



November 21, 2018

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Rita Davis
Counselor to the Governor of Virginia
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Sent Via Email

Dear Ms. Davis:

Re: FOIA Request, Records Related to Dismissal and Appointment of Members of the Air Pollution Control Board and the State Water Control Board

Board of Directors:

Dear Ms. Davis:

Bette Dzamba
Howard Evergreen
Katie Keller
Brian Lux
David Sellers
Deirdre Skogen
Jamie Trost
Ryan Wagener
Elizabeth Williams

In accordance with the Virginia Freedom of Information Act (FOIA), Code of Virginia § 2.2-3700 *et. seq.*, I request that you provide or make available all “public records” as described below. These records should cover the period between Governor Northam’s inauguration and the present date.

1. All records that describe discussions or deliberations within the Office of the Governor regarding the expiration of terms and the appointment or re-appointment of members of the Air Pollution Control Board or the State Water Control Board.
2. All records of discussions or deliberations about the same topics as described in 1. above, including or involving the Office of the Governor, the Department of Environmental Quality (DEQ), or persons employed by or acting on behalf of Dominion Energy or any other entity connected to the Atlantic Coast Pipeline or the Mountain Valley Pipeline.
3. All records of any communications between the Office of the Governor and any member of either of the two Boards named above, any prospective member of either Board, or any person selected by Governor Northam for service on either Board.

We recognize that records requested herein may be withheld under one or more exemptions provided by the FOIA. We request that you not withhold information in reliance on any exemption unless there are specific legal requirements that prohibit disclosure. For example, even if you believe an exemption is available under Va. Code § 2.2-3705.7.2. for Governor’s “working papers” we ask that you waive this exemption. As you know, important and controversial issues pertaining to state regulation of proposals or activities by Dominion and other entities related to the Atlantic Coast Pipeline and the Mountain Valley Pipeline are of utmost interest to many thousands of Virginians. Governor Northam has repeatedly promised that regulatory processes will be fully transparent and fair. Concealment of the information requested in this letter will not be consistent with those promises. Given the pivotal role Board members have played and will continue to play in these cases and valid public concerns about the timing of your actions on Board appointments, full disclosure is vital.

Rita Davis, Office of the Governor
November 21, 2018

In relation to all records requested herein, we ask that the Office of the Governor waive any fees for their production, because these records are sought to inform the public and serve general public interests. If you determine that it is not practically possible to provide or make available all requested records or determine whether they exist within five work-days from this request, please provide all records that are available in that period and supply or make available the additional records as soon as possible thereafter.

Thank you for your help. Please contact me by phone, at 434-964-7455 or david@wildvirginia.org, if I can provide clarifications or further information regarding this request.

Sincerely,
_____/s/_____
David Sligh
Conservation Director

cc: Clark Mercer, Office of the Governor
Misty Boos, Wild Virginia
Deirdre Skogen, Wild Virginia