

DATE: December 22, 2016

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RE: Inadequate Treatment of Cultural Resources in the Draft Environmental Impact Statement, Docket No. CP16-10-000

Save Monroe, Inc., and The Border Conservancy, two community-based organizations in Monroe County, West Virginia, are commenting on the treatment of Cultural Attachment in the Draft Environmental Impact Statement for the Proposed Mountain Valley Project and Equitrans Expansion Project (September 16, 2016), Docket No. CP16-10-000 and Docket No. CP16-13-000.

In preparing the DEIS, the FERC both ignored and failed to meaningfully address significant concerns about Cultural Attachment raised in our previously submitted comments, including:

Accession Number: 20150616-5243
Date: 6/16/2015 (Docket PF15-3-000)
Description: **Comment of Save Monroe and Border Conservancy under PF15-3, Monroe County, WV Landowner Impact Report and EIS Scoping Recommendations, Part I: Summary and Scoping Recommendations.**

Accession Number: 20150804-5026
Date: 8/04/2015 (PF15-3-000)
Description: **Supplemental Information or Request of Save Monroe and Border Conservancy under PF15-3, Monroe County WV Landowner Impact Report Summary Update 08-02-2015, Part I-D: Data confirming Cultural Attachment as a significant issue in Monroe County.**

Accession Number: 20151125-5114
Date: 11/25/2015 (CP16-10-000)
Description: **Updated Individual Landowner Impact Reports from Monroe County, WV Docket No. PF15-3-000: Part I: Summary and EIS Recommendations (posted to Docket CP16-10-000).**

Accession Number: 20151125-5115

Date: 11/25/2015 (CP16-10-000)

Description: **Updated Individual Landowner Impact Reports from Monroe County, WV Docket No. PF15-3-000: Part II-A: Individual Landowner Reports, updated 10-1-2015 (posted to Docket CP16-10-000).**

Accession Number: 20160505-5090

Date: 5/05/2016 (CP16-10-000)

Description: **Request by The Border Conservancy, Save Monroe, Preserve Craig, and Preserve Giles for study of the potential negative impacts of the MVP Project on Cultural Attachment resources in the Peters Mountain Vicinity in Monroe, et al. under CP16-10.**

I - BACKGROUND

In preparing the DEIS, the FERC did not address the significant concerns raised in previous submittals including but not limited to those by Save Monroe, The Border Conservancy, Preserve Craig, Preserve Monroe, Preserve Giles, other organizations and individuals, as well as reports by James Kent et al., Applied Cultural Ecology, and Thomas King.

1. Cultural Attachment was identified as an issue in the Scoping Period by Save Monroe, The Border Conservancy and numerous organizations and individuals.

Our scoping recommendations of 6/16/2015 and expanded information on cultural attachment submitted on 8/04/2016 were based on data and comments submitted by 210 landowners on and near the proposed MVP routes in Monroe County. These data and comments—together with the study of cultural attachment by James Kent and Associates which was incorporated into and validated by the Record of Decision on a proposed American Electric Power 765 kV electric transmission line in 1995—established that an analysis of cultural attachment in the Peters Mountain areas of Monroe County needed to be included in the EIS for the current MVP pipeline corridor(s).

2. At the request of the Forest Service, FERC instructed MVP to investigate Cultural Attachment.

As stated in the DEIS (4-369):

[T]he FS requested that this EIS include an analysis of cultural attachment as it relates to the MVP crossing of the Jefferson National Forest. Therefore, Mountain Valley hired a professional cultural anthropological consulting firm (Applied Cultural Ecology, ACE) to study the topic of cultural attachment for this project.

On January 27, 2016, Mountain Valley filed its Cultural Attachment Report (Bengston and Austin, 2016). Originally, the study area was intended to cover the MVP pipeline route crossing the Jefferson National Forest. However, this area has been mostly devoid of permanent residents since the National Forest was first created in 1916. Therefore,

the anthropological study concentrated on the adjacent landscape of Peters Mountain, which is crossed by the proposed MVP pipeline route between about MPs 194 and 200, in Monroe County, West Virginia and Giles County, Virginia.

3. **The scope of the ACE study was restricted by project definition as well as by time**, allowing for only a week of field research to interview people in the area.

The Study Description and Purpose (ACE, 2) notes:

The current study constitutes an investigation of the concept of cultural attachment for the portion of JNF lands ... that includes the MVP Project's crossing.... **It is not a complete ethnographic assessment of the JNF Study Area or Peters Mountain and the surrounding vicinity.** [emphasis added]

4. **Although limited in scope, the ACE study concluded that a special kind of Cultural Attachment does exist in the vicinity of the pipeline route across the JNF and that the entire Peters Mountain area is an important Cultural Landscape.**

In their conclusions the ACE researchers Ginny Bengston, M.A., and Rebecca Austin, Ph.D., answered the question posed by FERC Project Manager Paul Friedman: *"Do the people who reside in the vicinity of the pipeline route across JNF have a special kind of 'cultural attachment' that is different from other areas?"* with an unequivocal "Yes."

They went on to say (ACE, 47): One of the key issues that ACE researchers discovered during the archival record and literature research, and that became clearer once they began meeting and speaking with local residents, was that the entire Peters Mountain area, including the JNF Study Area, was a *cultural landscape*. [emphasis added] ... [T]he best way to analyze the tangible aspects of cultural attachment specific to the JNF Study Area would be to assess the Peters Mountain and surrounding vicinity, including private lands and other government-managed lands besides those of JNF.

5. **The FERC ignored our request that they require a follow-up study and Effects Analysis by a professional Cultural Anthropologist before issuing the DEIS.**

- a. Our comment posted 5/05/2016 (dated May 4, 2016), and referenced in the DEIS on p. 4-371, discussed the relevant findings of the ACE report and submitted that the Forest Service should request that the ACE study be expanded to include an Effects Analysis by a qualified Cultural Anthropologist to determine the nature and extent of potential project impacts on this identified cultural resource.

- b. In addition to our previous submittals and the ACE report, two additional expert reports inform our comments in this submittal:

- On October 23, 2015 Preserve Craig submitted a report prepared by James Kent Associates, "The Scientific Validity of Cultural Attachment as a Social Phenomenon and the Basis for an 'All Lands' Approach in NEPA Decision-making" (Docket CP16-10, Accession 20151023-5124).
- In August 2016, Thomas King, Ph.D. prepared a report, "Traditional Cultural Places in Appalachian Virginia and the Mountain Valley Pipeline," for the Greater Newport Rural Historic District Committee. The report was

commissioned to study MVP's potential effects on the cultural environment (Docket No. CP16-10, Accession No. 20160830-5133).

6. **ACE's investigation into Cultural Attachment in the Peters Mountain vicinity also revealed that the area potentially qualifies for nomination to the National Register of Historic Places (NRHP) as a rural historic landscape.** An investigation of this eligibility, and potential negative effects of the MVP project, should be included in the follow-up study to the original ACE report.

The DEIS (4-370) states:

An assessment of cultural attachment is not required by any federal laws or regulations relating to historic preservation and cultural resources management. However, **the NPS [National Park Service] has indicated that historic rural landscapes may qualify for nomination to the NRHP (McClelland et al., 1999). In the opinion of ACE, Peters Mountain could be considered a rural historic landscape (Bengston and Austin, 2016). [emphasis added]**

According to Thomas King, Ph.D. cited above (King, 17):

Under Section 106 of the NHPA, **federal agencies like FERC are responsible for identifying and considering the effects of their actions not only on known, documented historic properties, but on "historic properties not yet identified" (See 36 CFR § 800.4, especially §§ 800.4(a)(2)).** It is unclear to me what efforts, if any, have been made to identify hitherto unidentified historic districts along the MVP preferred route. The identification reports I have reviewed appear to focus mostly on the identification of specific buildings, structures and sites of architectural and archaeological value, not on the "concentrations, linkages or continuities" that might constitute districts. However, New South's survey reports did identify the hitherto undefined Bent Mountain and Big Stony Creek Rural Historic Districts. **The possible existence of additional historic districts subject to effect may need to be considered by FERC and the other parties to Section 106 review of the MVP. [emphasis added]**

II - ERRORS AND INADEQUACIES OF THE DEIS

The FERC's response in the DEIS is inadequate, misleading and lacks professional authority to make an effects analysis of impacts of MVP construction on cultural attachment. The FERC appears to have carefully attempted to quarantine and deflect serious discussion and assessment of Cultural Attachment—and failed to pursue the possibility of the vicinity of Peters Mountain being a cultural landscape eligible for protection as a rural historic landscape.

The following are examples of the errors, omissions and misrepresentations in FERC's analysis:

1. **The DEIS omits mention of “Cultural Attachment” in key sections of the DEIS where Cultural Resources are discussed.**

ERRORS/OBJECTIONS:

- The issue of “Cultural Attachment” is omitted from three important sections of the DEIS.
 - The Executive Summary (DEIS ES-10-11)
 - The Introduction section, Table 1.4.1 “Issues Identified During the Scoping Process” (DEIS 1-28)
 - The Conclusions and Recommendations section, 5.1.10 Cultural Resources (DEIS 5-10-11)
- In each of these sections, the only topics listed or discussed under the category Cultural Resources are “Tribal consultations” and “Impacts on culturally and historically significant properties”. The term “Cultural attachment” never appears.
- Given the facts presented in the Background materials above and the attention paid to the topic of Cultural Attachment within the FERC’s DEIS Cultural Resources section 4.10.8 (DEIS 366-372), as discussed below, this issue should not be suppressed or ignored in the sections of the DEIS likely to be shared and reviewed most widely by the public and other cooperating agencies.

2. **The DEIS on page 4-370 misleadingly states:** *“According to a map drawn by JKA illustrating areas of cultural attachment in the Peters Mountain vicinity, the route of the MVP pipeline would avoid areas of high cultural attachment intensity and cross a region with moderate or low cultural attachment intensity (see figure 4.10.8.1).”*

ERRORS/OBJECTIONS:

- The FERC team errs in overlaying the currently proposed MVP route on a map developed for a study related to a different project with a different route. The JKA study was conducted with regard to a proposed APCO Transmission Line route that traveled farther north across the county, closer in location to MVP’s Alternate 110 Route.
- The inappropriate use of such a dramatic visual figure to carry information appears to be part of an intentional effort to undermine the validity of the ACE report findings and downplay the significance of this Cultural Resource issue.

3. **The DEIS at page 4-371 inappropriately states:** *“A letter to the FERC and FS dated May 4, 2016, from the Border Conservancy, Save Monroe, Preserve Craig, and Preserve Giles presented their comments on the ACE report. The groups requested that the FERC and FS have a cultural anthropologist conduct an effects analysis. Richard Ettelson also requested*

that this draft EIS should include an effects analysis for cultural attachment to land around Peters Mountain. **Below is our effects analysis for cultural attachment, written by our team of specialists, including professional cultural anthropologists, based on the ACE report within the context of Mountain Valley's proposed action" (DEIS 4-371).**

ERRORS/OBJECTIONS:

- The DEIS contains a foundational error in the replacement of an analysis by experts with an analysis by a FERC team of its staff who hold no professional credentials in cultural anthropology. According to the "List of Preparers" cited in the accompanying footnote, the "team of specialists" consists of two cultural resources personnel, one with a master's degree in anthropology and one with a master's degree in archeology.
 - Richard Ettelson, a resident of Monroe County, WV, prepared and submitted "FERC-MVP DEIS, Chapter 4.10.8, Cultural Attachment. Comments" (Docket No. CP16-10, Accession No. 20161121-0301). Ettelson aptly characterizes the FERC team as lacking "competent authority" and contrasts their lack of knowledge of cultural attachment with that of Dr. Rebecca Austin, Ph.D., co-author of the ACE report, who is a Cultural Anthropologist.
 - The FERC's team of specialists never, to our knowledge, conducted any further field analysis or contacted anyone in the Monroe County or neighboring counties in Virginia. This appears to have been another "desktop analysis" like so much of the MVP project has been conducted.
 - According to correspondence between Ettelson and Dr. Austin, "ACE was not consulted in preparing the DEIS Cultural Attachment Chapter." Moreover, Ettelson continues, "ACE was instructed not to include any consideration of measures to potentially mitigate negative impacts of MVP's Project on the Cultural Attachment Resource. Instead, that job was delegated to MVP's Senior Environmental Coordinator, Megan Neylon, who submitted MVP's 4 page response" (Ettelson, 3). Ms. Neylon is clearly not a competent authority on this subject; her professional LinkedIn profile shows that she only holds a B.A. in Environmental Science from the University of Pittsburgh.
 - Ettelson concludes, "FERC and MVP have manipulated the process through their use of Incompetent Authority causing errors and misrepresentations in their effort to expedite the Pipeline Project. The DEIS Cultural Attachment Chapter, and the Effects Analysis needs to be corrected and revised before FERC makes its final decision" (Ettelson, 4). We agree with his conclusion.
4. **The DEIS at page 4-371 misleadingly states:** *"After pipeline installation, the right-of-way would be restored to its original contours, condition, and land use, and revegetated. Only the 50-foot-wide permanent easement would be kept clear of trees in forested areas, which may create visual impacts. . . ." (DEIS 4-371).*

ERRORS/OBJECTIONS:

- The FERC staff misleads the stakeholders in its understatement that “Only the 50-foot-wide permanent easement would be kept clear of trees in forested areas, which may create visual impacts.” The full 125-foot construction easement across the forest would, according to the DEIS’s own Conclusions section, “be a long-term impact because it would take many years for the trees to mature” (DEIS 5-4). Typical estimates are 20-30 years or more.
- The FERC errs in its conclusion that only the 50-foot-wide permanent easement would leave a scar. Clearcutting mature trees, excavating and compacting the soil in a 125-foot swath and hoping for the best as scrub grows into forest does leave a wide wound. Visually, scrub vegetation (brush) is not the same as forested land.

5. **The DEIS at page 4-371 erroneously states:** *“Basically, once the pipeline is installed, and the right-of-way is restored and revegetated, it would hardly be noticed, and should not adversely affect the culture, landscape, or environment of the Peters Mountain region” (DEIS 4-371).*

ERRORS/OBJECTIONS:

- The phrase “it would hardly be noticed” is an error in conclusion. Visible from much of the county, Peters Mountain is the longest mountain in the Appalachian Mountain Chain. It is the backbone of Monroe County, defining the border with Virginia for most of its length through the county. The MVP project—or any similar industrial intrusion on or across Peters Mountain and the JNF—would be visible for miles and forever. **In fact, full generations of Monroe Countians would grow up not knowing Peters Mountain as an unscarred landscape.**
- The FERC team erred in ignoring our previous submittal of 6/16/15 (Accession #20150616-5243 in Docket PF15-3, resubmitted on 11/25/15 as Accession #20151125-5114 in Docket CP16-10) wherein we reported our findings in areas on or near the pipeline route that the potential visual impact of the pipeline would be felt by almost all landowners—either from their own property or in their travel through the county. In the “Landowner Impact Reports: Summary and EIS Recommendations” submitted on those dates we reported:
 - Ninety-nine percent (99%) of those responding reported that “the unbroken presence of Peters Mountain is important to me.”
 - Ninety-nine percent (99%) of those responding also reported that the “The unspoiled views of the hills and farmland are important to me.”
- The DEIS errs in its misunderstanding of the cultural environment of Peters Mountain and concomitantly ignores the fact that the MVP pipeline would be experienced as a violation of what residents of the area consider to be “sacred

ground.” The FERC team erred by ignoring our report of significant comments of Monroe County landowners that express this belief (Accession #20150804-5026 submitted 8/4/15 in Docket PF15-3, resubmitted 11/25/15 as Accession #20151125-5115 in Docket CP16-10).

- There is no evidence of an Effects Analysis by a professional Cultural Anthropologist that supports the FERC team’s conclusion that the ROW would not adversely affect the culture of the Peters Mountain region.

6. **The DEIS at page 4-371 misleadingly states:** *“For half the route over Peters Mountain (3 out of 6 miles) the pipeline would be placed adjacent to existing powerline rights-of-way. Therefore, the viewshed is not pristine, including existing utilities infrastructure. We conclude that the character of the Peters Mountain rural historic landscape would not be significantly altered by the MVP” (DEIS 4-371).*

ERRORS/OBJECTIONS:

- The staff at the FERC seriously mischaracterizes the effect of the pipeline on Peters Mountain in Monroe County by applying the law of averages rather than facts on the ground. There are no powerlines adjacent to the ROW on the Monroe County side of Peters Mountain. The viewshed would be radically altered for 100% of the area of Peters Mountain visible in West Virginia.
- The DEIS’s inaccurate assertion demonstrates that FERC’s “team of specialists” conducting this Effects Analysis have never set foot in Monroe County, where the route will cross a steep, heavily wooded, and indeed “pristine” slope.

7. **The DEIS at page 4-371 erroneously states:** *“The JKA powerline study made the incorrect statement that ‘cultural attachment does not lend itself to mitigation.’ In fact, there are many ways to avoid, reduce, or mitigate project impacts related to the concept of cultural attachment to land. Even JKA suggested that in areas with low intrusive impacts on cultural attachment, special attention could be given to disruption of agricultural production.”*

ERRORS/OBJECTIONS:

- The FERC staff team’s analysis conflicts with the opinion of a qualified expert. Tom F. King, Ph.D., in his earlier cited report, explains “It is worth noting that (with reference to the AEP project) the 1996 Kent study opined that:

Cultural attachment does not lend itself to mitigation. Since cultural attachment is non-economic and non-transferable, it cannot be mitigated through reimbursement or relocation of individuals. For alternatives with high intrusive impacts on cultural attachment, where intrusions have been minimal and individuals make daily choices based upon their culture, avoidance is the most culturally-appropriate action. (Kent et al.1996:27, quoted in Bengston & Austin 2016:13)

- In both clarification and support of the JKA conclusion, Dr. King explains, “Technically, Kent was not quite correct, since ‘avoidance’ of effect (for example, by building the proposed facility elsewhere or not building it at all) is a type of “mitigation” under NEPA (See 40 CFR § 1508.20)³⁴, but **his caution remains relevant. Where people have a high investment in their attachment to the land, and perceive that investment to be threatened by a proposed undertaking, any kind of mitigation that does not eliminate the threat is likely to be unacceptable to them**” (emphasis added) (King 33).

8. **The DEIS at page 4-371 falsely states:** *“As documented throughout this EIS, except for the clearing of forest, most environmental impacts resulting from the MVP would likely be temporary or short-term, during pipeline construction, and would not be long-term, permanent, or significant.”*

ERRORS/OBJECTIONS:

- The DEIS errs in dismissing the permanent nature of environmental impacts on the cultural landscape of Monroe County. In many ways, the Cultural Landscape is *defined* by the unbroken presence of Peters Mountain—visible from almost every corner of the county—and valued for its gifts of water, woods, and wildlife.
- Peters Mountain is especially revered for its water—supplying the drinking water for more than half of the residents of the county. The base of Peters Mountain is a complex karst region, marked by caves, sinkholes, and sinking streams. People living in the area have very real concerns about possible degradation and loss of the springs they depend on. County officials and landowners alike have voiced their concerns about the potential short-term and long-term risks for both public and private water resources in this region.
- Science experts have submitted to the docket numerous criticisms of MVP’s assurances about plans, mitigation, etc. on both temporary and permanent bases. The FERC team errs in ignoring the failure of MVP’s proposed plans to mitigate impacts of the pipeline on:
 - Deforestation
 - Groundwater
 - Air Quality
 - Flora and fauna
 - Irrigation, drainage systems
 - Erosion
 - Construction in karst and steep terrain
- **Degradation of any of these aspects of the environment would significantly alter the cultural landscape.**

9. **The DEIS at page 4-372 erroneously states:** *“In the case of the MVP, no residents of the communities around Peters Mountain would be separated from their land. ... Outside of the operational easement, landowners would be free to manage their property as they see fit. In other words, **the MVP would not affect landownership, tenure, land use, or sense of homeplace, which are important values associated with cultural attachment to land noted in the ACE interviews with residents of the Peters Mountain community.** The project would not alter the quality of life in the region, or the slow-paced lifestyle valued by people interviewed by ACE, except temporarily during construction.” (emphasis added)*

ERRORS/OBJECTIONS:

- The FERC team erred by attempting to mask the effect of the pipeline on cultural attachment by focusing the reader’s attention to “outside of the operational easement.” This is a false distinction. The landowners do not differentiate the effects of *outside* or *inside* the easement. Actions of MVP inside the easement restrict the landowners’ freedom to manage their land as a whole and destroy their sense of privacy in their homeplace.
- The FERC team erred in misunderstanding the depth of sense of attachment to homeplace. In fact, the legal action taken by Bryan and Doris McCurdy in *McCurdys v MVP* is an example that contradicts the FERC’s conclusion that the pipeline would not affect sense of homeplace or quality of life. In that case, Monroe County Circuit Judge Robert Irons found that “Plaintiffs declined to allow the survey because they greatly value their privacy and the quiet and exclusive enjoyment of their home and the property.”¹ During appeal to the WV Supreme Court, the McCurdys’ attorney reiterated the importance of sense of homeplace: “Whether the Property Will be Damaged is Irrelevant, But The McCurdys Property Rights Will Be Cognizably Damaged. . . .”² The WV Supreme Court upheld Judge Irons decision to deny access by MVP to survey in advance of a certificate of need from the FERC.

10. **The DEIS at page 4-372 erroneously states:** *“Livelihoods and avocational pursuits would not be adversely disrupted over the long-term by the operation of the MVP. No businesses would be shut down. In fact, the MVP may provide economic benefits to the region, in the form of jobs and wages, spending on commodities, and local tax revenues (see section 4.9). After pipeline installation and restoration, citizens could continue to farm, gather plants, collect firewood, trade, share water and food, and hunt as they always have. In summation,*

¹ Circuit Court of Monroe County, Case No. 15-C-19, Brian C. McCurdy and Doris McCurdy, Plaintiffs v. Mountain Valley Pipeline, LLC, Defendant.

² Respondents’ Brief, In the Supreme Court of Appeals of West Virginia, Docket No. 15-0919 Mountain Valley Pipeline, LLC v Brian C. McCurdy and Doris W. No. 15-0919 Mountain Valley Pipeline, LLC v Brian C. McCurdy and Doris W. McCurdy p. 34-35.) Accessed at <http://www.courtswv.gov/supreme-court/calendar/2016/briefs/oct16/15-0919respondent.pdf>

we conclude that the MVP would not have significant long-term adverse impacts on cultural attachment to the land in the vicinity of Peters Mountain.”

ERRORS/OBJECTIONS:

- The FERC team errs in elevating “economic benefits” claimed to be brought by MVP above the economic benefits intrinsic in cultural attachment. **Cultural Attachment is a social/cultural resource, not a “feeling.”** The term cultural attachment is too easily put into a narrowly defined box called feelings—and therefore deemed somehow insignificant in any practical way. In fact, however, the strong attachment and reverence that people in this area have for Peters Mountain and the forests and families that it supports is a true social and economic “resource”—it is “social capital” that is as much a resource as the energy derived from coal or natural gas, or a new business locating in the region.

This attachment is an integral part of what undergirds the resilience of the community: the ability to weather extreme stresses, emergencies, economic hardships, and differences of opinion—and to remain a community made up of people who are at the same time proudly self-reliant *and* ready to pull together and help each other.

- The FERC team errs in ignoring our previously cited summary of findings as reported by landowners in areas of Monroe County on or near the pipeline route(s):
 - Landowners in the Monroe County pipeline regions help each other rather than pay for services. Eighty-nine percent (89%) of those responding reported that they rely on family and friends more than hiring someone when they needed help. (n=187)
 - Landowners in the Monroe County pipeline regions overwhelmingly value their land for its intrinsic value as opposed to its economic value. Ninety-nine percent (99%) of those responding reported that they value their property as a place they want to live more than as a real estate investment. (n=179)
- The FERC staff errs in concluding that there would be no long-term effects of the MVP. In fact, as explained by Richard Ettelson, “That conclusion is contradicted by the same authority that has already investigated the Cultural Attachment issue and produced the only Study authored by a Cultural Anthropologist whose work was used as the basis for the DEIS review and came to a totally different conclusion about the significant impacts of MVP’s Project on this recognized resource; ***‘I disagree with the DEIS statement that “MVP would not have significant long-term adverse impacts on cultural attachment to the land in the vicinity of Peters Mountain’*** (Rebecca L. Austin, Ph.D., e-mail dated 10-10-16).” Only a complete Effects Analysis by a Cultural Anthropologist could determine

the potential economic effects of destroying people's cultural attachment to their land.

III - CONCLUSIONS

The fact that MVP dismissed the findings of the ACE report does not make them inaccurate. The fact that the findings may be inconvenient for the FERC and the Forest Service does not make them unimportant.

Because of the serious defects in the FERC team's "effects analysis" and other significant omissions and errors that have been identified by other commenters (e.g., Rebecca Austin, Ph.D., Thomas King, Ph.D., James Kent and Associates and Richard Ettelson) about the MVP application, we assert that the following must be done in order to comply with NEPA requirements:

1. **A more comprehensive study and effects analysis must be completed on the social/cultural resource referred to as "cultural attachment" in the area of Peters Mountain.** The preliminary study by Applied Cultural Ecology (ACE), which was initiated at the FERC's request, determined that cultural attachment exists in this vicinity; however, that study was not followed up by the necessary comprehensive analysis on the nature of, and the potential impact of the MVP project on, that resource. This still needs to be done.
2. **This investigation must not be limited to a study within the boundaries of the Jefferson National Forest,** but extend to include to those who live in the vicinity of Peters Mountain, as also recommended in the findings by ACE.
3. **This investigation must also include the potential designation of the Peters Mountain area as a natural historic landscape subject to effects from the MVP project** that may need to be considered by FERC and the other parties to Section 106 review of the MVP.
4. **This study and effects analysis must be conducted by a qualified Cultural Anthropologist**—either ACE or another professionally qualified firm or individual—for the same reasons that the Forest Service and FERC insisted that a Cultural Anthropologist be used for the resource identification.
5. **The FERC must issue a Revised DEIS with complete and corrected information, which includes the results of the required Cultural Resources Effects Analysis Assessment,** so that the public has an opportunity to assess and comment on the potential impacts of the project prior to the issuance of the FEIS.
6. **Without such a study, there is inadequate information available to the U.S. Forest Service as a cooperating agency, as well as to the staff of the FERC,** on which to base recommendations regarding the proposed route of the Mountain Valley Pipeline project through the JNF.

7. **If the FERC does not issue a new DEIS, we request that the FERC, the BLM, and the JNF choose the No Action Alternative** because they will not have enough information to comply with NEPA.

Thank you,

**Dr. Stephen Miller, President, and Nancy Bouldin, Project Coordinator
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