

JESSE SPENCE, CHAIR
NEW CASTLE DISTRICT

RUSTY ZIMMERMAN, MEMBER
CRAIG CITY DISTRICT

CASEY MCKENZIE, MEMBER
CRAIG CREEK DISTRICT



MARTHA MURPHY, VICE CHAIR
SIMMONSVILLE DISTRICT

CARL BAILEY, MEMBER
POTTS MOUNTAIN DISTRICT

B CLAYTON "CLAY" GOODMAN III
COUNTY ADMINISTRATOR

COUNTY OF CRAIG
P.O. Box 308
New Castle, Virginia 24127
540-864-5010 Phone
540-864-5590 Fax

December 21, 2017

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

Re: Mountain Valley Pipeline, LLC
Docket No. CP16-10-000

Dear Ms. Bose:

At the December 7, 2017 Craig County Board of Supervisors (CCBoS) meeting, the CCBoS accepted and approved a recommendation from the Craig County Advisory Pipeline Committee to request to become a consulting party for the National Historic Preservation Act Section 106 Process.

Conflicting information regarding the historical survey conducted by MVP and its subcontractors supports the County filing this request to become a consulting party. FERC published the executed Programmatic Agreement for the Section 106 process Wednesday, December 20, 2017. Whereas this Programmatic Agreement was published yesterday, it does provides for an ongoing role for consulting parties to review treatment plans and consult regarding newly discovered resources. Thus, there is still a role for Craig County to play in protecting historic and cultural resources within the County even though the Programmatic Agreement has been executed.

Based on the petition to become a consulting party the CCBoS authorize this document to be submitted to FERC and for the County to seek becoming a consulting party for the National Historic Preservation Act Section 106 Process.

Thank you for you kind attention to this request. If you have any questions regarding this filing, please contact the undersigned.

Sincerely,

Clay Goodman
Interim County Administrator

cc: Craig County Board of Supervisors
Craig County Advisory Pipeline Committee

**CRAIG COUNTY, VIRGINIA'S REQUEST TO BECOME A CONSULTING PARTY
FOR THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106 PROCESS**

The Craig County Board of Supervisors (CCBoS) acting for Craig County, Virginia hereby requests that the Federal Energy Regulatory Commission (Commission) permit it to become a consulting party for purposes of the National Historic Preservation Act of 1966 (NHPA) section 106 process in the Mountain Valley Pipeline (MVP) Project certificate proceeding.

The proposed route for the MVP Project potentially will impact historic properties located within the County, including two Civil War graves located along the MVP Project pipeline route in Craig County. The CCBoS and County staff have knowledge and experience in regulating land use to protect these unique and culturally important resources. The County seeks to participate in the Section 106 process so that it may work with Mountain Valley Pipeline, LLC and Commission Staff to accurately identify potential impacts to these resources and appropriate measures to avoid or mitigate such impacts.

Under NHPA section 106, the Commission must take into account the effects of a proposed "undertaking" on historic properties and "afford the [Advisory Council on Historic Preservation] a reasonable opportunity to comment" on its proposed actions. Under the regulations implementing the statute, a federal agency must involve consulting parties in making its findings and determinations during the Section 106 process. Representatives from local governments with jurisdictions over the area in which the effects of an undertaking may occur are entitled to participate as a consulting party.

The Commission's "Guidelines for reporting on cultural resources investigations for pipeline projects," (Dec. 2002) provide, "[a]s early as possible in the planning process, the project sponsors or its consultant should attempt to consult with the SHPO/THPO, Indian tribes, and applicable land-managing agencies." MVP has not contacted the County specifically to invite its participation in the Section 106 process or directly seek its input on the Survey Reports being prepared for the MVP Project.

Since the County has not been notified or contacted directly, our request to become a consulting party in the Section 106 process may be later than some other localities and agencies along the MVP route which were notified directly. We regret this communication oversight by MVP. Part of the issue may revolve around the fact that the project sponsor incorrectly catalogued the graveyard and misidentified the dates on certain graves by 100 years. It is unfortunate that the project sponsor and/or its consultants made such an error. Now that the Civil War-era cemetery and the dates of certain 19th-century graves have been correctly identified, we feel it is vital that Craig County be allowed to join in the process as a consulting party.

Based on its review of the Responses to Environmental Information Request, the County understands that Mountain Valley Pipeline, LLC has submitted an

archaeological survey report for Craig County to the Virginia Department of Historic Resources (VDHR). Craig County has not yet had an opportunity to review or comment on that report.

The County is prepared to maintain the confidentiality of any sensitive information shared for purposes of the Section 106 process. The County is also prepared to review and provide comments on any reports prepared for the Section 106 process in a timely manner.

The County's representative for purposes of the Section 106 process is:

Clay Goodman
Interim County Administrator
Craig County, Virginia
P.O. Box 308, 108 Court Street,
New Castle, VA 24127
540-864-5010
clay.craigco@tds.net

CONCLUSION

The Craig County Board of Supervisors requests that the Commission grant its request to serve as a consulting party for purposed of the NHPA section 106 process for the MVP Project certificate proceeding.

Dated: December 21, 2017

Respectfully submitted,



Clay Goodman
Interim County Administrator
County of Craig
P. O. Box 308, 108 Court Street,
New Castle, VA 24127
(540) 864-5010
clay.craigco@tds.net