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Senators question FERC over scoping protocol

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BY JOHN BRUCE • STAFF WRITER

WASHINGTON, D.C. — U.S. Sen. Tim Kaine last week followed Sen. Mark Warner in taking to task the Federal Energy Regulatory Commission with concerns over frustration about how scoping meetings took place in Nelson and Augusta counties last month.

In a strongly worded letter dated April 7, Kaine wrote, “Given the differing, strongly held views in Virginia communities on this project, I believe it is crucial for everyone to have the opportunity to make their concerns known” about the Atlantic Coast Pipeline, a 42-inch gas pipeline proposed to cross Virginia from Highland to Hampton Roads and beyond.

“A number of Virginians who attended these meetings felt that this opportunity was not sufficiently given, due to a lack of clarity over precisely when citizens were able to sign up to offer verbal comment. According to several accounts, many constituents showed up at the announced start times of these meetings only to discover that all speaking slots had been claimed hours earlier,” Kaine’s letter, which included several letters and media accounts, stated.

The documents carried a common theme that Dominion gamed the system by stacking speakers known to be in favor of the project ahead of others so TV crews would record them during the first half-hour of the well-attended meetings. Accordingly, televised reports inaccurately portrayed audiences as favoring the pipeline, the documents said.

Responding to similar concerns expressed earlier by Warner, FERC chair Cheryl LaFleur wrote in a letter dated April 9 that the agency was reconsidering its protocol for scoping meetings as a result of the concerns.

“Once I became aware of concerns raised regarding these meetings, I directed commission staff to review scoping meeting speaker sign-up and notice procedures to determine whether changes are needed. I assure you that commission staff makes every effort to conduct the meetings so that they serve their intended purpose — giving members of the public the opportunity to inform the commission about issues related to a proposed project. I appreciate your concern regarding the

manner in which we conduct our scoping meetings and welcome input on ways for staff to increase their effectiveness,” she wrote.

LeFluer outlined the existing protocol for scoping meetings.

“When hosting a scoping meeting, commission staff places signs to direct attendees to the meeting location. Staff generally arrives at the meeting sites about one hour before the meeting, in order to greet attendees as they arrive and verbally inform them of the necessity to sign up to speak, if they wish to do so. There are no pre-registration or sign-up forms available before this meeting,” she wrote.

“All comments received by the commission receive equal consideration, regardless of whether they are made at a scoping meeting or submitted in writing. Anyone can submit written comments at any time during the commission’s scoping process. Instructions on how to submit comments were provided in the commission’s Feb. 27 Notice of Intent and described by commission staff at each public scoping meeting. Additionally, commission staff provided pre-addressed forms for written comments at the scoping meetings. The commission is attentive to questions or concerns raised about scoping meetings.

“While it is typically not the case that commission staff schedules additional meetings based on procedural issues, the environmental review is flexible and staff will carefully review any request for additional meetings based on the issues raised,” the FERC chair wrote.

Del. C. Matt Fariss, 59th District, joined Del. Dickie Bell in requesting FERC extend the scoping period as well. Farris asked for additional scoping meetings in Nelson and Buckingham counties.