

Mountain Valley Pipeline
Section 106 Consultation
Meeting Minutes

I. Consultation Overview

A. Teleconference on January 11, 2018, 10:30am-12:00pm

B. Consulting Parties: Greater Newport Rural Historic District Committee and Members of Preserve Newport Historic Properties (501(c)(3)) (listed below)

II. Participants

A. For MVP

1. John Centofanti (EQT)
2. Evelyn Tidlow (GAI Consultants)
3. Thomas Jensen (Holland & Hart)
4. Justin Curtis (AquaLaw)

B. For Consulting Parties

1. Matthew Fellerhoff (Strauss Troy)
2. Reid Broughton (Sands Anderson)
3. David Brady (Greater Newport Rural Historic District Committee)
4. Jerolyn Deplazes (Preserve Newport Historic Properties (501(c)(3)))
5. Michael Williams (Preserve Newport Historic Properties (501(c)(3)))
6. Karolyn Givens (Preserve Newport Historic Properties (501(c)(3)))

III. Meeting Summary

Mr. Centofanti opened the call. He stated that it was MVP's intention to discuss the consulting parties' comments on the proposed draft treatment plan for the Greater Newport Rural Historic District, which were outlined in letters to the FERC docket dated November 21, 2017, and January 4, 2018, as well as other relevant issues the consulting parties wished to address.

Mr. Fellerhoff responded that his clients have unresolved concerns about the identification and location of historic resources, including in particular the Items identified in Section II of the Programmatic Agreement (including inventories of historic resources and cultural resources, including traditional cultural properties and historical landscapes), and therefore whether all effects have been fully identified. He reiterated his previously stated position that he believes a discussion

of treatment options is premature until those concerns are addressed. However, he said his clients were willing to discuss treatment plan options at this time.

Mr. Brady then discussed several specific resources that he believed were mislocated or misidentified in the record, or where impacts were not adequately evaluated, including the Adlai Jones House, Pole Barn and Road Trace, the Leffel Mansion and the Mason Hutcheson House, and others. Mr. Brady mentioned that he believed the mislocated properties were addressed in the Giles County August 2, 2017 filing, and that the adverse effects on these properties needed to be re-evaluated and resubmitted to the SHPO for review. Mr. Fellerhoff expressed his understanding that the Programmatic Agreement requires that further consultation take place on the issue of the resource identification and evaluation of cultural resources. Mr. Fellerhoff and Mr. Brady also discussed need for the analysis of cultural resources such as traditional cultural properties addressed in the consultant Thomas King reports, and the MVP Consultant Applied Cultural Ecologies report. Mr. Fellerhoff offered his clients assistance in correcting these deficiencies and evaluating the adverse effects on these resources.

Ms. Tidlow explained that MVP relied on the best available information for the Greater Newport Rural Historic District to prepare its Criteria of Effects Report, and that the SHPO had concurred with the report. Mr. Brady explained that he believed the SHPO would need to re-evaluate the criteria of effects report's results once the errors and omissions had been corrected. Mr. Centofanti added that MVP believed it had responded to the concerns raised by the consulting parties, including in the letter to Mr. Fellerhoff dated September 18, 2017. Mr. Curtis reiterated the request from the parties' prior call (September 7, 2017) that if MVP has failed to identify any resources within the limits of disturbance, this information be brought to MVP's attention promptly. Mr. Brady digressed at length about the continued disagreement.

Mr. Fellerhoff restated his position that incorrect resources and impacts had been previously identified repeatedly in the record. Mr. Brady stated that he believed that the alleged visual analysis deficiencies noted in the Yolton expert report contained in the Giles County August 2, 2017 Request to be Consulted have not been evaluated/re-evaluated, and believed there was insufficient consultation with the consulting properties on selection of Key Observation Points (KOPs). Mr. Brady noted several specific viewshed KOPs he believed were not addressed or insufficiently addressed, including the crossing of Mountain Lake Road at the Link Farm and Covered Bridge, the Blue Grass Trail at the southern and northern entry points to the GNRHD, and those identified in the Giles County August 2, 2017 filing. Mr. Brady and Mr. Fellerhoff offered the assistance of local surveyor expert David Yolton.

Mr. Centofanti asked to move the discussion forward to the consulting parties' comments on the treatment plans for the Greater Newport Rural Historic District and other relevant properties.

Mr. Fellerhoff discussed his clients' desire for the creation of a mitigation fund to be used to provide funds for certain historic property preservation activities in the GNRHD. Mr. Curtis responded that MVP had entered into a historic resource mitigation agreement with the Commonwealth. The agreement obligates MVP to expend at least \$1.5 million on historic resources mitigation and likely to be more 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. Mr. Curtis also explained that there was a separate mitigation agreement to provide compensatory mitigation for impacts on forests and water quality.

Mr. Fellerhoff expressed reservations about the sufficiency of the historic resources mitigation fund and requested to review a copy of the agreement. He noted his position that his clients and other consulting parties were not consulted nor parties to the agreement. Mr. Curtis stated MVP needed to consult with the Commonwealth before providing copies of the agreements. Mr. Brady cited the \$27 million Jamestown-Hog Island Dominion powerline settlement with historic Jamestown was a more relevant precedent for mitigation funds.

Mr. Brady expressed his belief for the need to reforest sensitive properties such as the Greater Newport Rural Historic District in the same manner as MVP had agreed to reforest the US Forest Service lands, as described in the GNRHD Committee's and Giles Count's January 4, 2018 Comments on the Treatment Plans. This proposal would include reforestation in the GNRHD to within 10 feet of the pipeline instead of 50 feet, and replanting with native species. He also expressed his position for the need for the GNRHDC and consulting parties to be involved as consulting parties with the Appalachian National Scenic Trail consultations, as the GNRHD viewshed had been identified in Appalachian Trail Committee documents as being within the viewshed of the ATC that will be adversely affected by the pipeline.

Mr. Brady discussed the importance of water supplies, including streams, springs, and associated water pipes, to maintaining the historic use of agricultural properties. He requested that landowners be consulted on their preferred method for crossing such resources, and the MVP agree to drill under the resources if requested by the landowner, after consultation with an independent geological expert, chosen by the landowner, at MVP's expense. Mr. Brady and Mr. Fellerhoff also asked what MVP would do to ensure that water supplies are not impaired and are restored if they are.

Mr. Curtis responded by explaining that the method for crossing each water resource had been reviewed and approved by the Corps of Engineers in the process of reviewing

and approving permit coverage under Nationwide Permit 12 and that Department of Environmental Quality had reviewed and approved the stream crossing standards and restoration practices in the Project-Specific Standards and Specifications. Regarding potential impacts on water supply springs from construction, Mr. Curtis explained that the question had been reviewed in several regulatory forums, most recently by the State Water Control Board in its Supplemental 401 Certification review. Responding to the concern about the restoration of damaged water supplies, Mr. Curtis explained that MVP would be under a regulatory obligation to resolve any such problems in accordance with the Water Resources Identification and Testing Plan. Mr. Fellerhoff requested a copy of the Plan, which MVP committed to providing.

Mr. Fellerhoff explained that the consulting parties wanted assurances that existing agricultural uses will be maintained for farms crossed by the right of way, namely that the pipe will be of sufficient thickness to withstand traffic by heavy equipment throughout the property. Mr. Brady elaborated that many properties have historical farming and logging practices that entail the use of heavy equipment.

Mr. Centofanti responded that the pipeline is designed to allow the maintenance of agricultural uses, but that there were no engineers on the call who could address the technical questions (e.g., how much weight can the pipeline bear?). Mr. Jensen added that MVP shares landowners' interests in ensuring that property owners' use of the land does not damage the pipeline and works with landowners to address such issues. Mr. Centofanti committed to providing the consulting parties with additional information relevant to whether the practices identified by Mr. Brady can continue after construction.

Mr. Brady stated the parties' request that Class 3 pipe be installed across locations in the GNRHD and the Newport Historic District in which historic resources were within the Potential Impact Radius (PIR) of the pipeline. Mr. Brady asserted that the Newport High School Campus and Fairgrounds, the Newport-Mt. Olivet United Methodist Church, the Link Farm and Covered Bridge and other locations identified in the Giles County and GNRHD January 4, 2018 filings are within the PIR. He explained that there are historical resources within the vicinity of the project that are irreplaceable, which justifies a higher pipe class. Mr. Brady believed the pipeline would have a negative economic impact on the Newport High School Campus and Fairgrounds, as the Mayapple pre-school, a tenant, has announced that, if the pipeline is built, it will leave the building rather than have the school be in the PIR. Mr. Centofanti and Mr. Jensen explained that the pipe class is dictated by and must meet all safety requirements of the federal Pipelines and Hazardous Materials Safety Administration (PHMSA). Mr. Centofanti added that the PHMSA standards would require only Class 1 pipe for Giles County, but that MVP will be installing Class 2 pipe.

Mr. Fellerhoff asked that the treatment plan include a mechanism to indemnify owners of historic properties for all damages caused by MVP so that they do not have to resort to legal actions to receive compensation. Mr. Curtis responded that there are multiple federal and state authorities with enforcement authority to ensure that MVP complies with all requirements and remedies any resource damages. He also discussed that the Department of Environmental Quality had declined two 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. Ms. Tidlow added that MVP would be conducting vibration studies for relevant historic structures to identify any potential damage from project construction.

Mr. Brady closed with two comments. First, he reiterated his position that MVP should correct the alleged errors of fact and resolution of facts in dispute in the analysis of adverse effects and submit the reevaluated adverse effects to the SHPO for his review. Second, he noted that if this pipeline were to be built, he believed MVP would be adversely affecting the GNRHD for a long time, and stressed the need for MVP to be a good corporate citizen during that period. He concluded that he believed the parties should meet again to discuss disputed facts and effects, and further terms which would, in his opinion, ameliorate the purported significant long term adverse effects to Newport's historic resources and traditional rural way of life.

The meeting concluded at approximately 12:00 pm.

IV. Action Items

- A. MVP to provide the Committee with copies of referenced Mitigation Agreements (*completed on January 11*)
- B. MVP to provide the Committee with additional information on use of right of way by farming and logging equipment, namely the weight limit for vehicle traffic and actions taken to coordinate continued uses with landowners (*completed on January 25*)

After the meeting Mr. Fellerhoff contacted Mr. Centofanti with a request to delay responding to FERC until the Committee had a chance to review and comment on the Virginia/ MVP mitigation documents referenced in the meeting by MVP.

Dated: January 25, 2018

These minutes were prepared by MVP for the purpose of documenting Section 106 consultation for the FERC docket. Draft minutes were circulated to counsel for the participating consulting parties on January 16 with a request to they provide any material corrections. Mr. Fellerhoff responded with

lengthy edits, the majority of which were accepted by MVP and incorporated into this document.