

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DG2E/Gas Branch 4
Rover Pipeline, LLC
Rover Pipeline Project
Docket No. CP15-93-000

November 16, 2016

Reid Nelson, Director
ATTN: John Eddins
Office of Federal Agency Programs
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001-2637

Re: Notification Pursuant to Title 36 of the Code of Federal Regulations Part 800.9(c)(2)

Dear Mr. Nelson:

Pursuant to section 110(k) of the National Historic Preservation Act (NHPA) and Title 36 of the Code of Federal Regulations Part 800.9(c)(2) (36 CFR 800.9[c][2]), staff of the Federal Energy Regulatory Commission requests consultation with the Advisory Council on Historic Preservation with respect to actions by Rover Pipeline, LLC (Rover).

In the above-referenced docket, Rover filed an application with the Commission, seeking authorization to construct and operate about 510 miles of new natural gas pipeline and associated equipment and facilities in Pennsylvania, West Virginia, Ohio, and Michigan. Rover also proposes to construct and operate 10 new compressor stations.

Commission staff has learned that Rover purchased, and subsequently demolished, an 1843 structure known as the "Stoneman House" in Dennison, Ohio, which is eligible for inclusion in the National Register of Historic Places. The house was located across the street from Rover's proposed Mainline Compressor Station 1, and within the visual area of potential effects for this project component. Rover engaged in the described actions without the knowledge of Commission staff.

Commission staff is considering what actions may be appropriate in light of these events, and wishes to obtain the Council's views. As the Commission considers the merits of Rover's application, we are particularly interested in any information the

- 2 -

Council can provide as to when it is or is not appropriate for a federal agency to determine that circumstances justify granting a requested authorization despite the potential anticipatory destruction by an applicant, as provided for by section 110(k). As the structure has been demolished, along with the two outbuildings, the integrity of the property has been compromised. Thus, the effects are considered adverse.

Subsequent to learning of the demolition and after discussing the matter on several occasions, the Ohio State Historic Preservation Office requested a mitigation plan from Rover. On October 13, 2016, Rover filed information that it had come to agreement with the Ohio State Historic Preservation Office regarding terms of compensatory mitigation.

We enclose an overview of events supporting this consultation request as enclosure 1. Additional supporting documentation and views of the Ohio State Historic Preservation Office, the applicant, and the public are summarized in enclosure 2 and are accessible on our “eLibrary” webpage at www.ferc.gov.

We look forward to hearing from you within the 30 days provided for in 36 CFR 800.9(c)(2)(i). If you have any questions, please contact Kevin Bowman at 202-502-6287.

Sincerely,

Ann F. Miles, Director
Office of Energy Projects

Enclosures (2)

cc: Public File, Docket No. CP15-93-000

Timeline of Events

- June 25, 2014: Rover contacted the Ohio State Historic Preservation Office (SHPO), providing a project description, introduction to FERC's pre-filing process, and requesting that the SHPO participate in the pre-filing process.
- June 27, 2014: FERC granted Rover's request to enter into FERC's "pre-filing" process.
- August 25, 2014: Rover provided the SHPO with a project update.
- September 29, 2014: Rover met with the SHPO to formally introduce the project. Rover also provides the SHPO with the FERC project manager's contact information.
- October 7, 2014: Rover provided the SHPO with the FERC archaeologist's contact information.
- November 4, 2014: FERC issued a Notice of Intent to Prepare an Environmental Impact Statement which, among other things, initiated consultation with the SHPO.
- January 26, 2015: Rover provided the SHPO with draft survey reports for archaeological and architectural resources.
- February 4-5, 2014: During pre-filing, staff met with representatives from Rover and expressed concern about potential visual impacts on the historic Stoneman House from a proposed compressor station to be sited across the street from the structure.
- February 23, 2015: Rover filed its application, which included a commitment to "a solution that results in no adverse effects to this resource" (application at p. 4-11).
- May 11, 2015: Rover purchased the Stoneman House.
- January 25, 2016: The SHPO sent a letter to Rover indicating among other things, that the Stoneman House was eligible for listing in the National Register of Historic Places (NRHP), and that the construction of Rover's Compressor Station 1 would result in an adverse effect on the house. The SHPO stated that the structure would require additional assessment, particularly with respect to visual impacts analysis in order to resolve the adverse effect.
- February 19, 2016: Staff issued a draft Environmental Impact Statement which identified that the Stoneman House was potentially eligible for the NRHP and stated that "if adverse effects to the resource [from the proposed compressor station] cannot be avoided, a treatment plan to mitigate potential adverse effects would be required."
- April 5, 2016: Rover notified the SHPO of its intentions to demolish the structure. Commission staff was not notified.
- May 25-31, 2016: Rover demolished the Stoneman House with no notice to Commission staff.
- June 15, 2016: Rover sent a letter to the SHPO stating, among other things, it "...has purchased [the Stoneman] property and intends to remove the Stoneman House,"
- July 29, 2016: Staff issued a final Environmental Impact Statement recommending that Rover develop a revised visual screening plan for the proposed compressor station to shield views from the Stoneman House.

August 12, 2016: The SHPO sent a letter to Rover acknowledging Rover's purchase of, and intent to demolish the Stoneman House. The SHPO indicated that demolition of the structure would be considered an adverse effect. Therefore, the SHPO recommended mitigation measures as well as additional consultation with Rover.

August 19, 2016: The ACHP advised staff that the Stoneman House may have been demolished by Rover.

September 14, 2016: Staff requested that Rover provide detailed information relating to the alleged demolition of the historic property.

September 20, 2016: The SHPO sent a letter to Rover acknowledging that the Stoneman House was demolished and stated that as mitigation Rover should provide financial assistance to the SHPO for local preservation needs.

September 26 and 28, 2016: Rover sent a letter to the SHPO and responded to FERC that it had acquired the house in 2015 for an affiliate to potentially use as office space. Rover indicated that "[b]ecause the house ultimately was determined to be too small and ill-suited for its intended purpose a decision was made to demolish the structure and two out buildings and move forward with plans to construct a new structure at the site."

Documentation and Views Required by 36 CFR 800.9(c)(2)			
Filing Party	Subject	Accession Number	Available for viewing on FERC eLibrary at:
Rover Pipeline LLC	Views of the Applicant (Response to Information Request)	20160926-5255	http://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14363031
David Daniel	Views of the Public	20160927-5096	http://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14363743
Sherry Miller	Views of the Public	20160928-5000	http://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14363921
Sherry Miller	Views of the Public	20161014-5083	http://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14376204
Littlefield Trust	Views of the Public	20161026-5049	http://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14383559
Sherry Miller	Views of the Public	20161027-5049	http://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14384277
Sherry Miller	Views of the Public	20161102-5090	http://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14390864
Sherry Miller	Views of the Public	20161104-5049	http://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14392074
Rover Pipeline LLC	Views of the Applicant (Email Correspondence)	20161107-5021	http://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14392632
Sherry Miller	Views of the Public	20161110-5166	http://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14396242
Rover Pipeline LLC	Views of the Applicant (Invoices)	20161114-5193	http://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14397018
FERC	Views of the Ohio SHPO	20161115-4002	http://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14399034

Document Content(s)

CP15-93-000 NOV 16 2016.DOC.....1-5