

## MEMORANDUM

September 10, 2018

TO: Ms. Kimberly Bose, Secretary  
Federal Energy Regulatory Commission (FERC)  
888 First Street N.E.  
Washington, DC 20426

FROM: Ann Rogers, Section 106 Coordinator, Blue Ridge Environmental Defense League

CC: Roger Kirchen, Virginia Department of Historic Resources  
Tom Klatka, Virginia Department of Historic Resources  
Sonja Ingram, Preservation Virginia  
Dale Angle & Family  
Valerie Hauser, Advisory Council on Historic Preservation  
William Dancing Feather, Advisory Council on Historic Preservation  
Ira Matt, Advisory Council on Historic Preservation  
Reid Nelson, Advisory Council on Historic Preservation  
Charlene Vaughn, Advisory Council on Historic Preservation  
John Eddins, Advisory Council on Historic Preservation  
Kelly Fanizzo, Advisory Council on Historic Preservation  
Andrea Ferster, Attorney-at-Law  
Betsy Merritt, National Trust for Historic Preservation  
Steve Vance, Cheyenne River Sioux Tribe  
Ben Rhodd, Rosebud Sioux Tribe

SUBJECT: Request that FERC include the Cheyenne River Sioux and Rosebud Sioux Tribes among those Indian tribes receiving (a) notifications pursuant to the MVP Southgate Project (PF18-4-000), (b) invitations to engage in the Section 106 process for the MVP Southgate Project, and (c) requests for comments or information about resources affected by the MVP Southgate Project as part of FERC's government-to-government consultation program with Indian tribes

### BACKGROUND

On August 9, 2018, Mountain Valley Pipeline, LLC issued a Notice of Intent (NOI) to Prepare an Environmental Impact Statement for the MVP Southgate Project. Page 7 of the NOI (cited below) states that the NOI is being used to initiate consultation with "interested Indian tribes . . . on the Project's potential effects on historic properties":

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s) (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties. Commission staff

will define the Project-specific Area of Potential Effects (APE) in consultation with the SHPO(s) as the Project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). The EIS for this Project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Additionally, page 8 of the NOI (cited below) states that the Draft Environmental Impact Statement for the MVP Southgate Project will be mailed to Native American Tribes listed on an “environmental mailing list”:

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission’s regulations) who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that information related to this environmental review is sent to all individuals, organizations, and government entities interested in and/or potentially affected by the planned Project. Copies of the completed draft EIS will be sent to the environmental mailing list for public review and comment.

#### **SIoux TRIBES’ HISTORIC PRESENCE IN THE PROJECT AREA**

The attached April, 2018 filing to FERC (20180419-5301) titled “Historic Presence of Sioux Indians in Appalachian/Piedmont Virginia” demonstrates that the Sioux are among those tribes who historically used or occupied the MVP Southgate Project area. This document chronicles research establishing that Siouan tribes inhabited and traveled through the affected region. In particular, maps on pages 3, 4, and 7 clearly demonstrate the prehistoric and historic presence of Siouan tribes in the MVP Southgate Project area.

#### **REQUEST FOR INCLUSION OF SIoux TRIBES**

Due to the Sioux tribes’ prehistoric and historic connection to the geographic area containing the MVP Southgate Project, it is necessary that FERC include the Cheyenne River Sioux and Rosebud Sioux Tribes among those tribes:

- (a) receiving a copy of the NOI
- (b) included on the “environmental mailing list” to receive a copy of the Draft Environmental Impact Statement for the MVP Southgate Project
- (c) offered every opportunity to engage in the processes for the MVP Southgate Project as required under Sections 101 and 106 of the National Historic Preservation Act, and
- (d) offered every opportunity to submit comments or information about resources affected by the MVP Southgate Project that may be important to the tribes, as part of FERC’s government-to-government consultation program with Indian tribes.

**CONTACT INFORMATION FOR TRIBES**

Please have the NOI, Draft Environmental Impact Statement, invitations to participate in Section 106, and invitations to participate in FERC's government-to-government consultation program delivered to the Tribal Historic Preservation Officers listed below:

Steve Vance  
Tribal Historic Preservation Officer  
Cheyenne River Sioux Tribe  
P.O. Box 590  
Eagle Butte, SD 57625  
[stevev.crstpres@outlook.com](mailto:stevev.crstpres@outlook.com)

Ben Rhodd  
Tribal Historic Preservation Officer  
Rosebud Sioux Tribe  
P.O. Box 809  
Rosebud, SD 57570  
[brhodd1@yahoo.com](mailto:brhodd1@yahoo.com)

**REQUEST FOR FOLLOW-UP FROM FERC**

If FERC requires that the Cheyenne River and Rosebud Sioux Tribes' listings on databases (such as HUD's Tribal Directory Assistance Tool) be updated to reflect these tribes' ancestral interest in counties in the Appalachian and Piedmont and surrounding areas of Virginia and North Carolina, could FERC staff please contact the THPOs listed above to request this update?

**THANK YOU**

Your cooperation in this matter is appreciated.

Attachment: "Historic Presence of Sioux Indians in Appalachian/Piedmont Virginia", April, 2018