



United Nations Tribunal, Charlottesville, Virginia

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Comments by Sonja Ingram, Preservation Field Services Manager, Preservation Virginia

I am submitting these comments on behalf of Preservation Virginia, the nation's oldest statewide historic preservation organization, to voice concerns about the Atlantic Coast Pipeline (ACP) and Mountain Valley Pipeline (MVP) and the deficiencies we have observed during the Section 106 of the National Historic Preservation Act of 1966 (NHPA) review process as required by federal law.

In 2015, Preservation Virginia received numerous requests to assist in protecting historic sites that would be affected by the construction of the ACP and MVP. At the start of the review process, Preservation Virginia requested to the Federal Energy Regulatory Commission (FERC) to be a Consulting Party for the Section 106 process for the pipeline projects. For the first time in Preservation Virginia's history, we, along with other organizations and individuals, were denied this request for Consulting Party status.

The denial of Consulting Party status for the review process, along with the continued lack of communication with FERC, prompted the Advisory Council of Historic Preservation (ACHP) to reproach FERC and convey the need for them to be more forthcoming and helpful with consulting parties and others involved in the Section 106 process.

Despite the involvement of the ACHP, the Section 106 process controlled by FERC continued to be flawed for both pipeline projects. Issues remain today concerning both of the pipeline's impact on rural historic districts and prehistoric (Virginia Indian) archaeological sites.

Rural historic districts are formed by deep relationships and linkages between natural and historic features and the people who live and work in them. The swath the pipeline will make as it crosses designated rural historic districts, such as the Newport Rural Historic District in Giles County, as well as potential rural historic districts, will create considerable negative impacts.

In many instances, the pipeline's path runs very close to significant historic buildings as well as rivers and streams, mountains and ridges, farmland and woodlots—all of which make up the components of the very landscapes that differentiate Virginia from every other place in the world. Even so, the consultants hired by FERC stated that these already designated rural historic districts would *not* be negatively impacted by the pipeline corridor.

In 2014, as part of Preservation Virginia's Tobacco Barn Survey, a farm adjacent to an existing compressor station in Pittsylvania County was surveyed. This farm has been owned by an African American family since after Emancipation. The currently proposed compressor station in Buckingham County is planned to be located in a similar area— farms owned predominantly by African American families. This raises the question of whether rural landowners, both black and

white, are at risk of being exploited by savvy, private, for-profit pipeline companies that have been able to, in some circumstance, convince landowners that the pipeline is necessary for the greater good.

Notwithstanding the rural historic districts, we continue to be very concerned about Native American archaeological sites along the pipelines' routes, especially sites located along rivers and in flood plains. These include a cluster of prehistoric sites in Franklin County along Blackwater River, as well as others, that have been found to contain significant, intact cultural features important to the understanding of Virginia's prehistory. An in-depth review of all of the archaeological surveys completed to date in floodplains along the proposed Mountain Valley Pipeline and Atlantic Coast Pipeline's path need to be completed to determine if further investigations are needed.

Even though these issues concerning archaeological sites and rural historic districts remain —as well as the fact that not all of the general architectural and archaeological survey work has been completed for the pipelines— FERC's Final Environmental Impact Statements for both pipelines has already been issued. This points to the fundamental reason of our concerns- that the pipeline companies, as well as the federal agency that is tasked with monitoring and ensuring- under federal law- that the historic resources are properly surveyed and mitigated, are not concerned with carrying out the absolute minimum required, but are sidestepping federal laws in order to push through a pipeline that has yet to show if it is publicly necessary.