

Mountain Valley Pipeline
Section 106 Consultation
Meeting Minutes

I. Consultation Overview

- A. Teleconference on January 12, 2018, 9:00am-11:00am
- B. Consulting Party: Giles County

II. Participants

A. For MVP

1. John Centofanti (EQT)
2. Rob Pichardo (EQT)
3. Evelyn Tidlow (GAI Consultants)
4. Hannah Dye (Tetra Tech)
5. Thomas Jensen (Holland & Hart)
6. Justin Curtis (AquaLaw)

B. For Consulting Party

1. Richard Chidester (Giles County)
2. John Ross (Giles County)

III. Meeting Summary

Mr. Centofanti opened the call. He stated that it was MVP's intention to discuss Giles County's comments on the proposed draft treatment plan for the Greater Newport Rural Historic District and Big Stony Creek Historic District, which were outlined in letters to the FERC docket dated November 3, 2017, and January 4, 2018 (filed jointly with Roanoke County), as well as other relevant issues the County wished to address.

In response to the request in the County's letters for the establishment of a mitigation fund, Mr. Curtis provided an overview of a historic resource mitigation agreement entered into between MVP the Commonwealth. The agreement obligates MVP to expend at least \$1.5 million on historic resources mitigation and to fund the creation of a \$1 million mitigation fund. The mitigation fund would be established for the purpose of providing grants for historic preservation of resources within the vicinity of the Project. The fund would be managed by the Virginia Historical Society. Mr. Curtis clarified that the plan for the fund predated the consulting parties' request for a mitigation fund and that it is relevant to, but not a substitute for, the preparation of treatment plans or discussion of other possible compensatory mitigation measures.

Mr. Curtis also explained that there was a separate mitigation agreement to provide compensatory mitigation for impacts to forests and water quality. Mr. Curtis emailed the agreements to Mr. Chidester during the call.

Mr. Chidester and Mr. Ross next discussed the County's request for a reduction in the right of way maintenance area. Mr. Ross explained that the County's primary concerns regarding visual impacts are the vistas from road crossings, and he discussed in particular a view along Route 460 on the eastern border of the County where there has been consideration of building a welcome center, as well as portions of the right of way potentially visible from the Appalachian Trail. Mr. Centofanti explained the measures developed with the Forest Service to introduce undulations and reductions in the maintained area of the right of way to reduce visual impacts. He added that MVP was reviewing possible locations to implement similar measures in the vicinity of the historic districts in Giles County. Ms. Tidlow added that the mitigation options being reviewed with the National Park Service and other parties likely would address the County's concerns relating to the Appalachian Trail.

Mr. Chidester suggested that it may be more productive to discuss potential locations to implement the right of way measures after trees had been cleared, so the visual impacts would be more evident. After discussion, MVP agreed that would be a reasonable option to evaluate further as a possible treatment plan measure. Mr. Ross wished to emphasize that this was a staff level discussion, and that the County's position on any particular treatment plan measures would have to be reviewed and approved by the County Board.

The discussion returned to mitigation funds. Mr. Ross explained the importance of the community center in Newport and the need for funds to maintain it. He also mentioned several covered bridges, one of which recently sustained wind damage, as other resources that could benefit from additional funds.

The existing draft Greater Newport Rural Historic District treatment plan was discussed. Mr. Ross stated that in his discussions with stakeholders he had not heard any support for the concept of developing a driving tour. Ms. Tidlow responded that this tour was proposed in the draft as the starting point for discussions with consulting parties, and that the treatment plan would be revised based on the consultation. The revised treatment plan need not include a driving tour if there is little local support for the measure. The group discussed the option of the Historic Structure Report that would identify and prioritize needed maintenance for at-risk buildings and structures, such as the covered bridges and the community center as an appropriate mitigation measure to include in the treatment plan for Greater Newport. Ms. Tidlow reiterated that any mitigation fund discussed for Section 106 purposes must be targeted toward preserving or restoring historic significance.

The draft Big Stony Creek Historic District was discussed next. Ms. Dye acknowledged the reservations about nominating the district. She suggested an alternative approach to better document the historic features of the district through use of a Historic American Landscape Survey. Mr. Ross and Mr. Chidester stated that much of the concern for that location is centered on potential impacts on the Big Stony Creek. They agreed that Ms. Dye's suggestion appeared preferable to the approach in the draft treatment plan, although Mr. Chidester reiterated that the County could not take an official position until the Board had considered the issue.

Ms. Tidlow inquired in the County's timeline for responding to today's discussion. Mr. Chidester explained the Board's meeting schedule and that the next meeting is Thursday, January 19. He stated that the substance of this day's call would be discussed with the Board at that meeting. He requested that MVP provide additional information better summarizing the issues discussed today.

Mr. Ross then raised the concern that certain historic resources had been mislocated and/or misidentified in the record. Mr. Tidlow provided an update on the status of that issue. She stated that MVP had provided relevant information to the SHPO and had received concurrence—namely referring to the SHPO's concurrence with the Criteria of Effects Report. Mr. Chidester requested copies of the relevant documents in advance of the following week's Board meeting. Mr. Centofanti said MVP would provide additional information.

Mr. Ross inquired about measures in place to protect and if necessary restore historic private water supplies. Mr. Curtis replied by providing an overview of the Water Resources Identification and Testing Plan and the related conditions in the Virginia State Water Control Board's Supplemental 401 Certification. A copy of the Plan and Certification were sent to Mr. Chidester and Mr. Ross by email during the call.

Mr. Ross asked about MVP's response to the County's request to increase the class of the pipeline. Mr. Jensen responded with a summary of the applicable federal Pipeline and Hazardous Materials Safety Administration safety requirements that applied to the pipeline. Mr. Centofanti then explained that federal regulations would have required Class 1 pipe through Giles County, but the project would be using Class 2 pipe throughout the County.

Mr. Ross then expressed the County's concerns about the continued use of historical agricultural properties, and in particular the ability to continue to use heavy farming and logging equipment within the right of way. Mr. Centofanti explained that MVP typically works directly with landowners 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. Mr. Chidester asked how information about acceptable uses would be memorialized for future land owners—

and whether they are recorded in the land records. Mr. Chidester requested additional information on what types of practices can occur or are restricted in the pipeline right of way and how this information is provided to future landowners. Mr. Centofanti committed to providing this information.

Mr. Chidester asked about the County's request for indemnification or a performance bond. Mr. Curtis responded by stating that there were overlapping federal and state agencies with authority to ensure that MVP addressed any damage from the project. He also discussed that the Virginia Department of Environmental Quality (DEQ) had declined to similar requests to impose a performance bond or financial assurance requirements on the project in recognition of the project partners' financial capabilities and the existence of federal and state enforcement authorities. A copy of the DEQ's response to comments document on the issue was sent by email during call to Mr. Chidester and Mr. Ross.

Mr. Chidester reiterated the County's request for a restriction on the use of the pipeline corridor for future additional pipelines. He referenced easement language regarding permission to site future pipelines in the right of way. Mr. Jensen stated any future project would require approval by FERC and referred to restrictive language in the FERC Certificate. Mr. Chidester asked for a response to the easement language he referenced.

The meeting conclude at approximately 11:00 am.

IV. Action Items

- A. MVP to provide County with correspondence with the SHPO and other relevant documentation regarding location and identification of resources in Giles County (*provided January 16*)
- B. MVP to provide County with additional information on agricultural practices that will be allowed or prohibited in the right of way and a summary of how such information is provided to current and future landowner (*in progress*)
- C. MVP to provide County with additional information regarding the possibility of future pipelines being co-located in the existing right of way (*in progress*)

Dated: January 17, 2018

These minutes were prepared by MVP for the purpose of documenting Section 106 consultation for the FERC docket. Draft minutes were circulated to Mr. Chidester and Mr. Ross on January 16 with a request that they inform MVP of any material errors. They identified two errors which have been corrected.