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April 28, 2017

Governor Roy Cooper (via web form and US mail)
NC Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

Via email: Jeremy Tarr, Office of the Gov. Policy Advisor Environment, Energy, Transportation

Jenni Owen, Director of Policy, Office of the Governor

NC DEQ Secretary Michael Regan (via email and US mail)
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Via email: Tracy Davis, Director, DEQ Div. of Energy Mining and Land Resources

Lyn Hardison, DEQ EIS Coordinator; Sarah Rice, DEQ Environmental Justice Coordinator

Jay Zimmerman, Director, Div. of Water Resources

Linda Culpepper, Div. of Water Resources; Jennifer Burdette, Water Resources, 401 Unit

Dear Governor Cooper and Secretary Regan:

This letter is from 19 partner organizations in FrackFreeNC, a grassroots alliance working to prevent fracking and unneeded and dangerous gas infrastructure in North Carolina, in order to deepen the conversation about our still growing concerns about the Atlantic Coast Pipeline.

The Atlantic Coast Pipeline is Unneeded, Costly, Dangerous and Unjust for North Carolinians

We are writing on behalf of organizations deeply concerned about the impacts of the proposed Atlantic Coast Pipeline (ACP) on landowners, local governments, vulnerable Environmental

Justice Populations, and on the waters and economy of eastern NC. The owners of the proposed 600 mile gas pipeline—including affiliates of Dominion Power and Duke Energy-- have distributed materials and statements to the public as well as local and state officials in order to garner support for the proposed ACP that contain significant unsubstantiated and misleading information. We include below a summary of the major concerns we have articulated in official comments to the Federal Energy Regulatory Commission (FERC), as well as some concerns raised by the US EPA and DEQ staff in comments submitted to (FERC), and we also represent members of a number of impacted communities along the proposed pipeline route.

1. The ACP is not needed for residential and economic development needs and increases our climate vulnerability . FERC has carried out no regional analysis to assess either the need for, nor impact of, several planned major gas pipeline projects in the Southeastern US. Numerous studies, including a 2015 U.S. Department of Energy study and a FERC staff report the same year, conclude that there is sufficient capacity in existing pipelines to meet foreseeable energy requirements and that the nation, and especially our region, is headed toward a massive overbuilding of natural gas pipelines, far in excess of demand. Many industry observers acknowledge that the Transco pipeline, with some modifications, could accommodate their needs for any planned gas- fired electric generation. Importantly, our organizations oppose the utilities' transition to gas fired power production, as this approach would actually INCREASE climate impacts, with unburned methane from pipelines, compressor stations and power plants being over 80 times as powerful a greenhouse gas as carbon dioxide in the short term. Our organizations favor an all-out effort to maximize energy efficiency in combination with a conversion to renewable energy sources as the most cost-effective, job creating, socially just and least polluting approach to NC's energy future.

2. The ACP will actually increase costs for NC electric ratepayers. A detailed analysis by the Institute for Energy Economics and Financial Analysis shows that the overbuilding of gas pipelines now under way, and particularly the ACP, will be paid for by **ratepayers**, as they will be billed for cost of fuel delivery and pipelines construction through their planned rate recovery ($5.6B+ for the Atlantic Coast Pipeline) in addition to the profit that FERC approval would allow (**up to 15%**!). Further, ACP's statements that the pipeline will help "keep costs low" for ratepayers is based on assumptions of both 1) stable high production of natural gas in WV/PA and 2) stable low natural gas prices. In fact, the price of gas is expected by federal and private energy experts to rise in coming years and production is already dropping. That will further increase fuel costs for natural gas, while our region would be trapped in a long term commitment to gas. **The ACP is a very costly and dangerous investment for NC!**

3. Pipelines will be even LESS needed in the long term because renewables (wind and solar), are already the predominate source of new and increasingly cost-competitive generating

capacity being built in the nation. In 2015, the latest year for which figures are available, two-thirds of the new electrical generating capacity built in the United States was from wind and solar projects. Further, implementing energy efficiency measures has essentially flattened the demand for energy generation in recent years. Efficiency and renewable sources can reduce climate changing emissions and create far more jobs than gas extraction, pipelines or new power plants.

4. The ACP's claim of many new jobs that would be created by the ACP is a gross exaggeration. The builders of the ACP claim that the project "holds the promise of thousands of new jobs." Construction jobs would only be several hundred in NC--at least half of which would be filled by people from outside the state--and would only last for a few months to a year. In fact, the project is officially projected to create only 18 permanent jobs in NC! The indirect jobs that ACP proponents say would be created through new industries, could only happen in a few locations where there is enough investment to cover the cost of $500,000 to several $$ million to tap onto the ACP. The poorest counties would see no taps at all. The ACP would impact landowners and residents in many of the state's lowest income communities, with high minority populations, with NO new available gas supply and NO economic benefits to local populations. A study done of costs to VA local governments of hosting the ACP indicates that costs could exceed any local tax revenues from the pipeline by several $$million.

5. Low income and minority communities and landowners would be disproportionately impacted. The ACP proposed corridor passes through communities in 8 counties with higher poverty levels than the state as a whole. The counties through which the pipeline would pass also have significantly higher (51%) average minority populations (African American, Native American, especially) than other counties in the state (30.5%), as shown in calculations by the Research Triangle Institute. These two factors alone, in addition to the added pressure on our most vulnerable landowners to lease for the project, present major environmental justice impacts.

6. The pipeline would bring with it the risk of leakage, fire and explosions, and additional expenses to local governments, as well as possible impacts to groundwater and private wells. In the Draft Environmental Impact Statement, FERC dismisses concerns about pipeline safety by simply saying the builders will follow the safety rules of the Pipeline and Hazardous Materials Safety Administration (PHMSA, a federal agency). However, the agency's own data show that **pipelines built since 2010 have experienced a five-fold increase over the previous decade in significant incidents, rising even higher than for pipelines built prior to the 1940s!** During this 2010-2016 period, FERC has permitted a larger number of interstate pipelines and allowed profits of up to 14 or 15% for their owners, causing pipeline companies and utility affiliates to undertake a "rush to build."

7. Critical natural resources, unique to North Carolina, would be substantially impacted. Of the three states that the ACP would cross, NC has hundreds of tributary streams and critical wetlands, in addition to several major rivers. Most of NC's economically important commercial and tourism fisheries and all healthy aquatic life depend on the stability and cleanliness of these waters, and would be adversely impacted by sediment, compaction and contamination during construction of the many stream and wetland crossings required. FERC also acknowledges that construction activities can impact groundwater in the shallow aquifers in eastern NC, but fails to require common sense actions to prevent or compensate well owners for damage.

In summary, the ACP would not serve the public good of North Carolina. If the ACP receives approval from FERC, it would be granted the right of eminent domain to take private property for the project, designed by the ACP owners to be very profitable to them, without providing economic or other benefits to almost any of the communities it passes through.

When a proposed pipeline project 1) is not needed, 2) would result in negative economic impacts to landowners, communities and local governments, 3) would cause substantial Environmental Injustice impacts, and 4) would cause serious and permanent damage to the state's natural resources, it's clearly not in the best interests of North Carolina and its people!

We further note that comments from NC DEQ and USEPA on the Draft EIS also raised several significant concerns about the shortcomings in FERC's assessment of ACP impacts, including:

1) The substantial lack of information on vulnerable soils, steep slopes and other geologic hazards in the Draft Environmental Impact Statement on which to assess ACP impacts

2) Blasting and other impacts to residents during construction

3) Given that the highest number of wetland impacts would occur in NC section of the ACP, the lack of information about type and quality of wetlands indicates the inadequacy of the assessment. The impacts of a large number of hundreds of stream crossings, and several major river crossings are also inadequately characterized. Necessary spill and discharge prevention and monitoring requirements during stream crossing activities are lacking.

4) There is gravely inadequate assessment of potential groundwater impacts. The need for more protections and monitoring for wells at last 500 feet from the pipeline construction corridor, and incorporation of key Source Water Protection information for public water supplies near the proposed corridor.

5) Only direct impacts are analyzed in the DEIS, which fails to evaluate Indirect and secondary effects of the ACP project, including industrial, road and other development that could occur as a result of pipeline construction. The is no detailed cumulative impact analysis, either for stream crossings or for water withdrawals during project construction, or for impacts of upsteam operations to extract gas.

6) The DEIS shows inadequate planning to prevent release of any hazardous wastes generated during ACP construction.

We request that the Governor's staff, including the Energy and Environment Policy Advisor, the DEQ Secretary and appropriate staff meet with us at your earliest opportunity to discuss significant concerns as well as the ones raised in DEQ and EPA comments.

We believe that a commitment to Environmental Justice, to the economic well-being of ratepayers faced with the pipeline construction costs plus inevitably rising fuel costs, to safety for residents near the pipeline corridor and to the right of landowners and residents to use and enjoy their wells and property without facing eminent domain for a lucrative pipeline project should give our elected and agency officials considerable pause. The promised economic benefits of the ACP to the public are exaggerated to the point of fraud.

We ask that you take all available steps to protect North Carolina's people and natural resources, holding FERC and the ACP owners accountable, through individual 401 WQ certifications for each portion of the proposed project, critical review of Environmental Justice impacts, careful and critical permitting of the compressor station and other above ground facilities along the pipeline, and requiring additional protections from hazardous wastes and other potential groundwater contaminants, while bearing in mind the wider public interest and vulnerability to the impacts of the ACP project, designed principally for the private profit of the ACP owners.

Yours truly,

Hope Taylor, Executive Director. Clean Water for North Carolina (919-401-9600)

Christine Ellis, Deputy Director/River Advocate, Winyah Rivers Foundation

Karen Bearden, Coordinator, 350.org Triangle

Belinda Joyner, President, Concerned Citizens of Northampton County

Denise Lee, Coordinator, Pee Dee Water, Air, Land and Lives (WALL)

Martha Girolami and Sharon Garbutt, Chatham Research Group

Keely Wood, Co-Chair, EnvironmentaLEE

Kyle Dalton, Co-Chair, No Fracking in Stokes

Denise Bruce, GreenAction Coordinator, Sustainable Sandhills

June Blotnick, Executive Director, Clean Air Carolina

Joe McDonald, President, Save Our Sandhills

George Mathis, Executive Director, RiverGuardian Foundation

Elaine Chiosso, Executive Director and Haw RiverKeeper, Haw River Assembly

Amy Adams, NC Program Manager, Appalachian Voices

Larry Baldwin, Crystal Coast WaterKeeper, Exec. Director, Coastal Carolina Riverwatch

Marvin Winstead, President, Nash Stop the Pipeline

Avram Freidman, Executive Director, Canary Coalition

Lib Hutchby, Water Committee, Triangle Women's International League for Peace and Freedom

Bobby Jones, Coordinator, DownEast Coalition

Methane & Climate Impacts June 8, 2017 Martha Girolami

In order to keep global warming well below 2 degrees centigrade, as agreed by a majority of nations at last years year's Paris Climate Accord, our world must reduce Green House Gas emissions (GHG) to pre-industrial levels. We must leave fossil fuels in the ground. But Right now have peak emissions of carbon dioxide, methane and other GHG been reached?

Not at all! Carbon dioxide is now around 410 ppm. Methane emissions increased by 30% between 2002 and 2014 and still continues to rise. Based on satellite and ground observations, the United States is responsible for 30 to 60% of this recent upsurge in global methane concentration from fracking. These fracked gas emissions are from the oil and gas industry as identified by isotopic fingerprinting.

Natural gas is a greater threat to the climate than climate scientists and the IPCC originally thought. Now it is known that In a 20 year timeframe, methane has 86 times the potency of carbon dioxide to cause warming. And over a 100 year period its is 34 times stronger GHG than carbon dioxide. Methane has an immediate warming impact and then decays in less than 20 years.

Most methane emissions are inherent in gas technology and in equipment design and normal operating use. They are impossible or expensive to eliminate. The oil and gas industry has fought regulatory efforts to reduce emissions from leaks and losses. Every step of natural gas production to final use looses methane. Fracking releases gas at very high pressure and it is not immediately captured into piping. Large emissions come from gas storage tanks that continuously vent methane to reduce pressure. Compressor stations lose methane in engine exhaust and hundreds of vents and meters. Gas pipelines lose gas during maintenance and cleaning and ruptures. Storage wells can fail. Remember the recent Aliso Canyon Gas blow out. Over 112 days, 107 thousand tons of methane were released from the storage well.

Due to increasing methane concentrations in our atmosphere and methane potency as a GHG, climate responds quickly to methane. Dr. Robert Howarth of Cornell University says "if we reduce our methane emissions from fracking NOW, we will slow the rate of global warming....in fact, that is the only way to avoid irreversible harm to the climate." By stopping methane emissions now, this buys the world some time to build out renewables everywhere. We have to replace coal and aging nuclear with renewable energy and energy efficiency programs.

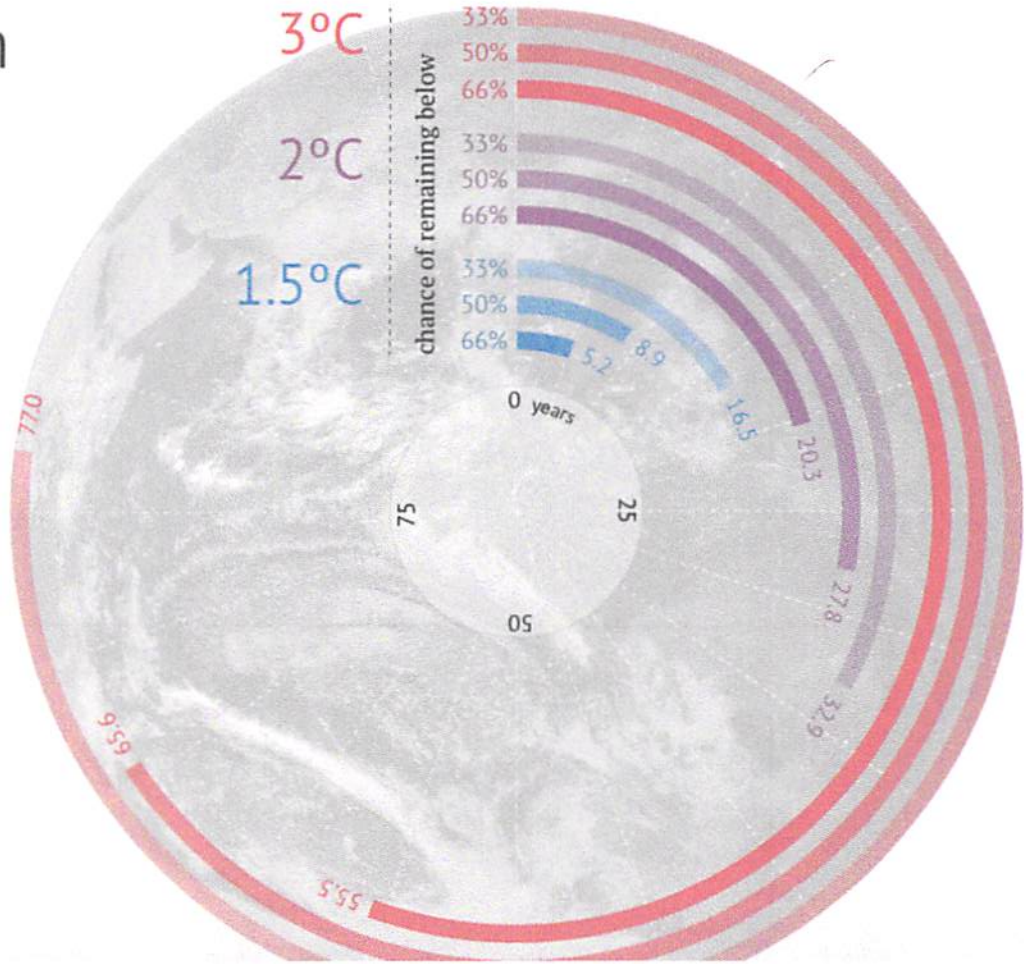
Additional fracking and natural gas infrastructure dependency and investment will lock in natural gas use for decades to come. A "gas and more gas " policy will prevent investment , construction, development and optimization of carbon free sustainable energies. It will enable and promote Duke Energy's plan to build 19 gas power plants in North Carolina. This cannot happen or We will have doomed the Paris Accord and our future.

If North Carolina signs on to "We Are Still In", this must mean "No ACP" in our State.

ROBERT MCSWEENEY
ROSAMUND PEARCE

Carbon Countdown

How many years of current emissions would use up the IPCC's carbon budgets for different levels of warming?



RESOLUTION TO SLOW THE CLIMATE CRISIS BY REDUCING METHANE EMISSIONS FROM THE FRACKED GAS AND POWER INDUSTRIES

WHEREAS, an unprecedented, three-year global heat wave,[1] ongoing sea level rise and increasingly intense weather extremes are already devastating communities, wildlife and property in North Carolina and around the world;[2]

WHEREAS, those least responsible for causing this crisis have been hurt first and worst, primarily low-wealth communities and people of color, and humanity is quickly running out of time to slow this enormous challenge before it accelerates under its own momentum beyond our control;

WHEREAS, methane is 80-100 times more potent than carbon dioxide at trapping Earth's heat,[3] and has become the driving force behind the rapid heating of the planet;[4]

WHEREAS, large amounts of natural gas – which is mostly methane – are being vented and leaked directly into the air from various gas equipment, with emissions measured at rates of up to 12% of the total gas produced by wells using fracking technology;[5]

WHEREAS, these emissions make burning natural gas for electricity at least three times worse for the climate than coal,[6] in addition to other health impacts and explosion risks;[7]

WHEREAS, the recent surge in methane emissions is largely due to the US fracking boom,[8] which is being driven by Duke Energy and other utilities' expanded use of gas to generate electricity;[9]

WHEREAS, most US gas and electricity corporations are fighting efforts to reduce methane emissions;[10]

WHEREAS, reducing methane emissions can be achieved quickly and cost-effectively while creating thousands of jobs;[11] and

WHEREAS, immediately reducing methane emissions from the US natural gas industry can slow global warming enough to allow time to replace fossil fuels with cheaper clean energy such as solar, wind and storage technologies;[12] now therefore be it

RESOLVED that North Carolina Governor Roy Cooper shall use his constitutionally-granted executive authority to ensure that:

- by December 31, 2018 no natural gas originating from fracking operations is used in or transported through North Carolina;
- by December 31, 2022 no other natural gas is used in or transported through North Carolina unless it can be verified that the methane emissions associated with its production, transportation, and end use are at most 0.5% of gas pumped from the well; and
- no new natural gas-fired power plants or pipelines are constructed in North Carolina, and all existing gas plants and pipelines are phased out expeditiously and replaced with clean, renewable energy.

March 2017

[1] NOAA and NASA reported that 2016 was the hottest year on record for the global average, the third consecutive record-setting year. "Earth sets heat record for third straight year," Associated Press, January 19, 2017.

[2] "Global warming's fingerprints seen in 24 weird weather cases," Associated Press, December 15, 2016.

[3] Intergovernmental Panel on Climate Change, *Climate Change 2013: The Physical Science Basis*, 2013.

[4] Dr. Robert Howarth from Cornell University stated at a December 13, 2016 press conference, "So the take-home message is that shale gas and shale oil development in the United States is having a demonstrable effect on atmospheric methane and that is causing the increased rate of global warming we're seeing."

Leading climatologist James Hansen has cited the "resurging growth" of atmospheric methane as a leading cause of the recent acceleration of global warming. James Hansen, et al., "Young People's Burden: Requirement of Negative CO_2 Emissions," *Earth System Dynamics*, October 4, 2016.

[5] Fracking for natural gas leads to an average of 5.8% of natural gas produced leaking into the atmosphere over the lifetime of the well. Dr. Robert W. Howarth, Cornell University, "A bridge to nowhere: methane emissions and the greenhouse gas footprint of natural gas," *Energy Science & Engineering*, May 2015.

However, methane emissions rates have been observed to be as high as 12% over the supply chain from well head to power plant. Howarth, "Methane emissions and climatic warming risk from hydraulic fracturing and shale gas development: implications for policy," *Energy and Emission Control Technologies*, October 2015.

[6] Howarth (footnote 5) says 5.8% of fracked gas is leaking but methane emissions exceeding a range of 1.1% to 1.9% of total natural gas production make natural gas worse than burning coal for electricity in terms of global warming. Dr. Drew T. Shindell, Duke University, "The social cost of atmospheric release," *Climatic Change*, May 2015.

[7] Fracking causes myriad negative impacts beyond climate change, including harm to air and water quality, risks of explosions, and increased earthquakes. People across the US are already being harmed by this dangerous practice. The natural gas industry is fighting regulation of methane emissions and drilling practices although this would also protect the safety of its workers and local communities. This is why, while reducing methane emissions is the most urgent and feasible measure, the total phase-out of fracking in favor of cheaper, clean energy is imperative.

[8] See reference to Dr. Howarth in #4 above.

Over two-thirds of all natural gas produced in the US now comes from wells that have been fracked (drilled using hydraulic fracturing). US Energy Information Administration, "Hydraulically fractured wells provide two-thirds of US natural gas production," May 5, 2016.

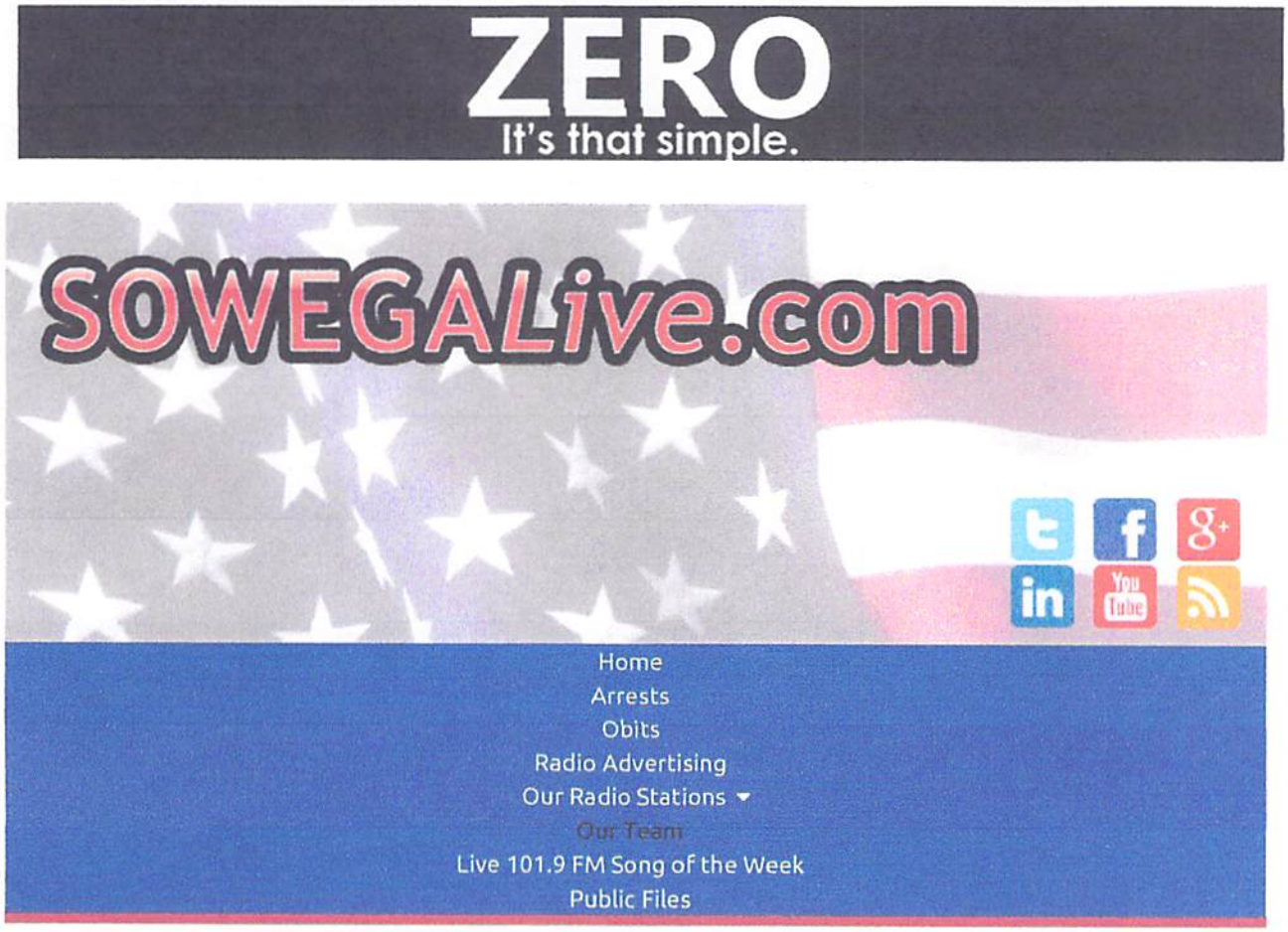
[9] The electric power industry accounted for 35% of US natural gas consumption in 2015. US Energy Information Administration, "Natural gas explained: Use of natural gas," October 18, 2016.

[10] "EPA methane leak rules take aim at climate change," *The New York Times*, May 12, 2016.

[11] A 2014 study prepared for the Environmental Defense Fund found that over 76 firms in the US – most of them small businesses – provide methane mitigation technologies and services. Datu Research, *The Emerging US Methane Mitigation Industry*, October 2014.

Another 2014 Environmental Defense Fund study found that a 40% reduction of onshore US methane emissions is achievable with existing technologies and techniques and would save the US economy and consumers $100 million per year. ICF International, *Economic Analysis of Methane Emission Reduction Opportunities in the US Onshore Oil and Natural Gas Industries*, March 2014.

[12] Cornell University's Dr. Howarth has repeatedly said that, "The climate responds very quickly to methane, so if we reduce our methane emissions from shale gas now, we will slow the rate of global warming, in fact, that is the only way to avoid irreversible harm to the climate." Dr. Robert W. Howarth, Cornell University, "Methane emissions: The greenhouse gas footprint of natural gas," September 2016.



S.W Georgia Farm Devastated From Pipeline Construction

By Kevin Dowdy | March 14, 2017 0 Comment

The 515 miles of the Sabal Trail Pipeline have not been without much controversy – from environmentalists, organized protests, social media campaigns, and has even resulted in a few isolated arrests. The pipeline construction nears completion in it's trek across Southwest Georgia, and the frenetic progress continues farther south into Florida, crossing over the invaluable Floridan Aquifer. The pipeline affects nine counties in Georgia, including Stewart, Webster, Lee, Dougherty, Mitchell, Colquitt, Lowndes and Brooks Counties.

There are many questions about the impact of this project on the environment, wetlands, and prized farmland in nine Georgia counties, including Stewart, Webster, Lee, Dougherty, Mitchell, Colquitt, Lowndes and Brooks Counties.









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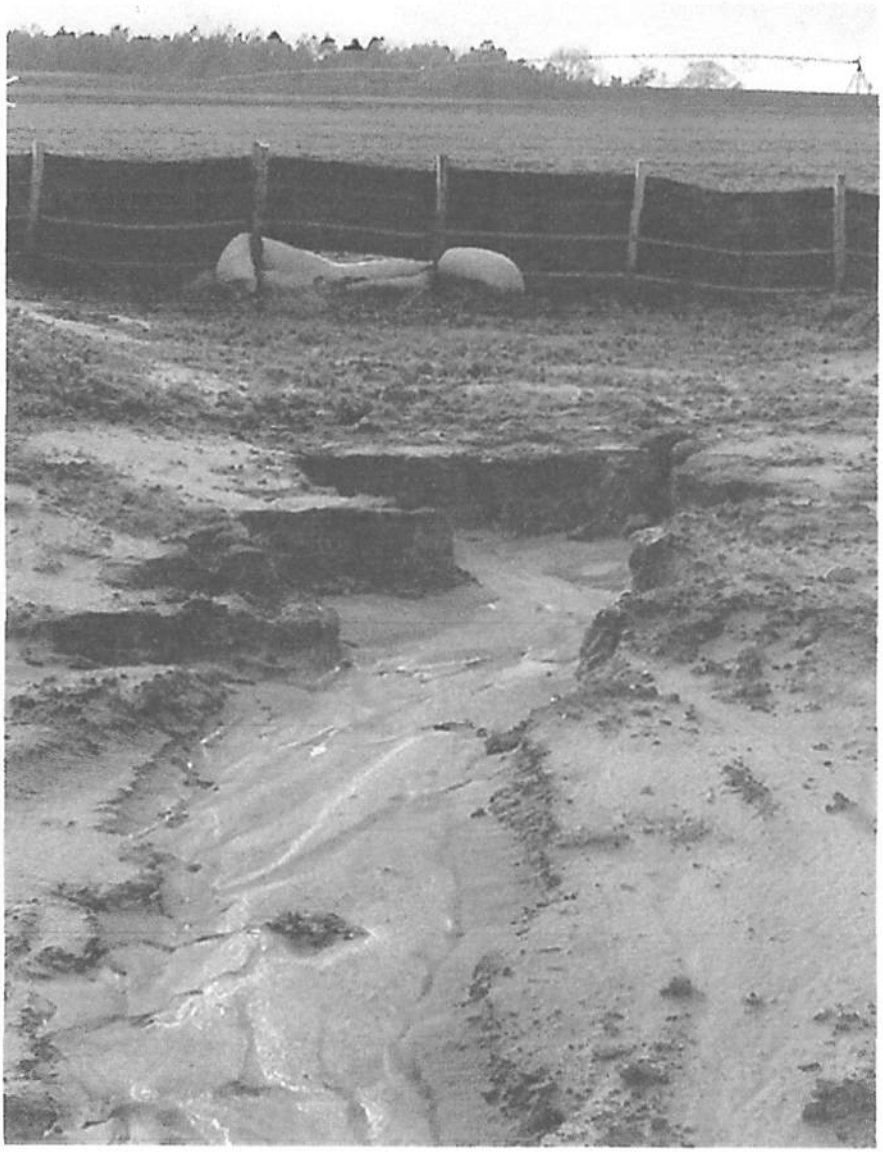

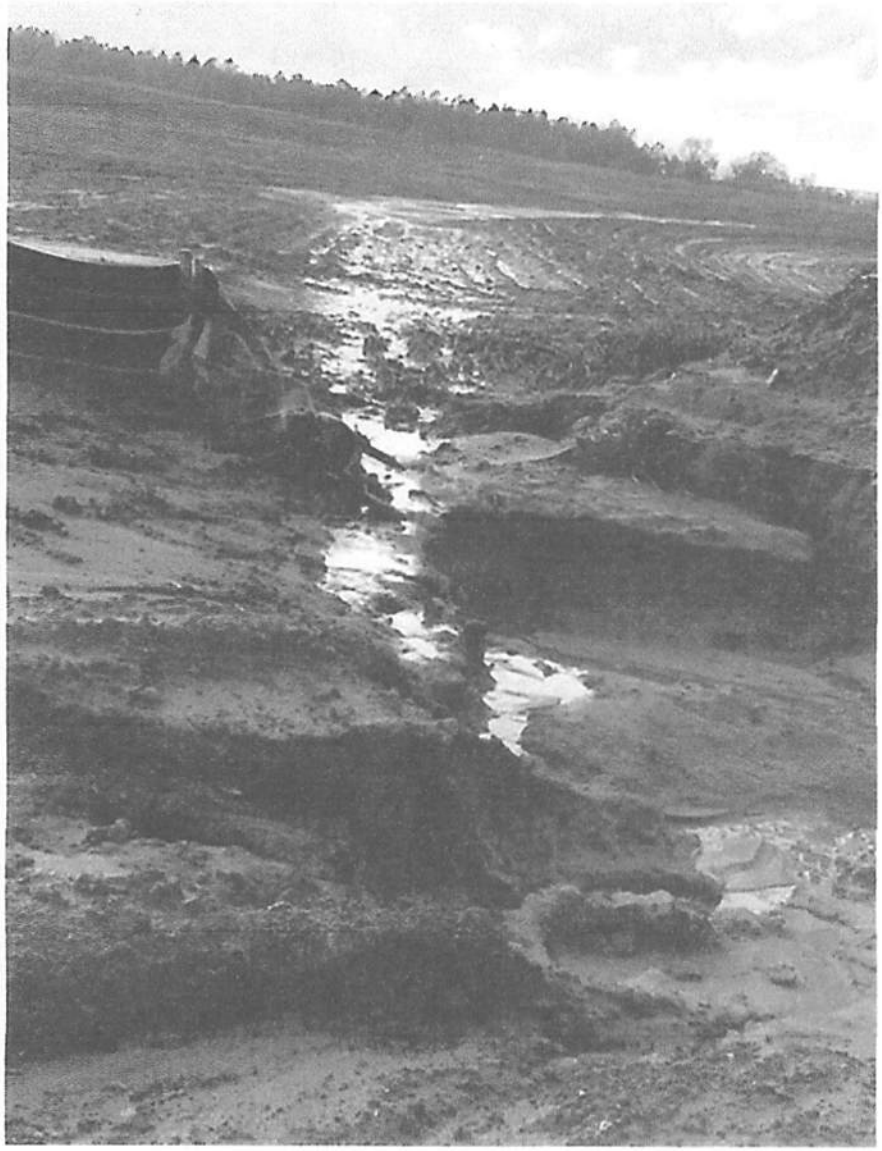

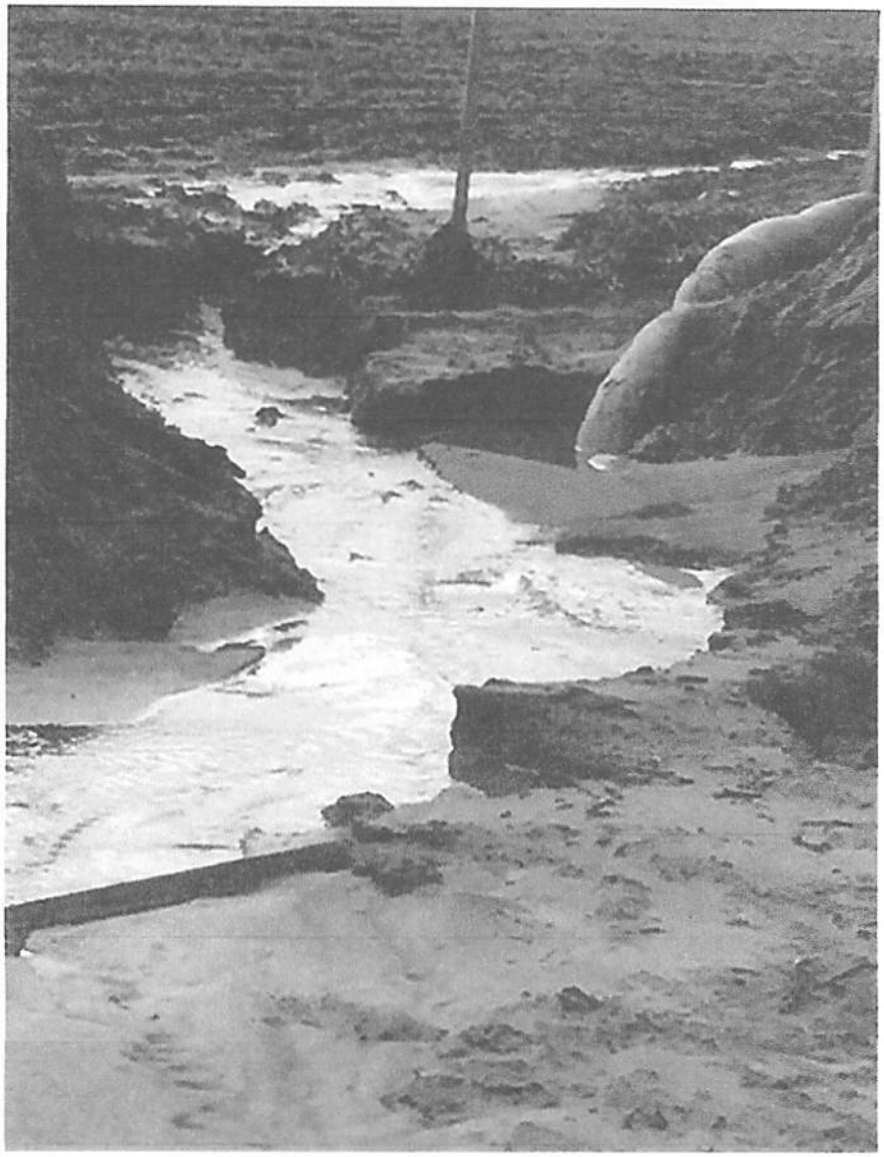

In late January, as the project was underway in Brooks County Georgia, heavy rains descended on the farm of Randy Dowdy, a world record holder and National Winner in Soybean and Corn production. Despite reassurances from Sabal Pipeline management (Sabal Trail Transmission) and binding right of way agreements, that all efforts would be utilized to protect and restore Dowdy's property to preconstruction status, those promises seem to have fallen very short of expectations. Dowdy's farm was left in what could be categorized as devastation, especially as it relates to farming potential.

Dowdy's farm sits on a particularly sloping hill, which has required a system of 12 terraces to minimize erosion, to protect the valuable topsoil that has produced world record and national award winning yields. "Those terraces are absolutely necessary to best management practices and stewardship of the land. I conveyed the terrace importance to the pipeline contractors and management repeatedly during the construction process" Dowdy stated.

As the terraces were breached, and in some cases, almost totally eliminated, the rains fell, and farmland and topsoil that had been vital in producing world record yields, washed into the lower wetlands and bottomlands of Dowdy's property.

"I am literally sick to my stomach when I look at my farm. The sad thing is that I think most, if not almost all, of the damage could have been prevented if the proper measures had been taken prior to the storm" Dowdy continued. "Instead of planting my farm this spring, we are buying and hauling topsoil (an estimated 1400 plus dump truck loads,) in an effort to begin the restoration process. The most disappointing thing is Sabal and their contractors were notified 5 to 6 weeks prior to this rain event, that erosion was already occurring. They did nothing to prevent further erosion or have redundancy should their erosion control measures fail, which they did fail, and quite miserably. "

It is an expensive and long restoration process, and according to many experts, could take decades.

Sabal representatives maintain that measures were in place that met Federal and State requirements regarding storm water, erosion, and sediment control plans that meet Best Management Practices and have warranted that each property will be restored to its previous condition and contours.

"Sabal and its contractors failed to install sufficient Best Management Practice measures. It's one thing to segregate topsoil in its removal but that is only effective when that topsoil is replaced properly during reconstruction. The project inspectors that should have been responsible for proper preventative measures to avert these problems and responsible for the restoration/reconstruction process are employees of the pipeline contractor, so whose best interest did they have in mind?" Dowdy asked.

Beyond the immediate and obvious damage to Dowdy's farm, there are many other unanswered questions as to the long term effects on the environment. The displacement of a foot to two feet of topsoil to the hardwood bottoms and wetlands will have long term effects on vegetation, trees, wildlife, and has been categorized as "pollution" according to the Clean Water Act of 1972.

The Environmental Protection Agency (EPA) is the Federal agency tasked with ensuring compliance, and in the State of Georgia, the Environmental Protection Division (EPD) is the state agency that is the State guardian of environmental compliance. The State of Georgia has a 400 page policy manual, called the Green Book, specifying minimum training and certification requirements for contractors and personnel that disturb ground more than one acre. Dowdy stated " I sincerely doubt that the personnel on my farm met those standards at all times that dirt was being moved. Evidence to the contrary tells me that if pipeline personnel knew what was required, then they failed to do what was legally and properly required, for whatever reason(s). In the meantime, I am tasked with the labor, stress, time, expense, hassles, heartache and frustration."

Which beg the following questions:

1. Is this an isolated incident, confined only to one farm and one landowner in Brooks Co Ga?
2. How attentive have State (EPD) and Federal (EPA) Agencies been to this three state project to insure compliance and to protect our fragile water supply and ecosystems?
3. Was this project given exemptions from State and Federal agencies that would ease requirements of the Clean Water Act of 1972 and the Green Book?

"I am sure I am not the only landowner left with a mess. The crews are gone, they got the pipeline done on my farm. I am a small farmer left holding the bag and the expenses. Expenses that could have been prevented, if Sabal had responded to numerous requests to repair the terraces and put the proper best management practices in place, 5-6 weeks prior when they were notified of already occurring erosion problems." Dowdy says.

Meanwhile, a S.W. Georgia farmer frantically works to get his farm restored while a large multi billion dollar corporation plods forward towards completion, leaving potential problems behind for some like Dowdy, and others that may be unsuspecting.

If the old proverb "A picture is worth a thousand words", the accompanying photo gallery will speak volumes, even to the casual environmental steward.