

The Recorder

IN THE COMMUNITY, ABOUT THE COMMUNITY, SINCE 1877.

Looking to buy or sell real estate? Click here!

www.monterey-va-realestate.com
(540) 468-3370

2015-06-11 / Sports

Request for pipeline emails catches board off guard

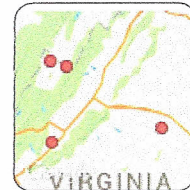
BY ANNE ADAMS • STAFF WRITER

NATURAL BRIDGE — High-ranking officials with the state agency governing environmental matters apologized last week to an advisory panel for failing to inform them of their fourth amendment duties.

An expert group of men and women strives to educate the public about caves and karst topography. They are the volunteer members of the Virginia Cave Board, which advises the Department of Conservation and Recreation, and they were recently subject to a Freedom of Information Act request related to Dominion's proposed Atlantic Coast Pipeline.

The request was part of a newspaper investigation over concerns that Dominion may have influenced the cave board's comments during the Federal Energy Regulatory Commission's environmental permitting process for the proposed pipeline that would cross **Highland County** and other locales with karst terrain, if approved. DCR officials said they had not been pressured by Dominion, but rather, they felt Dominion engineers had listened to their concerns about crossing karst areas.

Where's the story?



4 Points Mentioned

Members of the cave board, each appointed by the governor, have extensive resumes; they are passionate about protecting the commonwealth's rich underground natural world. The idea of building a 42-inch gas transmission line through much of **Virginia's** extensive cave systems and karst features has been a source of debate among Dominion engineers, mountain residents, state agencies, and members of the cave board.

Last week, this newspaper sent a request under the Freedom of Information Act for correspondence between cave board members and DCR staff — mostly email discussion that led up to the cave board's comments submitted to the Federal Energy Regulatory Commission about the pipeline.

The commission meets only three times a year, so the correspondence requested spanned back to last November, and perhaps hundreds of emails had been exchanged over the last six months,

according to some board members.

Michael Fletcher, a DCR board and constituent services liaison, received The Recorder's request, and notified members of the cave board, for which he serves as secretary. The request was added to the board's agenda at the last minute, for its meeting last Saturday, June 6.

Tom Smith, DCR's Natural Heritage director, attended the meeting. He started with an apology to board members. "Sometimes our agency's done a good job" of explaining FOIA law to the board, he said. "Then, we might go a decade without doing it. I'm sorry."

Fletcher then explained the law to the board, including how members should handle board documents and hold proper meetings.

He said from now on, board members should watch for email correspondence that becomes more of a conversation, particularly on board policy. At that point, because the cave board is an advisory board to DCR, the emails should be sent through DCR, "filtered through the department."

Fletcher stressed that DCR's director, Clyde Cristman, would not edit what board members wrote. "He will add a cover letter to it, to explain the cave board's duties, so no one is blind-sided, but he will not change what the board has to say," he explained.

Cave board members peppered DCR representatives with questions about which kinds of emails needed to go through DCR, and Fletcher said mainly ones that have to do with policy, and emails that become a "conversation."

Board chair Meredith Weberg also asked about meetings, explaining the board has often met with more than two members to address an issue.

Member David Ek noted the board has a sub-group with three members who use conference calls to discuss business.

Fletcher explained that under FOIA, meetings with more than two members, if addressing board business, are subject to the law with regard to public notice and public attendance; they should be conducted in person, he said. "I know it's difficult," he added.

"But it is the set of rules for all state boards," Smith added. "This was a big lapse on our part."

Fletcher said if board members need to send information to the whole board, with regard to policy issue, it should go through the agency. "We'll disseminate the information," he said. "I know it's cumbersome; it's adds a layer."

Member Wil Ordorff, karst protection coordinator for DCR's Natural Heritage division, suggested posting all email "discussions" on the board's website, where they would immediately be public.

"Any communication of the cave board is subject to FOIA," Smith said, except emails from a member to private citizens. "What items are the most important to run through the agency? It's more about major policy issues, or commenting on major projects. They will not be edited; we will just add a cover letter to acknowledge (DCR staff) have seen it."

Some cave board members mentioned how hard it would be to compile all their emails related to the pipeline in time to fulfill The Recorder's request, especially if they had used more than one email address, and had not filed their cave board emails separately from personal emails.

"Some of us have hours and hours of work to do on this," Weberg said.

Rick Lambert, a cave board member from [Monterey](#), said it took him a little over two hours to sift

through his emails in two different accounts. "I'm 99 percent sure I have them all, but even on the third pass, I still found another one," he said.

"It can be a lengthy, costly process," Smith agreed. "For some, it could take 15 minutes; for some, it could take a lot of time."

He explained DCR needs estimates from each of them about how much time they might need to compile their correspondence. "We are mandated to respond within five days, or ask for more time," he said.

Board members asked whether they could retract personal information, including e-mail addresses and phone numbers. Fletcher explained most information is still public, but if it's not related specifically to The Recorder's request, it does not have to be submitted in this case.






DCR staff noted they had already been "inundated" with FOIA requests related to the pipeline.

"From 1982 when I got here until last year, I've never seen something that touches so many people, and requires so much time and effort," Smith said. "Now, we're thinking about how to handle it. It's been a learning experience ... Nothing has drawn attention like this pipeline project."

Larry Smith, Natural Areas Protection Manager for DCR, told the board the costs involved for the recipient (The Recorder) would be calculated based on DCR staff time, and board members time, multiplied by some dollar figure per hour. "It could cost (The Recorder) hundreds and hundreds of dollars ... it could cost \$1,000," he said.

Editor's note: By press time Wednesday, The Recorder had not received a cost or time estimate from DCR about its request.

Return to top

 Share / Save    

Post new comment

Your name:

lewfreeman@gmail.com

Subject:

Comment: *
