

Governor's Advisory Council on Environmental Justice (ACEJ)

Virginia Cooperative Extension Facility

54 Administration Lane, Buckingham

May 30, 2018

10:30 AM – 4:30 PM

Prior to the meeting, ACEJ members were invited to an hour-long optional site visit at Union Hill Baptist Church in Buckingham, which is proximate to the planned site for the compressor station that will be used in conjunction with the Atlantic Coast Pipeline (ACP). At this meeting attendees heard presentations from members of the community who expressed a range of concerns about the compressor station and pipeline. In general, concerns centered on the decision making and community engagement process as well as possible health, environmental, economic, and cultural impacts of the development. A brief van tour pointed out key sites.

Welcome, Introductions, and Review of Agenda

Members were welcomed by Tanya Denckla Cobb, Director of the Institute for Environmental Negotiation (IEN) at the University of Virginia and lead facilitator of the meeting. She opened the floor for a brief round of introductions and roll call. Council members in attendance included Dr. Mike Ellerbrock, Angela Harris, Tom Benevento, Dr. Janet Phoenix (Chair), Beth Roach (Vice-Chair), Dawone Robinson, Faith Harris, Dr. Michelle Covi, Hope Cupit, and Dr. Mary Finley-Brook. Dana Wiggins, Joseph Jenkins, Delegate Betsy Carr, Dr. Peter deFur, and Mary Cromer were not in attendance. Council member attendance is also noted at the conclusion of this document. Also in attendance were Secretary of Natural Resources Matt Strickler, co-facilitator Dr. Kristina Weaver and project manager Kelly Altizer (both with IEN), and members of the public.

Dr. Weaver reviewed the agenda for the day and the approach to signing up for the two public comment periods. The time available during each period would be divided by the number of people wishing to speak. A Council member requested that grassroots groups be given prioritization in the public comment period, and Dr. Weaver asked that commenters add their affiliation on the sign-up sheet for that purpose. Ms. Denckla Cobb noted that the meeting was being recorded by the Chesapeake Climate Action Network and requested that the link to the recording be shared with absent Council members.

Dr. Phoenix, ACEJ Chair, reviewed the requests and guidelines created by the group at their first two meetings. Those requests were: to create space for those who have not shared, for members to stay on topic, and for the Council to hear from people directly affected by the issues the Council is working on. Additional requests included a desire for members to avoid giving long monologues, and a reminder that there are no wrong answers and that members should speak from their hearts.

Pipeline Subcommittee Report

The pipeline subcommittee report was presented by Dr. Finley-Brook. Other subcommittee members include Dr. Phoenix, Mr. Benevento, Dr. Ellerbrock, Ms. Cupit, and Dr. deFur. The report was based primarily on discussion from two subcommittee meetings, as well as site visits, public comments, and answers to 14 questions that Dr. Finley-Brook submitted to Dominion Energy. To the latter point, she noted the challenge of a lack of protocol with regard to engaging with industry representatives, and requested that the Council address that challenge in the afternoon discussion. The subcommittee's report also sought to address two claims in the Federal Energy Regulatory Commission (FERC) report on the compressor station that the subcommittee felt were erroneous, specifically that the FERC report assumed a high level of public participation and that there would be no disproportionate effect on the surrounding communities.

The subcommittee report addressed four areas of focus: water, cultural resources, air emissions and public health, and climate change and sea level rise. The primary concerns as identified by the subcommittee are recapped below.

Water

- There has not been a stream-by-stream analysis conducted up to this point in the ACP process. The subcommittee recommended that the review should be conducted to adequately understand site-specific needs before the ACP is constructed.
- Horizontal directional drilling under rivers creates opportunities for water contamination of drilling fluid returns. This could impact the water supplies of areas downstream, many of which are majority-minority communities.

Cultural Resources

- There is the potential for erasure of African American history through construction of the ACP's planned compressor station in Buckingham. In particular, several slave cemeteries could be impacted with several others not yet identified.
- There is a possibility of negative impact to the Great Dismal Swamp, an area of great historical significance where archaeology digs are ongoing.
- The subcommittee noted that there is also the potential for negative impacts to 138 pre-historic and historic sites within a mile of the planned route of the Mountain Valley Pipeline (MVP).
- There has been inadequate consultation with Virginia's impacted Native American tribes.

Air Emissions and Public Health

- The FERC report was based on county-wide population data, which does not accurately account for the number of residents who live in the localized "blast zone." The majority of residents in the most impacted area are African-American.

Because health data used to set permitted emission levels are based on averages, there is a concern that local communities will not be adequately protected by the potential adverse health effects of acute emissions and “blowdowns.”

Climate Change & Sea Level Rise

- There is a potential for pipelines in coastal areas to be damaged by hurricanes and other severe storms.

Based on these concerns, the subcommittee recommended:

- Rapid transition to renewable energy sources and a moratorium on construction of new gas infrastructure due to climate impacts, with recognition of environmental justice issues in eastern Virginia as a result of sea level rise and recurrent flooding.
- Utilization of rigorous scientific tools and techniques for water and air assessments (e.g., stream by stream analysis, air dispersion models, Quantitative Risk Assessment, etc.). Planning should take into consideration comprehensive and cumulative impacts.
- Improvements to project consultation, with greater attention to impacts for vulnerable and marginalized groups. Screen for and obtain historical designation for threatened African American and Native American cultural and historical sites along the pipeline routes (i.e., with National Registry of Historic Places, State Historic Preservation Office, etc.).
- Formation of an Emergency Task Force on Environmental Justice in Gas Infrastructure to assess evidence of disproportionate impacts for people of color and for low-income populations.

DEQ Presentation and Q&A: Buckingham Compressor Permit

Following the report from the subcommittee, Mike Dowd, Director of Air & Renewable Energy Division with the Virginia Department of Environmental Quality (DEQ), presented on the permit for the planned compressor station in Buckingham.

Mr. Dowd reviewed that an air permit is, in essence, a legal document that allows the release of air pollutants in compliance with applicable air pollution control regulations. Facilities are designated under “major” or “minor” air permits, based on their potential to emit air pollutants. The Buckingham compressor station (BCS) is a “minor” permit. All air permits require state-of-the-art pollution controls known as Best Available Control Technology (BACT), assurance that the facility will not cause any violation of health-based air quality standards, and public participation for permits of public interest.

DEQ is evaluating BACT at the Buckingham compressor station in relation to turbines, leaks, and venting events (including blowdowns). The BACT will be proposed by DEQ as part of the draft permit, and cannot be finalized until after the public comment period. Mr. Dowd asserted that the BCS will be among the most, if not the most, stringently regulated compressor stations in the country. After the BACT are proposed by DEQ, the agency will use those limits to conduct

air modeling with the worst-case scenario for each pollutant to ensure that emissions from the compressor station will not cause a violation of the National Ambient Air Quality Standards (NAAQs), or of state air toxics standards.

Once the draft permit is released, a minimum 45-day public comment period will follow. Comments can be accepted electronically or by mail, and a public hearing will be held in Buckingham during the latter portion of the comment period. DEQ will refer the permit to the Air Control Board if it receives 25 or more individual requests to do so. In conclusion, Mr. Dowd reiterated that the compressor station emissions would be stringently controlled, public health would be protected, and the community would be consulted in the permitting process. He encouraged those with questions to contact him.

Following Mr. Dowd's presentation, Ms. Denckla Cobb opened the floor to questions from ACEJ members. Questions are denoted in italics below, accompanied by Mr. Dowd's response. Questions and responses are recapped and paraphrased.

Have you been to Yogaville and the Buckingham community to do a tour and speak to residents? Now that you know that something illegal was done as far as leaving residents out of the analysis (e.g. using county averages), what are you going to do about it and how will you help prevent it?

Mr. Dowd shared that he had not yet been to the site but intended to visit in the afternoon when he departs from the ACEJ meeting. He had spoken to numerous people on the phone but did not know how many were residents of Buckingham County. He has an open-door policy and will listen to all concerns. Regarding the permit application, DEQ had no indication that the data in the permit were falsified. The air permit application will be publicly available and the community will be able to look at it during the public comment period.

Would you be willing to take a community representative with you on your tour this afternoon?
Mr. Dowd would like to arrange to visit the area for a tour in a few weeks, and would be happy for community members to join him then.

What's the difference between "major" and "minor" and why is the BCS considered minor?
Mr. Dowd clarified that it is considered "minor" because BCS will not emit more than 250 tons per year of any one pollutant. He added that DEQ is treating the permit very similarly to how it examines a major permit in terms of the science and public engagement, so he felt it is not a big distinction in this case.

There are two things that trouble me most about the presentation: 1. The standards in terms of the emissions might be based in averaging samples and not reflect local and time limited events – in general you underestimate exposure when you do not look at discrete events like a blowdown; 2. Rural areas in particular may not have adequate infrastructure to address any kind of event that may occur.

Mr. Dowd responded that DEQ is not a health expert; it regulates towards the standards that EPA has set. In relation to spiking events, that is where technology controls come into play. For example, blowdowns are anticipated and mitigated by technology controls that should eliminate over 95% of pollutants released in those events. Mr. Dowd said he could not predict what the ambient concentration would be from those events, but he was confident that the technology would dramatically reduce the pollution. Mr. Dowd further responded that if something goes wrong the DEQ then deals with complaints. The agency is not a first responder. He could not guarantee that there will not be accidents or events at the compressor station. He proposed that this issue is better dealt with at the local fire marshal level, for example. DEQ regulates and cannot make any guarantees about how the community will respond to potential events.

The chemical mercaptan is used to alert residents of pipeline leaks with its smell, but the MVP does not use this because it is considered too expensive to save a few lives, which implies that some lives are worth less than others. Can you comment on this?

Mr. Dowd was not able to speak as to whether the MVP does or does not use mercaptan.

Public Comment Relating to Subcommittee Report and DEQ Presentation

The following passages recap comments made by members of the public within the time allotted for each person to speak. This was the first of two public comment periods included in the agenda for the day:

Marie G is a resident of Union Hill Rd., where she has lived for 23 years. She is the first person who has been directly impacted by the compressor station. Her property is adjacent to where the trees have been taken down, which she didn't know was going to happen. She has always taken care of her land, and this has been stressful and very upsetting for her.

Ella Rose retired to Buckingham County 6 years ago seeking a peaceful, serene location. She is an active member of Friends of Buckingham and has been advocating against the proposed project ever since 2014. Her advocacy has been a full-time job. She does not believe she or the residents of Buckingham County have been heard. No one from the federal government has come to the community to speak to the residents. She is very concerned about the noise. Her property is 150 feet from the Dominion site.

Ruby Laury is a Buckingham resident opposed to the project because she feels it threatens her community and our democracy as a whole. Residents are being treated like criminals. She emphasized that Buckingham is an agricultural area and not for Dominion to come in and frack poisonous gas. The project jeopardizes the area's tourism.

Ann Loomis, with Dominion Energy, shared that it is her pleasure to have the opportunity to address the Council. She emphasized Dominion's role as a member of the community. Their employees are from the community. They care very much about the community and about

listening to the community members. Dominion will continue to meet with the community throughout the process, including for the purposes of emergency response preparation.

Chad Oba, with the Friends of Buckingham, shared that she believes the process is unfair to the residents of the county, and that they should have had at least a day to share their thoughts with the Council. She is a mental health provider and has witnessed and experienced the level of stress in the community. Gov. Northam promised he would come and speak with the community, and he has not done so. She believes the community has not been served at any point in the process, and that a person cannot continue to go through this kind of stress without it creating depression, anxiety, and foreboding. She asserted that the 98% prevention technology mentioned earlier in the meeting does not exist. She said the key word here is regulation – our pollution is being regulated; that does not say we are being protected.

Annie Carr is a lifetime resident of Buckingham County who lives on the farm where she was raised. She feels that no one is protecting the county residents. Timber was cut on her property that was taken by eminent domain. She asserted that the compressor station is not a done deal yet, and this group will continue to fight it and oppose its construction.

Heidi Dhivya is Secretary of Friends of Buckingham and project manager for baseline testing. She shared that they had starting wellwater testing that day at 30 sites across the country, supported by an expedited \$45k grant. They went to the local public health department asking for baseline testing and were pointed to the regional health department, which pointed them to DEQ, which said no. She believes that the system is broken. Why is industry allowed to pollute? They are not given permits to build; they are given permits to pollute. Two days ago she placed 16 step monitors into eight homes in the county to do air monitoring, noise monitoring, and health assessments. She believes that monitoring should be done by the government.

Pastor Paul Wilson with Union Grove Baptist Church observed that this group of people represents “ground zero,” however it is defined. They have been purposely left out of all the reports Dominion has submitted. The County was only in a position to say whatever Dominion wanted them to do. Dr. Finley-Brook’s presentation was excellent and summarized 90% or more of their concerns. Today was the first time in four years that a representative of Dominion came to their church. He believes that no entity has the right to threaten water, life, air. We have been safe here, and we are being threatened.

Dhyani _____ [missing his last name] lives at Yogaville, 1100 feet from the pipeline. He works for the Red Cross. Buckingham is on two major fault lines of seismic activity and in the last 365 days has had 19 earthquake activities. He said that the community is being asked to support having a pipeline where there is a foregone conclusion that a designation of rural area means they will not require thicker pipes, since it is coming down from the mountain. He pointed out that there have already been so many times Dominion has been charged with inappropriate activity in cleaning up. He said the pipeline will cross some of the most sensitive land for Native Americans and African Americans.

Swami Dayananda is a clergy member of Yogaville and has been working with Buckingham community members for the past four years. She shared that she is sad that federal law allows all of this potential harm, but she believes the state can make a difference. She asks that Governor Northam and Secretary Strickler please bring this to attention through a stream by stream study. The community deserves this. This is a human and civil rights issue. She said, "Air, water, land, our lives, our children. Think of your life. Would you not do everything that you can to prevent harm to your children? The people are rising up. We will not stop until justice is done."

Craig Stevens, from Pennsylvania, says he lives on the other end of this pipeline and has around six compression stations near his home. All six have gone "boom" within a year. He said he sat and watched first responders sit around for more than five hours because they did not know what to do. They have 10 blow offs a year at every station. When this happens, pollution goes in the air and lays in the valley. He has oxygen bottles in the house, which he must use to leave the home because he cannot live in his house during periods of acute emissions. This is all due to compression stations, pipelines, contaminated wells. He has been diagnosed with three types of cancer, as have 13 others in his community this year.

Ray Kemble, from Pennsylvania, shared how he and his neighbors have been negatively impacted by the pipeline near them. He says that it is ridiculous that Dominion wants to put a 42-inch pipeline under the James River. He urges that community members should make Dominion prove that they are not using diesel in the drilling because it was found everywhere near the pipeline in Pennsylvania.

Jorge Aguilar, with Food & Water Watch, thanks the Council for the strong recommendations it is making to Virginia's government and echoes the sentiments of all community members. He asks that Secretary Strickler and the Governor take to heart the words of the community and use executive authority to insist on a stream by stream analysis and full environmental justice review. He believes that it does not make sense to move forward with this project, and that it is outrageous that we are soliciting community input after permits have already been approved.

Basil Gooden is a member of the Union Grove / Union Hill community and formerly Secretary of Agriculture and Forestry for the Commonwealth. He noted how much he admires, loves, and respects everyone in the community and how much he appreciates the comments made today. He is interested in economic development in rural areas and does not want to lose sight of that issue because many people are leaving the area. He has a beef cattle farm in Buckingham and a pipeline runs through it. He was asked to be here to promote economic development for the community, not to sell it out or feed misinformation. He asked that people please look at what goes on beyond this pipeline, whether it goes through or not. He wants to make sure that rural populations are maintained in Virginia.

At this point the first public comment period concluded, and Council members decided to reallocate the afternoon agenda to allow for more time to discuss the issues raised by community members.

Council Discussion of Subcommittee Recommendations

Ms. Denckla Cobb and Dr. Weaver opened the floor to Council members to suggest revisions and additions to the draft recommendations prepared by Dr. Finley-Brook (see above).

Council members requested that, in paragraph 3, language from Dr. Finley-Brook's earlier presentation be added to the recommendations to sufficiently emphasize concerns pertaining to well water. Consensus was achieved with a count of 10-0-0 (3 fingers/fully support – 2 fingers/some questions or concerns but can live with it – 1 finger/too many questions or concerns and cannot live with it). Members also expressed a need to re-order the categories of concerns as presented in the draft recommendations. Group members agreed that the order of the concerns in the document should be reversed.

After discussion of the section pertaining to violations of human rights of protestors, Council members decided to draft a preamble that would be inserted prior to the recommendations, which would provide a framework for the document. This preamble could include a brief orientation to Title 6 concerns, as well as reference to the Free, Prior, and Informed Consent (FPIC) standard. Ms. Harris, Dr. Phoenix, and Ms. Roach volunteered to work on drafting the preamble, and Mr. Robinson agreed to assist with the human rights language.

A Council member noted that it would be helpful to hear from Dominion if their representatives in attendance were willing to speak. No Council members objected, and seven minutes were allotted for discussion with Dominion representatives Ann Loomis, Molly Plautz, Richard Gangle, and Jeff Furr. Questions from Council members are denoted in italics, accompanied by the answers provided by the representatives.

What are the two most important things you have heard today where you would like to hear a different side to that story? What are we missing?

Dominion would like to offer comments on several pieces of technical information in Dr. Finley-Brook's presentation before the Council adopts recommendations. Dominion would like to offer other facts for consideration. For example, regarding the census data used in the FERC report, Dominion would like to clarify that the EPA determines the procedure for how they use census blocks for recommendations, and they are compelled to follow that procedure.

Is there a law that says you cannot consider other options for analyzing data?

Dominion must follow the law to be consistent with federal regulations.

Could you have gone beyond that federal requirement? For example, could you have noted that the data used were incomplete or misrepresentative of the impacted community?

Dominion followed the law, and we are not going to debate whether the federal law requirements are not adequate. If Dominion were to augment the analysis, it would introduce a burden on the federal agency. If every applicant were to augment every standard with their own data, it would introduce burdensome complications for FERC.

Does the environmental impact statement (EIS) give a clear picture of the proximity of human presence?

From a federal perspective, yes.

Can the location of the compressor station be moved?

Where it is being proposed is where it needs to be in order to intersect with the Transco. The FERC order, which is approved, is for the route and the current compressor station site. Dominion does not want to create any false expectation that the station would be moved. They explored who had property for sale that met the requirements. The location met the engineering and design requirements to be located where it is. By interconnecting with Transco, none of this gas will be exported.

Can the Council see information on the “more stringent pollution controls” the station will use?

That information will be released with the application and we would be happy to talk about that with the Council when it is public.

At this point, discussion with the Dominion representatives concluded and Council members proceeded with a working lunch.

Federal Tribal Recognition in the United States: Process, Challenges, and Significance

Ms. Denckla Cobb introduced Chief Stephen R. Adkins of Virginia’s Chickahominy Tribe to discuss the recent federal recognition of Chief Adkin’s tribe and others. Chief Adkins began with a brief history of the Chickahominy’s role in Virginia’s early history and a recounting of some of the strategies used by European colonizers and the United States government to subjugate tribal communities. The Chickahominy were among those that greeted the first European settlers in 1607. These immigrants were able to settle in Jamestown in part because of the goodwill of the local tribes. Later, Lord Delaware ordered the annihilation of a local tribal community, which led to the massacre of native residents. The Articles of Peace, or Treaty of Middle Plantation, signed in 1677 established the native tribes as sovereign subjects of the crown. The Chickahominy were dispatched to a reservation in King William Co. By 1750 they had returned to Chickahominy Ridge. The College of William & Mary did archaeological digs at the Chickahominy River and found small bone fragments that analysis indicates are from 600

AD. In 1924 Virginia's Racial Integrity Act was passed as a legal provision for subjugating all non-whites. Birth records were altered, and Native Americans were not permitted to marry whites. Virginia also began a practice of sending Native Americans on one-way tickets to schools in Oklahoma.

The Chickahominy began the federal recognition process after successfully gaining state recognition. The process required opening up all of tribal records to scrutiny in order to substantiate who they were, which was in itself an offensive experience. Ann Loomis (Dominion representative in attendance today) was then Chief of Staff for Governor Warner and was helpful to them in the process. HR984 accorded federal recognition to Chickahominy and five others. The oldest reservations in the US are in King William County. Now there are 573 federally recognized tribes. Federal recognition is a source of pride for the tribes.

Chief Adkins concluded his presentation, and opened the floor to questions from Council members (noted in italics below).

What is the top environmental issue in your community?

People waste too much and do not recycle. We use water like it is here forever. When we look at conservation and preservation, we need to look at ourselves. Too many throwaway items. We need to take environmental stewardship personally.

Have you been to Isle of Wight courthouse and seen the deeds at Newsome House? Can you commit to working with the black community towards advancing shared interests?

Chief Adkins Will talk offline with Ms. Harris about documents she mentioned and to gain more insight into her question.

Public Comment

Following Chief Adkins' presentation, the Council transitioned to the afternoon comment period.

Queen Zakia Shabazz wants the Council to request more oversight of state funded lead projects, and more funding for nonprofits like United Parents Against Lead and the Environmental Justice Collaborative (EJC). She was formerly a teacher in Richmond Public Schools and was let go for raising the alarm about the lead levels in her school building.

Laney Sullivan, with the Yogaville International Community, would like to suggest that the ACEJ recommend to the Governor to move the compressor station. To exist within 10 miles of any human being is unsafe and makes Union Hill the "sacrificial lamb." It is easier to stop things right now before construction has started. DEQ does not have the funds to do what they need to do. She would also like to suggest the Council establish a public liaison to gather and consolidate public comments so that comment periods are more effective and represent more people's concerns.

Sharon Ponton, with the Blue Ridge Environmental Defense League, feels that the system has failed this community and others along the pipeline. When Dominion talks about statistics and FERC policy, it ignores the people who are actually on the ground. Rules and regulations are set up in a way that means the community of Union Hill does not exist in the view of the data. When you see the frustration in the community, that is why.

Suzanne Keller is concerned about the regulations at play with the compressor station. Dominion abided by regulations of FERC and DEQ. Complying with regulations is not protective. She believes that Mr. Dowd will write the strictest permit ever. The strictest permit is not protective of the bodies of the people who live in Union Hill. She is supportive of Council's recommendations to the Governor.

Kiddest Gibre, from the University of Richmond, is working with Kendra Crawford from Virginia Interfaith Power & Light and has heard the grievances of multiple Buckingham County residents. She would like to encourage the Council to submit these urgent recommendations to the Governor to remedy the environmental concerns.

Lakshmi Fjord is concerned about the population data used in the Dominion application, and urges Dominion and the Council to consider the composition of the affected area. Consider relevant public health and industry data in the effected population, and not just the County. Recognize the factors that might amplify the issues. The FERC application does not reflect minority EJ populations based on the methodology described above.

Jeeva Abbate, with Yogaville Environmental Solutions, has been working on this issue for the last few years. He is a member of the Salish tribe from Montana. The conditions prevalent when the pipeline project was proposed are no longer timely. The US has been mired in a glut of gas. We now know that methane affects global warming. The lack of domestic need is the key condition that has changed for these pipelines. Adequate pipeline supply exists now and will through 2040. Dominion's submissions said Transco would be sufficient.

Jamshid Bakhtiari, with the Chesapeake Climate Action Network (CCAN), affirms Dr. Finley-Brook's recommendations. He wants Gov. Northam to take action to remedy the harm. If the ACP is built it will contribute to greenhouse gas emissions. Continuing to build this infrastructure chains us to a failed route of the past.

Council Discussion of Recommendations

Following the conclusion of the public comment period, Council members resumed discussion of the draft recommendations.

Concern was expressed about the methane recommendation and that the language used should be "no more gas infrastructure" since studies indicate the climate cannot bear any additional carbon infrastructure. Relatedly, domestic need should be documented in order to justify new projects, and there is no domestic need for this project for the foreseeable future.

Other members were opposed to including an outright rejection of new infrastructure within the recommendations as a matter of strategy, and suggested the Council emphasize prioritization of renewables instead. Some members were concerned that “prioritization” would make it too easy to justify that the project go forward. One member noted that the Governor’s office is not the ultimate decision-maker on many of these decisions, so it does not make sense to offer such a broad recommendation statement to the Governor.

One Council member observed that the recommendations all relate to the construction of the pipeline, and what is missing is the scenario in which the pipeline gets built. In that scenario, are we asking the residents to assume all of the risks with none of the benefits? What other recommendations to the Governor could remedy that? One member suggested the group focus its efforts on recommending prevention of construction; if the project does move forward, the Council might send a second letter to the Governor with recommendations pertaining to that scenario. Another member suggested that the ACEJ should recommend that if the pipeline is built Virginians should be hired to do the work, and a group member noted that that commitment already exists but there is a lack of enforcement to ensure it occurs.

The ACEJ then moved to a test for consensus on adding the following elements to the recommendations to the Governor:

1. Note decreasing domestic demand and substantiate with data, making the strongest argument possible that the project is not needed.
2. Recommend a moratorium on new natural gas development based on lack of domestic need.
3. If there is a change in demand, recommend prioritizing renewables over natural gas.

Weak consensus was achieved with a vote of 1-9-0.

One member noted that not all of the changes were recommendations – some were observations – and that more wordsmithing was needed. Changes suggested by group members include:

- Topic #2: Add a statement about rural wells and reservoirs.
- Reword recommendations 2 and 3 to direct them to the Governor. (i.e. “To encourage state agencies to...”)
- Specify the Buckingham community in the preamble and in the cultural resources section.
- Include elders, civic groups, and children in public outreach.
- Add language around “state and federal tribes” and that there are many native people not represented by those U.S. government recognized tribes. Ms. Roach will consider language that addresses that issue.
- Add “sacred” to “areas of cultural importance.”
- Add to the preamble why the situation at Union Hill is unjust (e.g. all risks, no benefits, historical EJ community). The recommendation would be that the Governor work with Dominion to rectify this situation.

Due to the limitations of communicating and editing a document as a group, Council members agreed to a test for consensus around provisional agreement during the meeting with the understanding that the final version would be distributed to and reviewed by the group. Group members achieved consensus around the revisions to the recommendations by a vote of 9-1-0.

Council Discussion of Method of Work, Next Meeting Topic/Dates

Dr. Phoenix reviewed the list of topics for discussion by the Council regarding how the group will operate. A member raised the issue of how to proceed in instances when an external group (such as Dominion) would like to meet with Council members. Should the Council be approached as a group (only), or are individual meetings acceptable? Members expressed various points of view on the subject. Some felt that meetings between an external group and a small group of Council members were acceptable if the meeting was open to the public and there was a call-in option. Others noted that they often need to engage external groups in the course of their professional roles and suggested that individual meetings with external groups were acceptable as long as Council members emphasized that they do not speak for the Council. One member expressed strong concern that EJ groups historically have less power, that the Council should be open and transparent because the population served is vulnerable, and that therefore meetings with external parties should only be done as a group. A Council member suggested that until a protocol could be developed at a future meeting, all requests to meet with Council members should filtered through the Chair (Dr. Phoenix) and Vice-Chair (Ms. Roach). A formal test of consensus on this issue was not attempted.

Ms. Denckla Cobb then asked Council members to consider their preference for approaching their work: having a subcommittee work on a topic in advance of the meeting (and possibly preparing draft recommendations for the Council's review), or choosing a topic to focus on after hearing from members of the public in each location. A member suggested their approach could be a blend of those options, and that not all of the work needed to be completed during each meeting. It was noted that using the subcommittee as a vehicle for making progress between Council meetings does put a significant burden on a subcommittee chair to coordinate the process, and because of the limits to communication between members the subcommittee chair shoulders much of the load. It was recommended that subcommittees formally designate chairs who agree to assume this responsibility temporarily, that subcommittee meetings have a clear purpose, and that subcommittee and full Council members respond promptly to requests to review draft documents.

Group members agreed that meetings should be structured to include key stakeholders (all sides), technical expertise, and local impact, with full transparency via recordings and call-in options. There was also support for subcommittee members doing a pre-scan of the region before the meeting and connecting with stakeholders to encourage them to attend, with Council members from that region also using their networks to encourage participation. At the meeting members will hear from the public and then decide on what topics to investigate more deeply and potentially build recommendations around. Subcommittee members will then develop recommendations for consideration at the subsequent meeting where appropriate.

A Council member noted that there were issues outlined in their charge regarding recommendations to the Governor that impact the entire state. Does a regional approach serve that ultimate agenda? One option might be to consider the approach of Governor McAuliffe's Climate Commission, which convened a meeting in Richmond limited to considering broad statewide issues and then broke into subcommittee meetings that same day to look more closely at prioritized individual issues. Ms. Denckla Cobb added that the Council's charge is broad, and that broad statewide as well as regionally-specific issues could be included in the annual report to the Governor.

A request was made for the Council to have two days to meet in each location in order to maximize the amount of time available to hear from members of the public and local groups. Secretary Strickler shared that his office is continuing to pursue funding options but no sources have been secured to this point, which means funding is not available for an additional day of meeting time. Also due to lack of funding, his office will replace the Institute for Environmental Negotiation in providing staff support to the Council following this meeting. Some members noted prospective funders they work with who might be interested in supporting the Council, and the Secretary will explore whether those opportunities can be pursued. At the request of Council members, he also agreed to look into whether a central email address could be established for contacting the ACEJ, and whether there is a way for the group to edit documents collaboratively (e.g. google doc editing) without violating Open Government requirements.

Ms. Denckla Cobb reviewed that, at the ACEJ's March 28th meeting, the Council had chosen Southwest and Hampton Roads as priority regions for subsequent meetings following the present meeting in the Central region. A Council member called for a test for consensus on proposing visiting the Southwest region next. Consensus was achieved by a vote of 8-2-0. Subcommittee members for the Southwest meeting were identified as Dr. Phoenix, Rev. Harris, Ms. Harris, Dr. Ellerbrock, and Ms. Cromer (Ms. Cromer was absent at this meeting, so her nomination for participation in the subcommittee will need to be confirmed). Following identification of the subcommittee members, the meeting was adjourned.

Council Member Attendance

Present

Tom Benevento, New Community Project: *NGO, grassroots, Valley region*
Dr. Michelle Covi, Old Dominion University: *Academia, Tidewater region*
Hope Cupit, Southeast Rural Community Assistance Project: *Public health, Blue Ridge region*
Dr. Michael Ellerbrock, Virginia Tech: *Academia, Faith-based, Blue Ridge region*
Dr. Mary Finley-Brook, University of Richmond: *Academia, Piedmont region*
Angela Harris, Southeast CARE Coalition: *NGO, Grassroots, Tidewater region*
Rev. Faith Harris, Virginia Interfaith Power & Light: *NGO, Faith-based, Piedmont region*
Dr. Janet Phoenix, George Washington University: *Public health, Northern region*

Beth Roach, Nottaway Tribe, James River Association: *Tribal, Grassroots, Piedmont region*
Dawone Robinson, Natural Resources Defense Council: *NGO, Northern region*

Not present

Del. Betsy Carr, Virginia House of Representatives: *State government, Piedmont region*

Mary Cromer, Appalachian Citizens Law Center: *NGO, Grassroots, Southwest region*

Dr. Peter deFur, Environmental Stewards Consulting: *Large/small business/industry, Southwest region*

Joseph W. Jenkins, Surry County African American Heritage Society: *Civil Rights, Grassroots, Piedmont region*

Dana Wiggins, Virginia Poverty Law Center: *Civil Rights, Valley region*