

PRESERVE MONTGOMERY COUNTY, VIRGINIA
Preserving Land and Water Rights

March 8, 2018

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

RE: Response to *Revised Historic Property Treatment Plan for the North Fork Valley Rural Historic District (060-0574)*, Docket No. CP16-10; DHR File #2014 1194

Dear Ms. Bose:

This letter is offered in response to Mountain Valley Pipeline, LLC (“MVP”)’s *Revised Historic Property Treatment Plan for the North Fork Valley Rural Historic District (060-0574)* (Revised Treatment Plan). The Tetra Tech printed copy of the plan was delivered to me via Fed Ex on or about February 15, 2018. This Revised Treatment Plan was filed with FERC on February 2, 2018, Accession number #20180202-5191. I am a registered intervenor for Docket #CP16-10 representing Preserve Montgomery County, Virginia (PMCVA), a non-stockholding corporation registered in the Commonwealth of Virginia.

This letter consists of comments regarding the Section 106 process for the Mountain Valley Pipeline (“MVP”) as iterated in the Revised Treatment Plan, the original treatment plan filed on August 25, 2017,¹ and the Programmatic Agreement filed on November 21, 2017² regarding the treatment of historic resources in the North Fork Valley Rural Historic District (NFVRHD).

CRITIQUE OF THE SECTION 106 PROCESS FOR THE MVP PIPELINE

PMCVA’s critique of the Section 106 process supplements and supports submissions regarding other revised treatment plans for impacted Virginia Historic Districts. Specifically, it is in

¹ Mountain Valley Pipeline. August 25, 2017. *Historic Property Treatment Plan for the North Fork Valley Rural Historic District (060-0574)*. CP16-10; Accession #20170828-5002(32364192).

² Federal Energy Regulatory Commission. November 7, 2017. *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)*. CP16-10; no accession # available.

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accord with an amended filing by the Greater Newport Rural Historic District Committee,³ and by Ann Rogers'⁴ submission for Preserve Roanoke, and by the Offices of County Attorney,

Montgomery County⁵ regarding the Revised Treatment Plans for the Greater Newport Rural Historic District, various Roanoke County historic districts, and the NFVRHD.

Critique of Section 106 Process:

a) Ann Rogers' assertion, quoting Mr. Richard Caywood, Assistant County Administrator for Roanoke County, that MVP has not sought appropriate or sufficient consultation with the public in Roanoke County regarding avoidance measures also applies to the North Fork Valley Rural Historic District (NFVRHD). Ms. Megan Neylon's efforts at *mitigation*, documented as Attachment 2 in the Revised Treatment Plan, were preliminary and apparently ceased on the basis of two emails indicating disinterest in a stakeholders' meeting with her. One of these was from me and represented the stance of PMCVA, not the entire county or all the stakeholders or landowners to be impacted by the MVP. Only three other emails involving Ms. Neylon are noted, for a total of five email communications, none of which were with actual landowners who would be directly affected by the MVP during construction or permanently.⁶ No face-to-face discussions are noted and no meeting announcement in any media venue occurred. PMCVA cannot document any discussion in which *avoidance* was even considered. It offers that these few communications do not constitute efforts to resolve adverse effects through consultation with members of the public as required under Section 106 requirements.

b) Furthermore, Mr. Roger Kirchen of the Virginia Department of Historic Resources, stated in his July 7, 2017, assessment of the MVP on Virginia historic resources that

For the five (5) historic districts through which the pipeline crosses the consultant recommends that the undertaking will have no adverse effect. The DHR disagrees with this assessment. It is our opinion that 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 the MVP 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

³ Greater Newport Rural Historic District Committee. Feb. 23, 2018. *Amended Filing of Comments on Revised Treatment Plan*. CP16-10-000; Accession #20180202-5191.

⁴ Rogers, Ann, Preserve Roanoke and Blue Ridge Environmental Defense League (BREDL). March 2, 2018. *Response to Revised Historic Property Treatment Plan for the Bent Mountain Rural Historic District (080-0322), Bent Mountain Apple Orchard Rural Historic District (080-5731), and Coles-Terry Rural Historic District (080-5689)*. CP16-10-000; Accession #20180305-5073).

⁵ McMahon, Martin M., Montgomery County, Virginia, Attorney. March 5, 2018. *Mountain Valley Pipeline, LLC (Docket No. CP16-10 OEP/DG2E/G3) Comments and Objections Re: Revised Historic Property Treatment Plan for the North Fork Valley Rural Historic District (060-0574)*. CP16-10-000; Accession #20180305-5278.

⁶ The Revised Treatment Plan states that Elizabeth Hahn lives within the NFVRHD (p. 7), but she does not. Plank Farm is near the NFVRHD, but is not in it.

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stakeholders and memorialized in the Programmatic Agreement (PA) for the undertaking. The PA will also address any additional cultural resource surveys and determinations of effect that may be outstanding due to pending right-of-way acquisitions.⁷ [Italics added]

While subsequent discussions between MVP, FERC, and VDHR have occurred, and improvements such as reducing the easement to 10' in the NFVRHD, the issues of mitigation still remain, as discussed d) below.

c) PMCVA agrees with the Greater Newport Rural Historic District Committee⁸ that “inventories of all portions of the APE that have not been previously surveyed for cultural resources” needs to be completed for NFVRHD. Sampling along the full width of the direct and indirect APE has not been completely done⁹ (FEIS, pp. V2-11 and V3-7). However, investigation of the NFVRHD APE by a former Virginia Tech graduate student trained in identifying historic in situ artifacts and structures indicated that 20 historic structures fell within the MVP APE (see Attachment 1), while MVP lists 13. Therefore Section IIA, “Identification of Historic Properties,” in the Programmatic Agreement has not be fulfilled. In addition, as stated in the Greater Newport amended filing, MVP “indicated that it would not perform those studies because FERC had not yet specifically directed it to perform those studies.”¹⁰ Therefore, steps indicated in the Programmatic Agreement have not been met.

d) Section 4.3.2 (page 12) of the *Revised Historic Property Treatment Plan: North Fork Valley Rural Historic District* states as follows:

⁷ Kirchen, Roger, Virginia Department of Historic Resources. 2017. *Letter to Megan L. Neylon Re: Mountain Valley Pipeline Project: Criteria of Effects Report, Giles, Craig, Montgomery, Roanoke, Franklin, and Pittsylvania Counties, Virginia* (May 2017). DHR File No. 2014-1194. FERC Docket CP16-10. Submitted to MVP. July 7.

⁸ Greater Newport Rural Historic Committee. Ob. Cit. p. 2.

⁹ Federal Energy Regulatory Commission. June 2017 *Mountain Valley Project and Equitrans Expansion Project: Final Environmental Impact Statement*. Docket Nos.: CP16-10-000 and CP16-13-000. Pp. V2-11 and V3-7.

¹⁰ Greater Newport Rural Historic Committee, Ob. Cit., p. 3.

In its January 23, 2018, letter to the FERC docket, Montgomery County stated its opinion that the originally proposed driving tour and associated signage is “inadequate to mitigate and address the significant Project impacts...” As a result, Mountain Valley’s proposed mitigation plan to address the potential adverse effect—identified by DHR to the “feeling” of the area for its residents and visitors—focuses on preserving the historic and cultural significance of the district through its material culture. Mountain Valley proposes to identify an appropriate museum in consultation with DHR and interested consulting parties, such as the Montgomery Museum & Lewis Miller Regional Art Center (Museum) in Christiansburg or the Virginia Historical Society, to partner with on a district-specific history exhibit. Mountain Valley will fund and manage the development of this exhibit in consultation with DHR and the museum, with a budget not to exceed \$75,000. In addition, Mountain Valley will provide \$25,000 to be administered by the Museum for the identification, digitization, and preservation of district-related historic material for inclusion in the *Montgomery County Memory Project*. Mountain Valley will work with the DHR and the partner museum’s exhibit designer and collections manager to finalize the scope for the history exhibit. A complete draft of all text to be incorporated into the exhibit will be provided to DHR for review and comment. Following DHR’s 30-day review period, any recommended edits or modifications will be incorporated into the final exhibit.

This section asserts that two aspects of MVP’s revised mitigation plan are museum-focused and that the Montgomery Museum and Lewis Miller Regional Art Center can, indeed, support the plan it offers. In fact, however, the Museum was not contacted prior to the submission of this plan on February 2, 2018, and Mr. John Centofanti, Corporate Director of Environmental Affairs at EQT Corporation, did not contact the Museum Director, Ms. Sue Farrar, until February 9,¹¹ and that was at the urging of Mr. Roger Kirchen of VHDR¹². As the Museum’s letter to Mr. Centofanti indicates (Attachment 2), the Museum is not currently in a position to host the exhibit, although it is willing to do so, but much more planning and funding will be needed to accomplish the task. According to the Museum Director,¹³ it is likely to take months to devise a feasible plan, not the two months stated by MVP in Section 5.0 of the Revised Treatment Plan. The Museum is certainly not unwilling to engage in creating a NFRHD Exhibit, but currently finds the obstacles posed by MVP to be daunting and unworkable, if not unfeasible. More time for planning, and more funding for the hiring of suitable professionals to design, research, and execute the exhibit are needed.

Furthermore, as stated in the attached Museum letter (Attachment 2) the \$25,000 offered by MVP for the *Montgomery County Memory Project* is also unrealistic, given the scope, technical limitations, and purpose of this particular project. An alternate project addressing the proposed purpose of this project will have to be developed and implemented, again requiring time and more financing than the \$25,000 offered by MVP.

In addition, MVP contact with the Virginia Historical Society, mentioned in the quotation above, has not occurred (see Attachment 3).

¹¹ Farrar, Sue, Montgomery Museum Executive Director. Forwarded email from Mr. Centofanti, Feb. 9, 2018.

¹² Kirchen, Roger. Personal communication via telephone. on or about Feb. 23, 2018.

¹³ Farrer, Sue. Personal communication via telephone, Feb. 12, 2018.

Finally, PMCVA is deeply concerned that MVP asserts that it will “fund and manage the development of this exhibit.” MVP is an LLC with no experience in constructing museum exhibits and has a vested interest in producing a project that is favorable to its impact on the NFVRHD. This could potentially introduce bias. We strongly urge FERC to require MVP to invest the funds as a financial trust fund or as a separate account with a third party capable of assessing the merits of a museum exhibit on the NFVRHD in a manner that utilizes current museum best practices and that considers the educational value of such an exhibit for Montgomery County, New River Valley, and Appalachian Ridge and Valley children and adults.

d) Section 3.1 of the Revised Treatment Plan states

“The areas disturbed by construction will be restored to their original grades, condition and use or better, to the greatest extent practicable, in accordance with Project Specific Standards and Specifications approved by the Virginia Department of Environmental Quality (DEQ). Cleared vegetation will be restored using native seed mixes approved by DEQ in consultation with the Virginia Department of Conservation and Recreation, except in active agricultural lands that will be returned to prior use.”

The claim that the native plant species will be “restored” using native seed mixes has been critiqued by Dr. Carl Zipper, an internationally-recognized expert in soil science and in Appalachian forest reclamation for the following reasons:

- Clear cutting of forested segments plus annual monitoring of the pipeline right-of-way will result in an increase in the presence and impact of non-native species along the cleared ROW and easement. These species will spread quickly into the forest boundaries, impacting the ecology of the forest boundaries and sustainability of the forest itself. That MVP has agreed to a 10’ easement width in the NFVRHD is a step forward to mitigating this impact, but continued monitoring with vehicles and other human and mechanical intrusions will act as a continued stimulant for invasive species growth and expansion; and
- The “planting” of native seeds and grasses is counter-indicated on the steep slopes of Paris and Brush Mountains and the surrounding ridges because of the strong possibility of erosion and possible collapse of the corridor itself.¹⁴

In addition, the statement that MVP will return active agricultural lands to their prior use is problematic because of easement maintenance. In the *Final Environmental Statement*,¹⁵ FERC outlines MVP’s herbicide use plan that significantly limits the use of herbicides. Nevertheless, MVP needs to explicitly state in the Revised Treatment Plan that it will not use herbicides within the NFVRHD so as not to introduce potential hazards and carcinogens into the NVRHD ecology, both agricultural and forested. Damage induced by herbicide use can reduce the historic

¹⁴ Zipper, Carl, PMCVA. Sept. 20, 2017. *Mountain Valley Pipeline Proposal, Docket No. CP 16-10; NEPA: Adverse effects are not minimized by FEIS - Supplemental EIS is warranted. Addendum to submittal 20170725-5023*. CP16-10-000; Accession #20170920-5051. See also Carl Zipper. January 26, 2017, Accession #20170725-5023 and December 1, 2016, Accession #20161201-5075.

¹⁵Federal Energy Regulatory Commission. Op. Cit. Pp. 4-60; 4-187--4-190.

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significance of the NFVRHD and have negative effects on livestock, crops, and humans living in the vicinity.

CONCLUSION

PMCVA offers that the *Revised Historic Property Treatment Plan: North Fork Valley Rural Historic District (060-0574)* contains adjustments to the previous August 2017 plan¹⁶ that are welcome. Nevertheless, the museum-based mitigation plan within this document is inchoate and premature, and needs further refinement to insure that it is feasible and won't atrophy due to necessary time delays and financial depletion before the Museum can develop a well-designed and well-executed exhibit.

An additional PMCVA concern is that the time necessary to develop and then complete this proposed museum exhibit exceeds the duration of MVP itself as an LLC. With MVP requiring that it oversee the project, this concern needs to be explicitly addressed in the Revised Treatment Plan.

The incorporation of the *Montgomery County Memory Project* into the mitigation plan is infeasible and should have been discussed with the Museum before the Revised Treatment Plan was submitted to FERC and consulting parties so that an alternative could have been proposed.

The proposed reduction in easement with to 10' is welcome, but the reclamation process is lacking in details necessary to adequately address the problems the construction and maintenance of the pipeline corridor and ancillary facilities raise with respect to re-introduction of native plant species and their sustainability.

PMCVA therefore urges FERC and Virginia Department of Historic Resources, as a consulting party, to postpone approval of this revision until these conditions are addressed and full transparency regarding the viability of the museum plan is achieved.

Respectfully submitted,



Anita Puckett
Historic Consultant
Preserve Montgomery County, VA

¹⁶ Mountain Valley Pipeline, ob. cit.

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cc: Paul Friedman, Federal Energy Regulatory Commission (via email and FERC submission)
John Eddins, Council on Historic Preservation (via email)
Roger Kirchen, Virginia Department of Historic Resources (via email)
Michael Pulice, Virginia Department of Historic Resources, Salem Office (via email)
Martin M. McMahon, County Attorney, Montgomery County, Virginia (via email)
Sue Farrar, Executive Director, Montgomery Museum and Lewis Miller Art Center
Chris Hurst, Virginia Delegate (via email)
John Edwards, Virginia Senator (via email)
Morgan Griffith, United States Congressman 9th District (via email)
Andrea Ferster, Attorney (via email)
Ann Rogers, Preserve Roanoke and Blue Ridge Environmental Defense League (via email)
David Brady, Greater Newport Rural Historic District (via email)

**ATTACHMENT 1: EMAIL REGARDING APE
FROM SPENSER SLOUGH, DECEMBER 22, 2015**

Spenser Slough <sdslough2012@gmail.com> 12/22/15

to Cliff, me

Dr.Boyd,

First allow me to beg your pardon for not following up with you soon after our meeting. The semester just caught up with me and I was on the road a lot.

Second, I cannot thank you enough for the materials you forwarded me throughout the semester. They proved invaluable to my exhibit proposal. I have attached the final copy of it to this email for your perusal.

Third. . . [deleted as it pertains to another project]

Last, as you may recall during our meeting I have been working on a side project in response to the proposed MVP pipeline. **I have worked specifically in Montgomery County conducting intensive surveys of all 20 some sites that would be within the pipelines Area of Potential Effect.** [bold added] Dr. Anita Puckett, director of VT's Appalachian Studies program, who supervised my independent study, asked me to inquire if you would be willing to offer any consultation or, if deemed necessary, help in determining sites that would contain American Indian remains. Since your training is originally prehistoric I thought this might be up your alley. Several sites within Franklin, Giles and others seemed to have the most potential. When MVP filed with FERC their culture resource report failed to study, assess or determine the likelihood of damage to burial grounds. Most phase 1 surveys done thus far have been inadequate and poorly executed. Your expertise naturally would be invaluable. Please let me know of your thoughts.

I realize this is all a lot to consider in the midst of the holiday season, but if you could consider them sometime within the next week or so I would greatly appreciate it. Thanks again for all your help. Hope you and your wife have a safe, happy and blessed holiday season and a happy new year.

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**ATTACHMENT 2:
LETTER TO MR. JOHN J. CENTOFANTI, EQT
FROM MONTGOMERY MUSEUM AND LEWIS MILLER ART CENTER**

Note: This letter is included as a draft per permission from the Museum Executive Committee, March 5, 2018. Final approval will occur when the Advisory Board meets on March 8, 2018.

DRAFT

1 March 2018

Mr. John J. Centofanti
Corporate Director, Environmental Affairs
EQT Corporation
625 Liberty Avenue, Suite 1700
Pittsburgh, PA 15222

RE: Revised Historic Property Treatment Plan
North Fork Valley Rural Historic District (060-0574)
Mountain Valley Pipeline Project
FERC Docket No. CP16-10
DHR File #2014 1194

Dear Mr. Centofanti:

We appreciate your recent calls to the Montgomery Museum and Lewis Miller Art Center regarding your proposed Montgomery Museum projects as required mitigation for the North Fork Valley Rural Historic District (“the District”) under Section 106 of the National Historic Preservation Act for the Mountain Valley Pipeline (MVP) project. We are deeply aware of the historic and scenic significance of the District and the need to preserve its agricultural and historic resources to the fullest. However, the Montgomery Museum is a small institution with limited space, budget, and human resources. These facts have led to the concerns listed below regarding the feasibility of the project.

Our concerns are

1. We’re unclear as to what is meant by the statement that Mountain Valley Pipeline will “manage the development of this exhibit” (section 4.3.2; p. 12). Does this mean payment for any aspect of the project will be approved by MVP? If so, then certain conflict of interest issues arise regarding how stakeholders and consulting parties on the project interpret the proposed alteration of the view shed and possible other impacts via construction activities. It has been our experience that funded projects resulting in

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museum exhibits are managed by independent agencies or organizations such as the National Endowment for the Humanities or through independent trust funds.

2. The historic significance and integrity of the North Fork Valley Historic District is such that it warrants the convening of a much larger coalition of stakeholders and institutions than the Montgomery Museum alone. The Museum suggests the convening of a group with representatives from the North Fork community, the Virginia Tech Appalachian Studies Program and its Material Culture and Public Humanities Masters Program in the Department of Religion and Culture, and the Radford University Appalachian Regional and Rural Studies Center. Clearly, it would take time to organize this coalition into an integrated and functioning constituency so as to prepare an historically accurate exhibit.
3. The quoted statement in 3. (Section 4.3.2; p. 12) that MVP will work with “the partner museum’s exhibit designer and collections manager” also requires refinement. The Montgomery Museum is a small institution with limited staff resources. Our curator (who serves as both collections manager and exhibit designer) would not be able to staff this project appropriately. The \$25,000 proposed by MVP is highly unlikely to cover the costs of hiring additional staff to complete the digital collection and exhibit work.
4. The Revised Treatment Plan also states that MVP will provide \$25,000 for “identification, digitization, and preservation of district-related historic material for inclusion in the *Montgomery County Memory Project* (Section 4.3.2; p. 12). This project has Internet technical limitations and was designed for digital representation of household artifacts, not large buildings, barns, gristmills, and other structures. The equipment and skill needed to go on site and digitally photograph and then digitally preserve these buildings is not within the purview of this project. Furthermore, the size of the *Memory Project* website is limited unless we incur a permanent annual fee charged to the Museum. The \$25,000 proposed by MVP is unlikely to cover the additional staff, equipment, and *long-term* management of such a virtual exhibit. Therefore an alternative plan must be developed.
5. The time frame of the project is very unclear. Because the Museum is a small institution with limited staff resources, and because we assert that other stakeholders need to have the opportunity to provide input into the collection of digital resources and the design process, we feel that a generous allotment of time and significant increase in monetary resources would be necessary to complete the project, far past the anticipated pipeline operation date of late 2018 or early 2019.
6. Finally, any decision regarding the Museum’s involvement in the project must be approved by its Board, which meets on the second Thursday of each month.

We appreciate your interest in the Montgomery Museum.

Sincerely,

Ms. Kathy Calvert, Board President
Montgomery Museum and Lewis Miller Art Center

CC:

Paul Freidman, Federal Energy Regulatory Commission
Roger Kirchen, Virginia Department of Historic Resources
Mike Pulice, Salem District Office, Virginia Department of Historic Resources
Sherry Wyatt, Curator, Montgomery Museum and Lewis Miller Art Center
Craig Meadows, County Administrator, Montgomery County, Virginia
Martin McMahan, Montgomery County, Virginia, County Attorney
Chris Tuck, Chair, Montgomery County, Virginia, Board of Supervisors
John Edins, Advisory Council for Historic Preservation
Betsy Merritt, National Trust for Historic Preservation
Ann Rogers, Preserve Roanoke and Blue Ridge Environmental Defense League
Anita Puckett, Preserve Montgomery County, VA and Director, Virginia Tech Appalachian
Studies Program
Theresa Burriss, Director, Radford University Appalachian Regional and Rural Studies Center
Chris Hurst, Virginia House of Delegates, 12th District
John Edwards, Virginia Senator, 21st District
Mark Warner, Virginia United States Senator
Tim Kaine, Virginia United States Senator

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**ATTACHMENT 3:
EMAIL FROM JAMIE O. BOSKET, CEO
VIRGINIA HISTORICAL SOCIETY, FEBRUARY 16, 2018**

Jamie O. Bosket Feb 16

to me, Andrew

Dear Anita,

I have never been in contact with Mountain Valley Pipeline, and have no knowledge of the mitigation plan you are referencing. So, unfortunately, I don't think I, or the VHS, can be of any help at this time. Sorry. I suggest you contact the DHR. Below is the info I am aware of.

Roger W. Kirchen, Director

Review and Compliance Division

Department of Historic Resources

[2801 Kensington Avenue](#)

[Richmond, VA 23221](#)

phone: [804-482-6091](#)

fax: [804-367-2391](#)

roger.kirchen@dhr.virginia.gov

Best,

Jamie

Jamie O. Bosket
President & CEO

VIRGINIA MUSEUM OF HISTORY & CULTURE

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Virginia Historical Society
[428 N Boulevard, Richmond, Virginia 23220](#)
[804.342.9656](#) | [VirginiaHistory.org](#)

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