley Rural Historic District (060-0574);
- 2) Greater Newport Rural Historic District (035-0412);
- 3) Big Stony Creek Historic District (035-5127);
- 4) Bent Mountain Rural (080-0322) and Coles-Terry Rural Historic Districts (080-5689).

The ACHP has reviewed the treatment plans and also the comments shared with us by a number of consulting parties and stakeholders. In this letter we provide general observations regarding the resolution of adverse effects as proposed in the draft Treatment Plans and in the comments submitted to us for our consideration.

In sum, the resolution of adverse effects proposed by Mountain Valley is essentially limited to two treatment actions: the development of National Register of Historic Places nomination forms and site inventory forms for several of the districts and the development of one-hour driving tours with associated brochures and way-finding signage for a number of the districts. Many of the consulting parties and stakeholders have indicated that they find the proposed treatments to be minimal as they fail to appropriately resolve adverse effects. The ACHP agrees with this conclusion since the actions proposed in the draft Mountain Valley treatment plans will not adequately mitigate the project adverse effects on the historic districts, contributing properties, setting and context. Consulting parties and stakeholders have suggested that Mountain Valley make a more concerted effort to minimize and mitigate the effects from the undertaking on the historic districts and their contributing elements.

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

Specifically, they request that FERC require Mountain Valley to follow practices similar to those required by the USFS in Jefferson National Forest to reduce the distinctive appearance of the right-of-way (ROW) in high visibility areas in and near the affected historic districts. These practices include reducing the width of the permanent operational ROW that is cleared and converted to herbaceous cover and establishing a vegetative transition within the operational ROW by planting shrubs, small trees, and shallow rooted trees along the edge of the corridor. In addition, consulting parties and stakeholders request that FERC and Mountain Valley:

- 1) Maintain the agricultural, grazing, and tree harvesting uses along the ROW where they currently exist and are recognized as important characteristic of affected historic districts;
- 2) Consider working with local officials to establish financial resources to assist in preserving the rural historic character of the historic districts; and,
- 3) 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.

We found the comments and recommendations provided by the consulting parties and stakeholders reasonable for a project of this magnitude. Accordingly, the above suggestions to resolve adverse effects would be useful to preserve the overall setting and feeling of the affected historic districts. We also note that consulting parties and stakeholders repeated their request that FERC and the project proponent consult further with them about these issues. Given that the federal agency is ultimately responsible for determining an appropriate resolution of adverse effects for undertakings that it approves, assists, or authorizes, this request is reasonable. A consultation process regarding treatment plans that includes the federal agency, project proponent, consulting parties, and other stakeholders can result in appropriate steps to address adverse effects that may benefit the broader communities and not create a burden on the project proponent.

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
Federal Permitting, Licensing, and Assistance Section
Office of Federal Agency Programs

ATTACHMENT 3
BENT MOUNTAIN CENTER PRESERVATION FUND
TERMS AND CONDITIONS

**BENT MOUNTAIN CENTER
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 Roanoke 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 Bent Mountain 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 Bent Mountain Center Preservation Fund (Fund) in the amount of \$500,000, to be funded by Mountain Valley and dedicated to the restoration and preservation of the Bent Mountain Center (formerly Bent Mountain Elementary School) (contributing resource DHR#080-0322) (Historic Structure), an important contributing resource within the District.

F. These Bent Mountain Center 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 Roanoke 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.

ROANOKE COUNTY BOARD OF SUPERVISORS

Name: _____

Title: _____

Date: _____

