

[Roanoke Times Op-Ed, June 1, 2016](#)

Sligh: McAuliffe stifles discussion of pipelines

David Sligh

Sligh is an investigator for the Dominion Pipeline Monitoring Coalition, an environmental attorney, and a former senior engineer at the Virginia DEQ.

Thousands of Virginians are concerned about the Mountain Valley and Atlantic Coast pipelines. There is vigorous discussion and debate — the kind of open, public conversation that should surround proposals affecting the lives of so many people.

But there's a problem with this conversation. Officials in Gov. Terry McAuliffe's administration are not communicating freely about the government's activities related to the pipelines. They seem uninterested in hearing what citizens have to say.

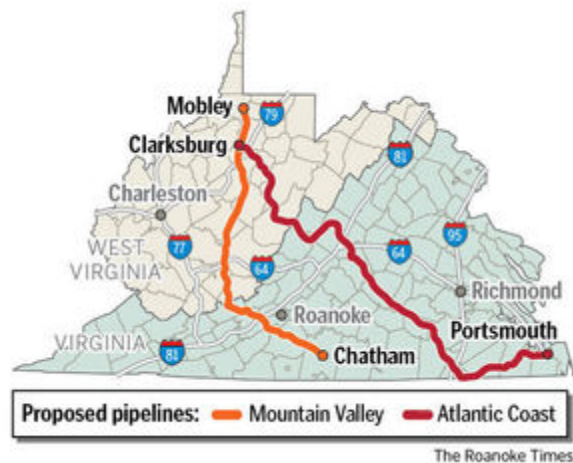
Sadly, the governor set this pattern but he can reverse course. The Dominion Pipeline Monitoring Coalition (DPMC) calls on McAuliffe to order the formation of a Citizen's Advisory Panel to study and make recommendations on state government's regulatory review of the proposals. We trust others will join in this call.

In December 2013, the VCU Capital News Service reported that Governor-elect McAuliffe pledged to push for greater transparency in state government, saying "Virginians should never have to question who their leaders are putting first." McAuliffe also reportedly said he "would be inclined" to "issue an executive order" to waive fees citizens and reporters pay to see state records under Virginia's Freedom of Information Act (FOIA).

Regarding these pipelines, however, McAuliffe and his officials have taken a different approach. The governor ordered state agencies to filter all public statements about the pipelines through his office (["Governor will review pipelines comment," Roanoke Times, November 3, 2015](#)).

This seemed a bad omen for open communication and prompted DPMC, a group of citizens opposed to the pipelines, to request copies of documents sent between the governor's office, state agencies and pipeline companies.

Carlos Hopkins, the governor's counsel, set a charge of \$516 for 10 hours of staff time to produce these records. We noted that this equaled an hourly rate of \$51.60; a yearly salary of \$107,328. We paid the fee but pointed out that such charges would certainly prohibit most citizens from obtaining government information. Hopkins promised to send



A surveyor performs work for Dominion's Atlantic Coast Pipeline.

the records but failed to meet the legal deadline under FOIA. Finally, we wrote Hopkins that “the Governor’s Office is now in violation of ... FOIA” and, lo and behold, the records came to us about two hours later. We’d assumed the governor’s counsel would need no reminder to obey the law.

Later, after receiving hints that the Virginia Department of Environmental Quality (DEQ) may forego detailed analyses of the pipeline proposals and possible impacts to Virginia’s waters, DPMC asked for records justifying that approach. After three weeks and no response from DEQ Director David Paylor and Deputy Secretary of Natural Resources Angela Navarro, we asked whether our letter had been received. The officials verified that it had but did not offer to provide the materials requested.

This time DPMC prepared a petition for a Writ for Mandamus for filing in state circuit court, requesting officials be ordered to obey the law. We gave Paylor and Navarro advance notice, as the law provides. We finally received the records without going to court but why must the public fight for access to what belongs to them?

Records from the governor’s office reveal the administration’s attitude on the public’s right to know what its government is doing. Thomas Smith, of the Virginia Department of Conservation and Recreation (DCR), reported to Deputy Secretary Navarro on July 15, 2015 on a discussion of ACP between DCR and other agencies. Smith wrote “[w]e did not take notes as everything we write down, email etc. has to be compiled and provided in the FOIA requests we get every three months — so it is all about keeping our costs down.” It is disgraceful for public servants to actively avoid having to disclose information to the public.

Finally, state records show that when local government bodies asked the governor to see that DEQ perform full reviews of MVP construction plans to protect their waters, their views were given little respect. Craig, Franklin, Montgomery and Roanoke Counties and the Town of Boones Mill all adopted resolutions seeking the governor’s help. Instead, McAuliffe’s office and Deputy Secretary Navarro apparently shunted those documents to the “No Response Needed” pile. Are submittals from Dominion or Equitrans given the same treatment?

Governor McAuliffe: Live up to the principles you’ve espoused. Make the people partners in this process. Show us all the respect we deserve. We think we speak for local governments along both pipeline routes, businesses and community groups, families and property owners when we insist this request be deemed “response needed.”