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6 RECORDED INTERVIEW
7 OF
8 BRIAN WRENN
9 Friday, October 4, 2019
10 2:40 p.m.
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12 In Re: NC DEQ Interviews
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1 A P P E A R A N C E

2

3 BRIAN WRENN

4 Interviewee

5

6 KEVIN GREENE

7 Eagle Intel Services LLC

8

9 THOMAS BEERS

10 Eagle Intel Services LLC

11

12 BILL LANE

13 North Carolina Department of Environmental Quality

14

15 DREW HARGROVE

16 North Carolina Department of Environmental Quality

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1 P R O C E E D I N G S

2 MR GREENE: All right. Today's date is
3 October 4, 2019. My name is Kevin Greene. Our company
4 Eagle Intel Services has been contracted by the North
5 Carolina General Assembly Subcommittee for the ACP to
6 gather facts and report those facts back to the
7 subcommittee.

8 We're here today to interview you and we're
9 going to record this interview. And I would like to
10 have each person present to state your name and to
11 acknowledge -- and your position and to acknowledge
12 that you understand it's been recorded. So I'll start
13 with Tom.

14 MR. BEERS: My name is Tom Beers. I'm an
15 investigator for Eagle Intel Services and I understand
16 this is being recorded today.

17 MR. LANE: I'm Bill Lane with DEQ. I
18 understand this is being recorded.

19 MR. WRENN: Brian Wrenn with Division of Water
20 Resources. And I understand this is being recorded.

21 MR. HARGROVE: Drew Hargrove with DEQ and I
22 understand this is being recorded.

23 MR GREENE: Thank you, gentlemen. And I
24 believe Mr. Lane, would you like to -- yes, add
25 something.

1 MR. LANE: Yes. Just a couple of things. By
2 agreement of the parties this interview will last no
3 longer than an hour and we're beginning at 2:43, so we
4 will be over no later than 03:43. And also, again by
5 agreement of the parties, the questions to be asked
6 will be related to Mr. Wrenn's official duties related
7 to the 401 Water Quality Certification for the Atlantic
8 Coast Pipeline, not his -- any other projects he has
9 worked on or anything with his personal life.
10 MR GREENE: Thank you. All right. We'll
11 start by first, you've already stated your name. Just
12 give us a brief history of your employment with DEQ?
13 MR. WRENN: I began working with Division of
14 Water Resources in 1997 in the Wilmington Regional
15 Office. I was animal waste facilities inspector. I
16 did some work with spray irrigation land application
17 compliance work. I have worked with -- on a detail
18 with the EPA, doing some rule making for CAFO Rules,
19 confined -- or Concentrated Animal Feeding Operations.
20 I've also worked with the 401 unit doing transportation
21 permitting. I did that for about 8 years. Four of
22 those I was the supervisor of the unit. I've done some
23 NPDES permitting with Virginia DEQ. And I --
24 MR GREENE: What is that?
25 MR. WRENN: Virginia -- NPDES? National

1 Pollutant Discharge Elimination System for dischargers
2 -- point source dischargers.
3 MR GREENE: Okay. Thank you.
4 MR. WRENN: And then for the last 3 years I've
5 been with the Water Sciences' Section in the ecosystems
6 branch. I'm the supervisor of that branch.
7 MR GREENE: Okay. Thank you. During
8 primarily 2017 and to 2018, I believe you were the
9 hearing officer. And can you give us a little bit
10 background as to how that came to be? How you were
11 chosen for that position and your duties as such?
12 MR. WRENN: Karen Higgins who was the
13 supervisor of the 401 unit at the time asked me if I
14 would be the hearing officer for this particular
15 project. I got involved with it probably late spring.
16 I think the -- of 2017, I guess, it was the -- I think
17 the hearings had already been scheduled at that time
18 and so I came in with -- started -- trying to get up to
19 speed on that in preparation for the hearings.
20 MR GREENE: Okay. What are the duties as a
21 hearing officer?
22 MR. WRENN: So as I understand it, my duties
23 were to preside over the public meetings that we had.
24 We had two of those, one in Rocky Mount and one in
25 Fayetteville. Is that right? Yes, Fayetteville. And

1 I was to accept comment during the period -- during the
2 public meeting. I
3 called people up. We had people who had provided a
4 summary of the project, then the permitting process. I
5 would take the comments -- any written comments that
6 people had, I would take those as well. Once the
7 hearings were over we collected all comments. I went
8 through those comments and we began looking at the
9 comments and the application that ACP had provided,
10 plus any additional information letters that have been
11 put out in the submissions in regards to those
12 information letters. And then developed a hearing
13 officer's report with recommendations for what should
14 happen as far as whether the 401 certification should
15 be issued and any conditions that need to be included
16 in that to address the public comments -- or issues
17 that had not been covered already.
18 MR GREENE: Okay. And how closely do you
19 worked with the individuals making the decisions on the
20 permit, whether it's approved or disapproved?
21 MR. WRENN: We're in pretty good
22 communication, because I rely on the documentation that
23 they're getting from the applicant and any additional
24 information that's supplied. I may have some technical
25 questions. Although, I have a good knowledge of the

1 401 certification process, there are some nuances that
2 maybe I don't understand completely. And so I was
3 working with them very closely from that standpoint.
4 As in regards to the hearing officer's report, they
5 helped me with some of the background information with
6 that regarding the sequence of events and number of
7 additional information letters and things like that.
8 But the hearing officer's report is largely my work.
9 MR GREENE: Okay. And who were you working
10 with during this time?
11 MR. WRENN: Karen Higgins and Jennifer
12 Burdette were the two main people that I worked with.
13 MR GREENE: Okay. And what were their
14 responsibilities or roles?
15 MR. WRENN: So Karen is the supervisor of 401
16 unit, so she is very involved with it. Jennifer
17 Burdette was the, what I would describe, as the project
18 manager. She was more of the technical expert on the
19 application itself. The additional information
20 letters, what was needed to have a complete application
21 -- that sort of things.
22 MR GREENE: And do you ever served in a role
23 as a hearing officer prior to that?
24 MR. WRENN: I think I've worked on three other
25 -- I've been hearing officer for three other particular

1 projects.
2 MR GREENE: Okay. Was -- that was prior to
3 the --
4 MR. WRENN: Prior to ACP.
5 MR GREENE: Okay. And were those projects of
6 the same magnitude or -- I don't know, how would you --
7 how would you rate the ACP project compared to others
8 you've worked on?
9 MR. WRENN: It depends on what criteria you
10 want to use. We had 9,600 public comments, so it's
11 very high profile from that standpoint. The project
12 itself is probably not outside the realm of any other
13 project that we go through with the public hearing, but
14 it just happened to have a lot more publicity with it.
15 MR GREENE: Okay. And what causes as a public
16 hearing to occur?
17 MR. WRENN: Now, it's usually requested by
18 parties who -- interested parties who may have some
19 concerns about the project, if it were to be permit --
20 I guess, depending on what you're talking about. If it
21 was -- in this particular case, if there were going to
22 be a certification issued they may have concerns about
23 the impacts of water quality or other things then they
24 may request a public hearing there. In this particular
25 case, we understood that this was going to be a high

1 profile case. It really did not fall under an
2 individual permit classification, but we chose to send
3 it through that to make sure that we were, I guess,
4 transparent with the process, with the public.
5 MR GREENE: Okay. And would you say those
6 people that have a voice -- who are we talking about?
7 What entities or --?
8 MR. WRENN: That could be anybody and I've
9 worked with some projects where interested parties --
10 third parties that may be part of a an NGO or some sort
11 of a --
12 MR GREENE: Right. But specifically with the
13 ACP, we're just going through (cross talk).
14 MR. WRENN: Well, there were too many to name.
15 There was --
16 MR GREENE: Okay.
17 MR. WRENN: Yes. I can throw some out, but it
18 would do disservice to all the others. I mean, there
19 was, like I said there was 9,600 comments on --
20 MR GREENE: Right. More than just individual
21 landowners, I mean, we go beyond that?
22 MR. WRENN: Individual landowners, there were
23 organizations, there were -- SELC was involved, some
24 other --
25 MR GREENE: What facility is that?

1 MR. WRENN: Southern Environmental Law Center.
2 MR GREENE: Okay. Any other large ones you
3 can think of organizations?
4 MR. WRENN: Blue Ridge Environmental Defense
5 League, I think, was involved. There was -- a lot of
6 the rep -- a lot of the groups had cross
7 representation, so there was different comment letters
8 from -- that came from multiple groups, so it's hard to
9 remember.
10 MR GREENE: Okay.
11 MR. WRENN: All of them so --.
12 MR GREENE: What were the primary objections?
13 MR. WRENN: Yes, it's in the hearing officer's
14 report. We tried to summarize that pretty well. A lot
15 of them had to do with things that were outside the
16 permitting process such as moving away from fossil
17 fuels. Some of them more related to economic -- felt
18 like the economic stimulation that was being forecasted
19 with this was inaccurate. There were some that felt
20 like the pipelines were dangerous for folks living in,
21 what they called the blast zone, and there were folks
22 who were concerned about water quality issues. There
23 was a wide range -- environmental justice was a big
24 one.
25 MR GREENE: Okay. All right. And you

1 mentioned -- I've got some notes here that were on the
2 server or on the DEQ website and under the staff files.
3 And these -- and so I just want to hand you those to
4 see if you could recognize those as being your notes.
5 MR. WRENN: It looks like the notes that I
6 submitted, yes.
7 MR GREENE: Okay. And let's start with -- I
8 guess, we'll just start with first page here where it -
9 - this public comment e-mail, "Decision by September
10 18, unless (phonetic) require more info". What would
11 that be in reference to?
12 MR. WRENN: The public comment e-mail boxes we
13 set up a special e-mail account for people to submit
14 their public comments through electronically. I assume
15 and that was a trigger for me to go back and make sure
16 I had gone through all the comments that we had
17 received electronically.
18 MR GREENE: 9,600 or so -- you say 9,600?
19 MR. WRENN: Roughly yes.
20 MR GREENE: Wow.
21 MR. WRENN: "Decision by September 18th", I
22 think that was based off of the end of the comment
23 period. I think the comment period ended roughly
24 August 18th, so 30 days -- we have 30 days after that
25 to get a permit out unless we get more info -- we had

1 additional information that we needed. It's not
2 considered a complete application until we have all the
3 information we need. So, if we asked for additional
4 information based off of questions we have in the
5 application then it starts the clock over.
6 MR GREENE: Okay. And this one doesn't have a
7 date, but you mentioned Environmental Justice, I'm
8 assuming that's what "EJ" stands for?
9 MR. WRENN: That's correct.
10 MR GREENE: And, if you could just read your
11 notes there. And what do those notes say so for the
12 record?
13 MR. WRENN: Title is EJ, first note,
14 "Following department policy for EJ". Second note,
15 "Looking at water quality impacts through EJ
16 communities". Sub-note, "Not necessarily pipeline
17 impacts".
18 MR GREENE: And what did you mean by those
19 notes or comments? What are you talking about, further
20 explanation of those please.
21 MR. WRENN: There were lots of comments we had
22 received from commenters about environmental justice
23 issues, because this was impacting a lot of socio --
24 lot of socioeconomic communities -- communities where
25 they may have minorities in -- a higher percentage of

1 minority populations. The -- and I can't remember
2 exactly what this is regards to. But the first one is
3 for following department policy for EJ we have a Title
4 VI program that we follow in regards to evaluating
5 projects and permitting with respect to environmental
6 justice issues.
7 MR GREENE: Can you summarize that program?
8 MR. WRENN: I don't think I could do it
9 justice. I mean, that we -- it's on our website. It's
10 just a process where when we go through, as a agency we
11 go through looking at the environmental justice issues
12 that may arise through a permitting process. It's a
13 programmatic decision. It's not on a case by case
14 basis.
15 MR GREENE: Okay. Is it required for that
16 permit itself?
17 MR. WRENN: For this particular project?
18 MR GREENE: Yes.
19 MR. WRENN: No.
20 MR GREENE: Okay.
21 MR. WRENN: Then as part of that they were
22 looking at water quality impacts to EJ communities and
23 not necessarily pipeline impacts. Typically when you
24 do an EJ analysis you look at a wider scope than maybe
25 you look for the long, linear proj nature of this then

1 may have to look outside of that to --
2 MR GREENE: How so?
3 MR. WRENN: There may be -- and I'm getting
4 out of my expertise. There may be EJ communities that
5 are adjacent to those that extend outside the project
6 boundaries so they would have to go outside those
7 boundaries to look at the impacts to those communities.
8 MR GREENE: Okay. All right. And, if I can
9 get you to look at the -- lot of pages these notes.
10 And I'll let you kind of summarize, I believe, the date
11 it appears to be -- is that September?
12 MR. WRENN: September 1, 2017.
13 MR GREENE: And if you will just kind of
14 review those in this --
15 MR. WRENN: You want me to read them aloud?
16 Is that what you want?
17 MR GREENE: If you like, yes. If you don't
18 mind that will be great.
19 MR. WRENN: September 1, heading, "September
20 1, 2017 EJ issues for ACP." First note, "EJ is
21 procedural informational court decision, D.C. Circuit."
22 Next note, "Is application being reasoned in decision
23 as it evaluates or eval EJ".
24 MR. LANE: Do you need him to read this whole
25 page?

1 MR GREENE: No, you don't have to. Just go
2 ahead and familiarize yourself with it.
3 MR. WRENN: Okay.
4 MR GREENE: And you made reference to a court
5 decision, D.C. Circuit, do you recall what that was
6 concerning?
7 MR. WRENN: I do not recall. That was -- I
8 remember Jay Osborne was talking about some case law
9 regarding EJ issues.
10 MR GREENE: Okay. Did that have an impact on
11 what you were doing?
12 MR. WRENN: No. The process of the water
13 quality certification does not involve environmental
14 justice issues.
15 MR GREENE: Okay. All right. And in your
16 question here, we're going to consider EJ and then
17 there is a question mark. Who was that being addressed
18 to or was that being addressed to you? I guess -- I
19 mean, unfortunately, I don't know who was attending
20 this. But if you have a recall of who was attending
21 that would be wonderful.
22 MR. WRENN: That was more of a note to myself
23 in the sense that in reaction to some of the
24 conversation we have -- we had some coordination
25 meetings that kind of provide a status update of where

1 we were in our analysis. The one where, I think, some
2 of the Title VI and environmental justice subjects were
3 being discussed. That was more of a question to myself
4 to ask the group if that was something that we were
5 going to try to consider in this, because I felt like
6 it was outside the scope of the evaluation.
7 MR GREENE: Okay. And when you say group, who
8 would we be -- or who were you referring to?
9 MR. WRENN: As I mentioned Jay Osborne was
10 providing some case history on that and --
11 MR GREENE: And what's his position?
12 MR. WRENN: He is in the general counsel.
13 MR GREENE: Okay.
14 MR. WRENN: The DEQ's general counsel.
15 MR GREENE: Okay.
16 MR. WRENN: I don't recall everybody who was
17 there. Then Jay and -- just referenced to Jay and
18 Linda, I assume they were not there, but that would be
19 Jay Zimmerman and Linda Culpepper.
20 MR GREENE: Okay. And their positions at that
21 time?
22 MR. WRENN: I think Jay was still the Director
23 at that and Linda was the interim or the Deputy
24 Director of Division of Water Resources.
25 MR GREENE: And what reference was they made

1 in that note, I'm sorry?
2 MR. WRENN: In what does the note say or why
3 did I referenced them?
4 MR GREENE: Both.
5 MR. WRENN: I just made the note to remind
6 myself to speak to them about the EJ issue, if -- to
7 confirm that that was not something I was going to
8 evaluate the project on. So --
9 MR GREENE: Okay. And this particular meeting
10 of -- I think the date was September?
11 MR. WRENN: That's correct.
12 MR GREENE: Were those meetings held on a
13 regular basis?
14 MR. WRENN: That -- yes. I don't remember the
15 frequency.
16 MR GREENE: Okay. And who would normally
17 attend those meetings?
18 MR. WRENN: It would vary, but typically.
19 Sheila Holman (phonetic) was there. Either Jay or
20 Linda was typically at one of those meetings. Karen
21 (phonetic) and/or I would attend that. For EJ, I think
22 Sarah Rice (phonetic) at the time was the EJ
23 coordinator.
24 MR GREENE: Okay. And what is the EJ
25 coordinator's role?

1 MR. WRENN: Basically the programmatic manager
2 for the Title VI program.
3 MR GREENE: Okay. And I think there was -- I
4 think I've seen other references where you were
5 communicating with her regarding that. In fact, I
6 think it was a part of the HO report that you asked for
7 input on that, do you recall that.
8 MR. WRENN: I do.
9 MR GREENE: Okay. Was that -- is that
10 something that was always being -- not always, but
11 during the process until the end of the final written
12 project. Is that -- did you ever have a clear
13 understanding of what needed to be done regarding
14 environmental justice and how it was to be included?
15 MR. WRENN: In our -- in my hearing officer's
16 report is that what you're referring to?
17 MR GREENE: Yes sir.
18 MR. WRENN: I think shortly after this meeting
19 I was very clear that it was not something that we
20 needed to consider for our water quality certification
21 evaluation. That was -- they were just -- there was a
22 lot of comments that we got from the public and other
23 interested parties and we wanted to make sure that we
24 addressed those. These coordination meetings were a
25 broader than just the water quality certification.

1 They included there -- again, now when I think about it
2 there was some folks from air quality, because they
3 were getting in air quality permit and there were
4 sometimes some of the DEMLR (phonetic) folks had to --
5 we're calling in, because they had to get an erosion
6 control plan approved and everything like that. So it
7 was a broader coordination of how this was happening
8 outside of just the water quality certification.
9 MR GREENE: Okay. Thank you for the
10 explanation there. I'd like to address the ICA, ICI,
11 cumulative impacts portion and can you give us a
12 definition or understanding of what that entails?
13 MR. WRENN: Sure. Indirect and cumulative
14 impacts analysis that goes by as several different
15 monikers. But that's generally when you have a project
16 -- and this is more specific to publicly funded
17 projects or projects that may require a federal permit.
18 If you have a project there may be impacts associated
19 with that project that are not directly related to the
20 project itself. So what you have to do is consider --
21 I'll use an example of a building of road. If you
22 build a road and you provide access to areas that have
23 -- may not have had access in the past it may spur
24 development. And that development is spurred there may
25 be additional water quality impacts from additional

1 storm water or septic tanks, if it's out in a rural
2 area or there may be a more impervious surfaces and
3 detrimental effects there. Maybe this particular basin
4 it has a lot of the impacts already so you have to look
5 at the cumulative side of it. How much is going on
6 there, not just this particular project. And you have
7 to determine to the best of your ability what those
8 secondary and cumulative impacts might be.
9 MR GREENE: Sounds like predicting the future.
10 MR. WRENN: It very much is. It's a rough
11 science.
12 MR GREENE: It sounds like it. Was that an
13 issue? I mean, was that a driving part of the
14 permitting process to determine that?
15 MR. WRENN: It's a very big part of the
16 process. From the standpoint of, it is one of the
17 major points in which we evaluate a -- we evaluate an
18 application. The -- for this particular project,
19 because it is a pipeline that may provide a -- before
20 then untapped source of gas -- natural gas there may be
21 more development through industrial or commercial uses
22 that might impact through secondary impacts of water
23 quality. For the most part this project it's not like
24 you can just walk up to it and throw a tap on the
25 pipeline and start pulling gas off of it. So it's

1 limited to three main areas, those metering stations.
2 And so we focused our attention on those three main
3 areas -- those three metering stations to try to get a
4 determination of what the secondary and cumulative
5 impacts would be there.
6 MR GREENE: Okay. Was that the -- and you
7 phrased it quite well, the secondary and cumulative
8 impacts and all that. Was that something that was,
9 when you first got involved, was that an issue at the
10 forefront of the project when the application was
11 filed? And did it continue to gravitate were you're
12 getting answers from the applicant?
13 MR. WRENN: We were getting answers, but not
14 answers that were completely answering our questions
15 that we had asked and the information request we had
16 made to them. We weren't getting what we needed from
17 the applicant to feel comfortable about their analysis.
18 MR GREENE: Okay. So in the -- I think in
19 this case there were four, do you recall there were
20 four information requests?
21 MR. WRENN: Four or five something like that.
22 MR GREENE: Okay. Would that have been
23 something in the first set or two of these information
24 requests?
25 MR. WRENN: The very first information

1 requested that went out, I'm not sure what was in that
2 one, because that was -- I was just becoming on board
3 with that project. I know that multiple information
4 requests after that dealt with the information that we
5 needed with the secondary and cumulative impacts
6 analysis, but there was also other items that we were
7 still asking questions about that we needed information
8 for.
9 MR GREENE: Right. Okay. I think the last
10 request really focused on that, the cumulative impact.
11 Were you in communication with the applicants or is
12 that primarily Higgins and Burdette?
13 MR. WRENN: I was involved with some of that
14 as well.
15 MR GREENE: Okay. And who did you talk to or
16 meet with?
17 MR. WRENN: Our conversations were on the
18 phone. I don't remember the names that we talked to.
19 MR GREENE: Okay. But these were the
20 representatives for the partnership?
21 MR. WRENN: As my -- as I understand it they
22 were the consultants, then there may have been some ACP
23 employees, but mainly we were dealing with the
24 consultants who had done the analysis.
25 MR GREENE: Okay. Were they -- did they ever

1 become, I would say, frustrated about how long it was
2 taking?
3 MR. WRENN: I think that goes along with water
4 quality certification process. People are always --
5 want their permit tomorrow. So I don't remember any
6 outward frustrations.
7 MR GREENE: Okay. No expressed concerns about
8 it taking so long?
9 MR. WRENN: Not that I remember off the top of
10 my head, nothing that stands out to me.
11 MR GREENE: Okay. Do you want to start with
12 these?
13 MR. BEERS: Yes. Coming back to this
14 information request, I'm going to give you a copy of
15 the -- this is I think the final hearing officer's
16 report that was submitted on January 22, 2018. And the
17 second -- is that look like what that is?
18 MR. WRENN: Uh-huh.
19 MR. BEERS: On the second page of that there
20 is a -- it looks like a schedule that -- I guess, you
21 put that in? Did you prepare that schedule for the
22 dates of?
23 MR. WRENN: I did not prepare this schedule.
24 This was prepared by Jennifer and Karen. As I've said
25 earlier, they did the background part of this to assist

1 me with summarizing the project in the chronological
2 history of some of the --
3 MR. BEERS: Okay. So they prepared a lot of
4 the bulk of that schedule as their work?
5 MR. WRENN: Uh-huh.
6 MR. BEERS: As part of that. Okay. And then
7 I also have -- these were -- this is a document, it's
8 in the notes of Karen Higgins from the DEQ website
9 public document. And it's kind of a -- the bottom left
10 is date 11/20/17 and that looks like somewhat of a
11 schedule based on some information request and it looks
12 like a projected schedule of when the permitting
13 process would occur.
14 MR. WRENN: Uh-huh.
15 MR. BEERS: So going back to the second page
16 of your hearing officer's report, we're going to just
17 kind of compares to its date. I just want to see if
18 you remember anything that may have occurred. And this
19 is November 15th, the last request of information was
20 received by you by the ACP. I'm just going to point
21 you to a document in here. November 15th and it looks
22 like these were all numbered to associate with a
23 additional information.
24 MR. WRENN: Correct.
25 MR. BEERS: It looks like that you're familiar

1 with how this is done?
2 MR. WRENN: Uh-huh.
3 MR. BEERS: So November 15th, it looks like
4 the last piece of information was received in that
5 request on the 15th.
6 MR. WRENN: Yes. It looks like it.
7 MR. BEERS: And then this indicates that this
8 was prepared on the 20th, so five days later. So based
9 on that do you recall that having received all the
10 information necessary to get the permit to prepare your
11 hearing officer's report or was there more information
12 that you were discussing at this time to send out
13 another additional request?
14 MR. WRENN: I'm not -- I'm not sure I
15 understand the significance of the 20th versus the
16 15th.
17 MR. BEERS: Okay. So this looks to me -- and
18 you can tell me, if I'm wrong. But October 26th
19 request for additional permission number three.
20 MR. WRENN: Right.
21 MR. BEERS: Then November 4th and November
22 15th, it looks like all of the information is being
23 submitted at this time --
24 MR. WRENN: Correct.
25 MR. BEERS: -- for the request on the 15th.

1 MR. WRENN: Okay.
2 MR. BEERS: So it looks like at this point in
3 time everything has been received. And then this, 5
4 days later, is a projected schedule of when the permit
5 would be issued. Do you recall around that time,
6 November 20th, of having discussions, "We have what we
7 need? We're going to get this permit in process to
8 going on."
9 MR. WRENN: Well, we always had those
10 discussions.
11 MR. BEERS: Okay.
12 MR. WRENN: So we were -- that was a pretty
13 continual, do we have everything we need? Is there
14 anything else we need to have, to make sure that we're
15 making an informed decision? The way that a lot of
16 this worked, we were trying to provide multiple avenues
17 for the permitee to provide information to us.
18 Sometimes it was e-mail, sometimes it was a hard copy,
19 sometimes we would take the e-mails and say -- and log
20 those in and, all right, once we get the hard copy,
21 we'll start looking in. Because there were some things
22 that they could give us quickly and other things that
23 they need to work on. So we -- I don't remember the
24 details of why this was -- what the schedule was set up
25 on based off of this piece. And I just remember the,

1 how we came out with this one.
2 MR BEERS: I'll ask a more, I guess, a
3 straightforward question. Was there at any point,
4 including this date November 20th when you, Higgins,
5 Burdette said we have what we need we're going to get
6 this permit going?
7 MR. WRENN: No.
8 MR BEERS: And then someone for some reason
9 came in did and did a another request for information
10 that --
11 MR. WRENN: No.
12 MR BEERS: -- that you weren't prepared for?
13 MR. WRENN: No.
14 MR BEERS: Okay. All right.
15 MR. WRENN: So I do remember that during this
16 time we were working hard to get the information from
17 the applicant. We had spelled out very clearly the
18 things that we wanted. We had provided some examples
19 for them on how to do the -- and I think this was
20 related to the secondary and cumulative impacts
21 analysis. We had even provided some guidance that DOT
22 uses to develop their analyses, because they're both
23 long linear projects and with nodes to potential
24 development. And I would say at this point we were
25 pretty frustrated by what we were getting from the

1 applicants despite multiple phone calls and written
2 request kind of walking them through the process.
3 MR BEERS: Okay. Let me -- so let me put this
4 back. Whose decision is it to make a written request
5 conformation, additional information? Who would have
6 decided to do that?
7 MR. WRENN: It was multiple parties as far as
8 -- usually Jennifer, she was the project manager. Like
9 I said, she was the technical expert here. She had the
10 ability to request any of information she needed at
11 that time. There were things -- there was -- I'm
12 probably more familiar with secondary and cumulative
13 impacts analysis through my prior work with Department
14 of Transportation projects than maybe Karen or Jennifer
15 were at that time. So I provided probably more advice
16 on what we needed to have a good idea of what those
17 impacts were going to be than most hearing officers
18 would.
19 MR BEERS: Okay. Let's go back to this -- I
20 think at November 28th, I think the last request for
21 information went out November 28th.
22 MR. WRENN: November 28th, okay.
23 MR BEERS: And that was -- I've looked at
24 this, it looked like more of a cumulative impact
25 requests for information. Do you recall that to be the

1 case in that last form, I mean --?
2 MR. WRENN: To the best of my knowledge --
3 MR BEERS: Yes. To the best of your knowledge
4 here as we sit.
5 MR. WRENN: Yes.
6 MR BEERS: Was that your decision, Jennifer
7 and Higgins' decision or did someone else above them
8 would make this request to make this -- or was it done
9 from you discussing these facts?
10 MR. WRENN: We didn't discuss the details of
11 the application as far as what we have, what we need,
12 what we don't have with anyone other than ourselves.
13 It was Jennifer, Karen and myself evaluating the
14 application and looking at the data we have and
15 determine whether we had an adequate amount of
16 information to make a decision. We -- I would say that
17 we knew that this would be happening and so we tried to
18 be as diligent and as thorough as possible in this. So
19 --
20 MR BEERS: Right. So that was your decision.
21 It didn't come down from that there are some other
22 office and say, hey do this, you can sure (cross talk).
23 MR. WRENN: At no point I had any directives
24 from anyone other than Jennifer, Karen and myself.
25 MR BEERS: Okay. Let's just move on to --

1 MR. GREENE: Do you recall the time that you
2 were notified or told that any correspondence with the
3 applicant -- the secretary's office needed to be
4 briefly prior to some correspondence with them?
5 MR. WRENN: No, I don't recall anything.
6 MR BEERS: Okay. I'm going to move toward the
7 -- just toward the end of the timeframe of the ACP
8 permit process. This would be in early January 2018.
9 MR. WRENN: Okay.
10 MR BEERS: And we have some e-mails that we
11 got from the website. And it looks like -- you look at
12 some of these -- I want you look at some of these.
13 MR. WRENN: This?
14 MR BEERS: Yes. Look at these, was that 16 or
15 19644?
16 MR. GREENE: Yes, 19644.
17 MR. WRENN: Are these separate documents or
18 (cross talk).
19 MR BEERS: They are -- with him, they all have
20 multiple e-mails on it, because that's the way -- they
21 are kind of e-mail strings so, some are duplicates,
22 some are -- this is just more of the -- I don't know,
23 if they're all included with that. It's all part of
24 the same -- it's all part of that same exchange. So
25 it's -- tell me, if I'm wrong, but it looks like it's

1 in the process of Higgins and Burdette or you are
2 involved with reviewing your hearing officer's report
3 and you're getting ready to send it to or where would
4 you normally sent that do you know?
5 MR. WRENN: The -- because of the high profile
6 of this case I sent it to Karen and Jennifer to review
7 my report, make sure that my references -- technical
8 references and the things that I've put in there were
9 accurate. They have a much better grasp of the
10 statutes. We sent it to Jeff who had -- I think, in
11 that reference its Jeff Poupart (phonetic). He is
12 Karen's boss so he could see the report. The
13 secretary's office had requested to get a brief on that
14 prior to us sending it to Linda.
15 MR BEERS: Okay. So do you recall the
16 conversation with -- did you a have conversation with
17 Bridget Munger asking to get a copy of that report? Do
18 you recall a conversation or do you (cross talk)?
19 MR. WRENN: To get a copy of what report?
20 MR BEERS: That hearing officer's report?
21 MR. WRENN: Whether she had asked me?
22 MR BEERS: Yes. So it looks like -- well, let
23 me put that together.
24 MR. WRENN: May be I missed that.
25 MR BEERS: Yes. I'm going to (cross talk).

1 Is this is the one? If you recall who requested --
2 MR. WRENN: Oh, here I guess.
3 MR BEERS: Secretary's office officer to get a
4 copy?
5 MR. WRENN: I think that --
6 MR BEERS: Yes, this is the -- this is the --
7 MR. WRENN: It may have gone through
8 Bridgette. She was very involved with that -- the
9 whole hearing process, because it's a fairly high
10 profile case. She was the PIO officer at the time.
11 MR BEERS: So that wasn't unusual for her to
12 ask for copy that and ask -- did she ask that she was
13 taken it before it went to Linda Culpepper, do you
14 remember that conversation?
15 MR. WRENN: I don't know that -- I remember
16 that particular conversation that she was going to -- I
17 don't remember.
18 MR BEERS: Okay.
19 MR. WRENN: You're talking about 2 years ago so
20 MR BEERES: Right.
21 MR. WRENN: So I can't remember the specifics
22 of that conversation.
23 MR BEERS: What is the usual process for
24 review and approving the HO report? And then
25 submitting or approving the permit based on that.

1 Where does the chain of review usually fall?
2 MR. WRENN: The typical process goes through
3 whatever group is responsible for either the permit or
4 the certification. They would take a look at it to
5 make everything -- make sure everything is accurate.
6 Often the supervisor, depending on their level of
7 involvement with the project, would want to see that
8 particular report as well just for knowledge purposes.
9 And then I have had other situations where the director
10 has looked at the hearing officer's report prior to a -
11 - an official sign off on it. But I have not had a
12 situation where the director or the secretary has
13 requested it. But I've never worked on a project that
14 is this high profile either so.
15 MR BEERS: Okay. So just because haven't --
16 has haven't part of does it mean it wasn't
17 inappropriate for in this case, because it's a high
18 profile case --
19 MR. WRENN: I'm sure that there was a lot of
20 interest for them to see it, because of the profile of
21 it.
22 MR BEERS: Do you when -- from conversations
23 between yourself and Higgins and Burdette during that
24 timeframe before you were told to send it to
25 secretary's office when you thought the permit would

1 probably be issued, if that -- if it was sent up on
2 normal channels?
3 MR. WRENN: I don't -- we were working as hard
4 as we could to get it out the door, that's we saw from
5 the prior e-mails we were hoping for September.
6 MR BEERS: Right.
7 MR. WRENN: So, but because the -- because of
8 lack of information that we were getting from the
9 applicant we weren't able to do that. But I -- if
10 you're and maybe you can ask me a more direct question.
11 MR BEERS: How long does it usually take after
12 you submit the hearing officer's report to get the
13 permit?
14 MR. WRENN: Usually once you submit the
15 hearing officer's report to the division director for
16 signature, the decision is made fairly quickly after --
17 within a matter of days. Sometimes, if the director is
18 familiar with the project and it's pretty simple, it
19 can be issued right there. Sometimes it takes -- they
20 want to take some time to take a look at it and feel
21 comfortable with the recommendations.
22 MR BEERS: Okay. And in this case it went to
23 another level of review to secretary's office so --
24 MR. WRENN: They -- my understanding of that
25 review was just to be informed on what we're going to

1 do. But I don't know of --
2 MR BEERS: Do you remember having a meeting
3 with Secretary Regan (phonetic) about this -- the
4 hearing officer's report?
5 MR. WRENN: I do.
6 MR BEERS: Okay. What happened in that
7 meeting?
8 MR. WRENN: We just walked through the
9 application process. We walked through the things that
10 we evaluated during that process, provided our -- went
11 through the recommendations that I had made in hearing
12 officer's report to make sure they understand or
13 understood why we were requiring or recommending those.
14 And there may be some technical pieces that the
15 secretary maybe didn't understand quite as well so we
16 want to make sure that he understood that as well --
17 those pieces.
18 MR BEERS: Do you think he understood
19 everything after the meeting?
20 MR. WRENN: He didn't have any more questions,
21 so I can only assume he understood.
22 MR BEERS: Okay. Understood. Did he ask when
23 it was going to be issued?
24 MR. WRENN: I don't recall.
25 MR BEERS: Do you know when the permit was

1 actually issued?
2 MR. WRENN: I know the hearing officer's
3 report was signed in like 22nd of January. I can't
4 remember the exact date of the actual 401 when it was
5 signed.
6 MR BEERS: So that was on 26, so again like
7 you said, it's within days so --
8 MR. WRENN: That's a reasonable amount of
9 time.
10 MR BEERS: That's right once it's signed. Do
11 you know if why they were -- would have been a delay
12 from your meeting with the secretary, if he understood
13 it to -- us signing it till the 22nd -- just 10 days
14 after -- you remember the 12th --
15 MR. WRENN: Which area are you referring to?
16 MR BEERS: Oh you met with the secretary on
17 January 12th --
18 MR. WRENN: I don't remember the date that we
19 met.
20 MR BEERS: Well, there was a note that says
21 that. I believe Ms. Higgins' notes.
22 MR. GREENE: Yes. There is a -- (cross talk)
23 --
24 MR BEERS: Made a reference to that meeting.
25 MR. WRENN: Okay.

1 MR BEERS: So, if in fact it was the 12th you
2 signed the hearing officer's report on the 22nd do you
3 recall that's --?
4 MR. WRENN: I don't know why there was a delay
5 from there. We had -- so we had a draft. I know that
6 Karen was working on the 401 certification. I don't
7 recall if the 401 certification was completed at that
8 time. Typically you have a hearing officer report and
9 you have a certification and then you have a denial
10 letter. And you take all three of those pieces, I
11 don't know, if any of those were -- all of those were
12 completed at that time. I don't have any information
13 on why it took that long.
14 MR GREENE: Had you ever seen a denial letter
15 prior to ACP?
16 MR. WRENN: Through -- from a public here --
17 or public comment and public meeting standpoint?
18 MR GREENE: I'm assuming a draft.
19 MR. WRENN: Had I seen the actual draft for
20 this particular one?
21 MR GREENE: Yes.
22 MR. WRENN: I don't -- I think I saw a draft
23 of it, but I never really looked at it. It's -- it is
24 procedural we have been beat up in the past for -- if
25 we just bring a permit to be signed to the table people

1 have said that's pre-decisional, so we've started
2 bringing both so that we can say that we considered
3 both options.
4 MR GREENE: As you guys were the experts and
5 have the technical background to make that decision.
6 MR. WRENN: I'm sorry.
7 MR BEERS: So it's basically a formality so
8 that you --
9 MR. WRENN: It's form -- yes.
10 MR BEERS: You're not making decisions for the
11 director (cross talk)
12 MR. WRENN: I'm making a recommendation, but
13 the director can take my recommendation and throw it in
14 the trash and do whatever they want to do. So we
15 didn't want to -- we wanted to be transparent again, so
16 we brought both options.
17 MR BEERS: Okay. Do you recall any sense of
18 urgency prior to signing this hearing officer's report,
19 like, "Hey, we need to have this done by the next day"
20 or a rush to get this signed after it was -- after that
21 delay?
22 MR. WRENN: A sense of urgency from --
23 MR BEERS: Like a call and just like a late in
24 December or January saying, hey, we need to get this
25 report out by tomorrow. And you need to get it signed

1 and get it out. Do you remember any of that --
2 MR. WRENN: I don't remember anybody calling
3 me specifically to say that. I know that Karen and
4 Jennifer and I were interested in getting this out the
5 door before the holidays, but --
6 MR BEERS: Okay. That was --
7 MR. WRENN: -- we didn't want to have to come
8 back to it.
9 MR BEERS: But --
10 MR. WRENN: But I don't recall a specific call
11 from anybody other than between Karen, Jennifer and I
12 about schedule at any time.
13 MR GREENE: Okay. I think the e-mails refer
14 back to some Friday evening, some Sunday evenings,
15 exchanges regarding this and reviews of it on the 19th
16 and 21st before it went to -- does Wrenn e-mail Higgins
17 back with the final HO report that was on a Sunday
18 evening at 8:58?
19 MR. WRENN: What day?
20 MR GREENE: That was 21st of January. So this
21 is right before the 22nd.
22 MR. WRENN: Okay.
23 MR. WRENN: Yes. So you send it her that
24 night Sunday evening.
25 MR. WRENN: Yes.

1 MR GREENE: Is it common to work on Sundays?
2 MR. WRENN: No, it's not common, but I was --
3 like I said, we've been working on this for several
4 months. It's been a long process. We were ready to be
5 -- have the details. We had the application. We were
6 ready to have the document wrapped up and ready to go.
7 MR BEERS: Here is the e-mail on the Sunday
8 19th. It was to Brian -- from Karen to you and 19th.
9 This is Friday 9:26. It looks like you're working on
10 it for late Friday. Did anyone give you a deadline to
11 have it completed by that Monday?
12 MR. WRENN: No. We were just trying to get it
13 -- taken care of as quickly as possible.
14 MR BEERS: So I'd come back to January 29 at
15 9:26, where she is -- you're obviously working on it
16 getting it out --
17 MR. WRENN: January 19th --
18 MR. GREENE: 19th.
19 MR BEERS: 19th, excuse me, 19th.
20 MR. WRENN: Okay.
21 MR BEERS: So you worked at -- it looks like
22 you're working to get it out maybe for a Monday or
23 something -- I don't know, why Friday night at 9:26,
24 I'm not sure. But have you -- these were -- this is a
25 document that was submitted by the governor's office to

1 the public back in December. So it's an e-mail from
2 Ken Eudy (phonetic) from the governor's office where he
3 outlines, kind of schedule what's going to happen with
4 ACP.
5 MR. WRENN: Okay.
6 MR BEERS: You notice on the 19th DEQ staff
7 begins process of making 401. That e-mail went out a
8 day before on the 18th, did you recall any
9 conversations with anyone about we need to get this out
10 per the request of the governor's office?
11 MR. WRENN: Again, nobody -- we didn't have
12 any directives from anybody as far schedule.
13 MR BEERS: Okay.
14 MR. WRENN: We were trying to get it out from
15 our standpoint of it had been a long drawn out process.
16 We had always set goals.
17 MR BEERS: So you're not familiar with this?
18 MR. WRENN: I'm not familiar with that, no.
19 MR BEERS: Okay.
20 MR. WRENN: What was the date of the --
21 MR BEERS: Of the schedule?
22 MR. WRENN: No, the hearing officer's report -
23 - the last received information request?
24 MR BEERS: Last received.
25 MR. WRENN: Uh-huh, the hearing officer.

1 MR BEERS: That would have been the 18th
2 report.
3 MR. WRENN: So we were working close to having
4 a 30 --
5 MR BEERS: Right. You were working on that.
6 MR. WRENN: Yes. We had not -- yes, well we
7 weren't in the situation where we had a 30 day problem
8 there as --
9 MR BEERS: No -- your --
10 MR. WRENN: (cross talk) I just wanted to make
11 sure.
12 MR BEERES: I'm just wonder why the -- it
13 looks like there is rough -- for Friday night at 9:20
14 to get this out. It looks like there was some kind of
15 deadline --
16 MR. GREENE: Deadline.
17 MR. WRENN: Right.
18 MR BEERS: Some kind of a deadline imposed on
19 somebody at your office to get this out.
20 MR. WRENN: I don't recall anybody providing a
21 deadline to us regarding this. This was, again,
22 something we have been working on. We were -- we had a
23 -- we've been working to get the additional information
24 for quite a while. We finally got it. We wanted to
25 get it out the door. We were working towards that

1 effort.
2 MR GREENE: Okay. Anything?
3 MR. BEERS: No.
4 MR GREENE: I'll just -- did anyone ever
5 discuss with you the mitigation fund outside of the
6 DEQ? The mitigation fund -- the $57.8 million fund?
7 Were you aware that there was negotiations or separate
8 mitigation fund going on outside of DEQ?
9 MR. WRENN: I have no information on that. I
10 found out in the news that whenever the date broke.
11 MR GREENE: Right.
12 MR. BEERS: It was not something that you were
13 focused on as to how this can help with the impact --
14 the cumulative impact or anything like that?
15 MR. WRENN: No, I have no information about
16 the fund regarding -- like I said, other than when it -
17 - the day it came out I had no information there.
18 MR BEERS: Well, let's -- if you had known
19 about a fund that would provide mitigation fund for a
20 cumulative impacts, would that be something you would
21 consider in your report?
22 MR. WRENN: That's speculative.
23 MR BEERS: Well, it is speculative, but it was
24 -- if you had access to -- maybe would that -- if
25 that's information that would have been helpful in the

1 report in anyway? I mean, it is speculative --
2 MR. WRENN: Yes, that would be new territory.
3 We would have to sit down and talk about how that would
4 be incorporated into the process. I don't -- I can't
5 recall of any situation before where I've dealt with
6 that.
7 MR BEERS: Well, clearly you -- the applicant
8 didn't mention it to you.
9 MR. WRENN: Right.
10 MR BEERS: Right. So it was never brought up
11 to your attention?
12 MR. WRENN: Correct.
13 MR BEERS: Okay.
14 MR. GREENE: Okay. Well we're at our time
15 limit. So at 3:41 -- first of all, thank you for your
16 time. We're going to discontinue the interview and I
17 want to cut the recorders off.
18 MR. WRENN: Okay.
19
20
21
22
23
24
25

I, Brian L. Wrenn, have read the foregoing transcript of my interview on October 4, 2019, and hereby certify that the responses contained therein are true and accurate to the best of my knowledge.

Interviewee's Signature

Brian L. Wrenn

Interviewee's Printed Name

10/17/19

Date

State of North Carolina, County Wake

I, Janet T Mack, Notary Public

Do hereby certify that Brian L. Wrenn

Personally appeared before me this day and acknowledged

The due execution of the foregoing instrument.

Witness my hand and official seal, this 17th day of

October, 20 19

Janet T Mack, Notary Public

JANET T MACK
My Commission Expires
NOTARY
PUBLIC
May 7, 2020
WAKE COUNTY, NC

EXHIBIT

A

→ As applic.

9/1/17 EJ issues for ACP

- EJ is procedural/informational → court decision → DC circuit

- is applic being reasoned in decision as it eval. EJ
  - is it beyond the pale of reason
    ↳ may not be the best choice but a reasonable choice
  - in this case all alt. had >70% thru EJ comm. → may have had an impact if all but one were low EJ impacts
- is this w/i our authority

- are we going to consider EJ?
  " " " "

⟹ talk to Jay/Linda on EJ

- add info letter going out this week
- go thru normal process

- precedent for late intervention
  - broader issue than 401

- would we go forward with 401 if we intervene on EJ issues?

- HO recommend Design Stand. in Sens. Watersheds
- → monthly ride throughs

- public comment email box
- Decision by Sept. 18th unless req. more info. then ~~to~~ Oct. 19th

- emails sorted

- comm. period ends 8/18
- permit dec by 9/18

DTI - Pre Appl. activities

- WRC, FWS, Corps, DNR

- BREDL Blue Ridge Env. Defense League
  SELC
  Clean Water NC
  Sierra Club

- EJ

- following Dept. policy for EJ
- looking @ WQ impacts to EJ communities
  - not necessarily pipeline impacts

- Sarah Rice - Waste Mgmt EJ coord.
- Lumbee not speaking to Dominion or Dept.
  - potential Dakota pipeline Standoff

→ EIS pre appl. doc

- DEQ comments on EIS on ACP website

- Sept. 26th

→ EJ, P+N, Second. + Cumul.

→ call Sarah Rice

EXHIBIT

B

January 22, 2018

MEMORANDUM

To: Linda Culpepper
Interim Director, Division of Water Resources

From: Brian Wrenn, Ecosystems Branch Supervisor
Division of Water Resources, Water Sciences Section

Subject: Hearing Officer's Report and Recommendations
Atlantic Coast Pipeline, LLC
Individual 401 Water Quality Certification and Buffer Authorization Certificates
Northampton, Halifax, Nash, Wilson, Johnston, Sampson, Cumberland, and Robeson Counties

I served as the Hearing Officer for the subject Public Hearings held at the Fayetteville Technical Community College in Fayetteville, NC on July 18, 2017 and at the Nash Community College in Rocky Mount, NC on July 20, 2017. The public hearings were held under the authority of Title 15A NCAC 02H .0504. The purpose of these public hearings was to receive comment on the Division of Water Resources' 401 Water Quality Certification (401 WQC) and buffer authorization certificates application (Appendix A) submitted by Atlantic Coast Pipeline, LLC (ACP). A 401 WQC and buffer authorization certificates are needed to construct a natural gas pipeline through Northampton, Halifax, Nash, Wilson, Johnston, Sampson, Cumberland, and Robeson Counties.

In addition to listening to oral comments at the public hearings, I have reviewed all written comments received prior, during and after the public comment period. In preparation of this report, I have considered all of the public comments, the public record, discussions with Division of Water Resources (DWR) staff related to the rules, and their review of the applications for the project.

The report has been prepared using the following outline:

I. Site History / Background
II. July 18, 2017 Public Hearing Summary
III. July 20, 2017 Public Hearing Summary
IV. Comments
V. Recommendations
VI. Summary
VII. Appendices

I. History / Background

On May 9, 2017, Atlantic Coast Pipeline, LLC (ACP) submitted an application for a 401 WQC and buffer authorization certificates. ACP had previously applied to DWR on October 23, 2015. DWR requested additional information on November 18, 2015. The requested information was not provided, therefore DWR returned the application on August 31, 2016.

ACP is proposing to construct and operate an approximately 605-mile-long interstate natural gas transmission pipeline system including laterals through West Virginia, Virginia and North

Carolina. In North Carolina, ACP is proposing to construct one compressor station and install approximately 186 miles of transmission pipeline and appurtenances, including 3 metering and regulating stations, 11 valve sites and 4 pig launchers/receivers, through Northampton, Halifax, Nash, Wilson, Johnston, Sampson, Cumberland and Robeson Counties.

ACP is proposing over 300 crossings of streams and open waters, temporarily impacting over 35,000 linear feet and permanently impacting over 700 linear feet of stream. ACP is also proposing crossing wetlands, temporarily impacting over 450 acres and permanently impacting less than one acre of wetlands. ACP will impact protected riparian buffers within the Neuse and Tar-Pamlico River basins, impacting over 655,000 square feet of zone 1 and over 459,000 square feet of zone 2 protected riparian buffer.

DWR requested and received additional information several times throughout the application review process:

Date	Action
June 27, 2017	Req. for Add Info (1)
July 12, 2017	Add Info Received (1)
September 14, 2017	Req. for Add Info (2)
September 22, 2017	Add Info Received (2)
October 2, 2017	Add Info Received (2)
October 13, 2017	Add Info Received (2)
October 26, 2017	Req. for Add Info (3)
November 4, 2017	Add Info Received (3)
November 15, 2017	Add Info Received (3)
November 28, 2017	Req. for Add Info (4)
November 29, 2017	Add Info Received (4)
December 8, 2017	Add Info Received (4)
December 14, 2017	Req. Correction to (4)
December 20, 2017	Add Info Received (4)
January 17, 2018	Add Info Received
January 18, 2018	Add Info Received

Under the authority of Title 15A NCAC 02H .0504, DWR held a public comment period from June 16, 2017 until August 19, 2017 to accept public input on the application. The public comment period included two public hearings described below.

In accordance with Title 15A NCAC 02H .0503, notice of the public hearings and availability of the 401 WQC and riparian buffer authorization certificates application was published in The Fayetteville Observer, the News & Observer, the Rocky Mount Telegram, the Roanoke-Chowan News-Herald, the Robesonian and the Wilson Times on June 17, 2017, in the Daily Herald and the Sampson Independent on June 18, 2017, and posted online and sent by mail to the Water Quality Certification Mailing List on June 16, 2017 (Appendix B). A correction to the public notice to correct a typo in the pipe diameter was posted online on June 19, sent to the mailing list on June 20, and issued in the newspapers on June 21 and 22 (Appendix C).

The public comment period ended on August 19, 2017; however, since August 19th was a Saturday, DWR accepted comments through Monday, August 21.

II. July 18, 2017 Public Hearing

A public hearing was held July 18, 2017, at 6 p.m. at the Fayetteville Technical Community College in Fayetteville, NC. The public hearing was held under the authority of Title 15A NCAC 02H .0504. This was a public hearing to receive public comment for the DWR 401 WQC application (Appendix A) submitted by ACP in order to construct a natural gas pipeline through Northampton, Halifax, Nash, Wilson, Johnston, Sampson, Cumberland, and Robeson Counties.

One hundred thirty-nine people attended the July 18 public hearing, including eight staff members from the Department. A total of 131 individuals signed the attendance sign-in sheets at the registration table (Appendices D and E). The hearing officer provided opening remarks and Jennifer Burdette, DWR, presented background information on the 401 WQC process and the proposed application before the hearing was opened for public comment. Forty-four individuals registered in advance of the hearing to provide comments, and two additional individuals made comments for a total of 46 speakers. Speakers were given three minutes for initial presentations. Additional time was allowed for speakers after everyone that registered to speak was finished, which was used by three speakers. The list of speakers is included (Appendix E).

The public hearing transcript, including oral comments, is attached to this report (Appendix H). DWR also received approximately 9,600 written comments during the public comment period from local and state government agencies, individual citizens, and citizen groups (Appendix J). Approximately 8,220 comments were opposed to the project and approximately 1,370 were in favor. Some of the comments were written transcripts of the comments provided during the public hearings. A summary of the comments for both hearings and the comment period, along with detailed responses that have a direct impact on the certification decision making process are included in Sections IV and V below.

III. July 20, 2017 Public Hearing

A second public hearing was held July 20, 2017, at 6 p.m. at the Nash Community College in Rocky Mount, NC. The public hearing was held under the authority of Title 15A NCAC 02H .0504. This was a public hearing to receive public comment for the DWR 401 WQC application (Appendix A) submitted by ACP in order to construct a natural gas pipeline through Northampton, Halifax, Nash, Wilson, Johnston, Sampson, Cumberland, and Robeson Counties.

One hundred seventy-six people attended the July 20 public hearing, including eight staff members from the Department. A total of 168 individuals signed the attendance sign in sheets at the registration table (Appendices F and G). The Hearing Officer provided opening remarks and Jennifer Burdette, DWR, presented background information on the 401 WQC process and the proposed application before the hearing was opened for public comment. Sixty-five individuals registered in advance of the hearing to make comments. Speakers were

given three minutes for presentations and the hearing was held open an additional thirty minutes to allow all speakers that registered to speak. The list of speakers is included (Appendix G).

The public hearing transcript, including oral comments, is attached to this report (Appendix I). DWR also received approximately 9,600 written comments during the public comment period from local and state government agencies, citizens and citizen groups (Appendix J). Approximately 8,220 comments were opposed to the project and approximately 1,370 were in favor. Some of the comments were written transcripts of the comments provided during the public hearings. A summary of the comments for both hearings and the comment period, along with detailed responses that have a direct impact on the certification decision making process, are included in Sections IV and V below.

IV. General Comments

The following is a summary of the comments received during the July 18, 2017 and July 20, 2017 public hearings and emails and other written comments received by DWR during the public comment period. Comments received outside of the public comment period were made part of the public record. An overwhelming majority of the comments were in opposition to the pipeline for a variety of reasons.

- Many comments received expressed concerns about the continued use of fossil fuels, specifically fracked natural gas, and their negative impact on climate change. Many think NC and the US should be moving toward the use of renewable energy sources. Proponents of the project believe that natural gas is a "clean" fuel option to replace coal and other fossil fuels.

  These comments are outside of the evaluation criteria established in N.C. Administrative Codes for the 401 WQC and Buffer Authorization Certificates review and should be directed to the Federal Energy Regulatory Commission (FERC).

- Many comments received were skeptical of ACP's promotion of the project as a job creation opportunity and economic stimulator for local communities. Several pointed out that ACP's own job creation estimates are very low and that the economic benefits to local communities are vague. Proponents of the project reiterated that the pipeline would bring jobs and economic development to NC.

  These comments are outside of the evaluation criteria established in N.C. Administrative Codes for the 401 WQC and Buffer Authorization Certificates review and should be directed to the NC Department of Commerce.

- Many comments received expressed concerns about the cumulative impacts analysis provided by ACP. Many believe that the analysis did not contain sufficient detail to properly evaluate the cumulative impacts. Some comments indicated that the temporary impacts from the project should be considered in the cumulative impact analysis and that the sheer volume of temporary impacts should be calculated to equal some level of permanent impacts.

  Cumulative impacts are addressed in Section V below. Further comments should be directed to the U.S. Army Corps of Engineers (Corps).

- Many comments received questioned the purpose and need of the project. Many pointed to evidence that the growth of natural gas markets was estimated to be negligible and questioned the need to build such a large and expensive pipeline. Many noted that the market demand was generated through companies owned or affiliated with Duke and Dominion power companies and that the need was self-serving rather than one identified through public interest. Furthermore, several commenters stated that the purpose of economic benefit was misleading as ACP's own estimates predict little permanent job growth as a result of the project.

  These comments are outside of the evaluation criteria established in N.C. Administrative Codes for the 401 WQC and Buffer Authorization Certificates review and should be directed to FERC and the Corps.

- Many comments received expressed concerns about environmental justice issues associated with pipeline's construction and operation. Many believe that the pipeline will have a disproportionate impact on low-income and minority communities. Many commenters feel that ACP has not made significant efforts to coordinate with these communities or to consider other routes that would reduce the impacts on these communities. Specifically, several commenters mentioned ACP's lack of coordination with state-recognized tribes such as the Lumbee and Haliwa-Saponi. Furthermore, they do not believe ACP has adequately addressed potential impacts to cultural resources along the pipeline route.

  Environmental Justice is addressed in Section V below. Further comments should be directed to FERC.

- Several commenters expressed opposition to ACP's use of eminent domain to obtain right-of-way for the pipeline.

  These comments are outside of the evaluation criteria established in N.C. Administrative Codes for the 401 WQC and Buffer Authorization Certificates review and should be directed to the NC Attorney General's Office.

- Several commenters raised concerns about Duke Power's past record of non-compliance with environmental regulations and permits.

  Compliance Inspection recommendations are addressed in Section V below.

- Several commenters raised concerns about living within the "blast zone" of the pipeline and questioned ACP's liability response should an explosion occur. Others believe that the pipeline is a safe and efficient way to transport natural gas.

  These comments are outside of the evaluation criteria established in N.C. Administrative Codes for the 401 WQC and Buffer Authorization Certificates review and should be directed to FERC.

- Many comments received expressed concerns over ACP's potential impacts to water quality from erosion and sedimentation. Many commenters feel that ACP's erosion and sedimentation control plan is inadequate and lacks sufficient detail. Others believe that trenching through streams and wetlands will have a negative effect on stream stability and threaten wildlife. Concerns over blasting effects were also raised.

  Water Quality is addressed in Section V below.

- Many comments received expressed concerns over impacts to wildlife, specifically threatened and endangered species. Many felt that the construction activities could destroy critical habitat and primary nursery areas for a variety of terrestrial and aquatic species. Others felt that the extensive coordination process with the US Fish and Wildlife Service and NC Wildlife Resources Commission (NCWRC) has adequately addressed any potential impacts.

  Aquatic species are addressed in Section V below. Further comments should be directed to NCWRC.

- Many commenters believe that the 401 WQC application is incomplete. They pointed to the lack of erosion and sedimentation control plans and site-specific water body crossing details as evidence that necessary information was missing from the application. In contrast, some commenters believe that the ACP project has gone through an extensive regulatory review process.

  The Division requested additional information multiple times as detailed in Section I above.

- The overwhelming majority of comments received raised concerns over the degradation of ground and surface waters as a result of the construction and operation of the pipeline. Many commenters mentioned the large number of streams and wetlands that would be crossed by the pipeline and raised red flags regarding the large amount of temporary and permanent impacts. They connected these impacts with the degradation of downstream uses including drinking water supply, aquatic life, primary and secondary contact recreation, and fisheries. Furthermore, commenters spoke in detail of the loss of wetlands through temporary impacts. Many felt the temporal and permanent vegetation changes from temporary wetland impacts should be considered permanent wetland impacts. Finally, many comments were made regarding potential impacts to drinking water wells. A significant level of concern was present among the commenters about impacts to wells from construction activities (mainly blasting activities) and operation of the pipeline.

  Degradation is addressed in Section V below.

V. Certification Specific Comments and Recommendations

Based on the review of public comments, the application, the North Carolina General Statutes and Administrative Code, and discussions with DWR staff, I offer the following comments and recommendations on the criteria for issuance of a 401 WQC pursuant to 15A NCAC 02H .0506(b) and the issuance of Neuse and Tar-Pamlico River Basin Buffer Authorization Certificates pursuant to 15A NCAC 02B .0233 and 15A NCAC 02B .0259, respectively.

15A NCAC 02H .0506(b)

(1) Has no practical alternative under the criteria outlined in Paragraph (f) of this Rule. Paragraph (f) states: "A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration or density of the proposed activity and all alternative designs the basic project purpose cannot be

practically accomplished in a manner which would avoid or result in less adverse impact to surface waters or wetlands."

The project proposes to construct a pipeline to transport natural gas from West Virginia and Pennsylvania through Virginia and North Carolina. The North Carolina portion of the proposed route will be constructed through Northampton, Halifax, Nash, Wilson, Johnston, Sampson, Cumberland, and Robeson Counties. As part of the Federal Energy Regulatory Commission (FERC) National Environmental Policy Act (NEPA) analysis, ACP investigated several alternatives to meet the purpose and need of the project including no build, alternative energy, energy conservation, and system alternatives. Of these alternatives, FERC and ACP found that the build alternative best met the purpose and need of the project.

Next, ACP conducted an extensive alternatives analysis on potential route locations including collocation of the ACP with existing pipelines as well as Eastern and Western route alternatives. Ultimately, ACP chose the Eastern route as the best option based on the evaluation of a variety of criteria such as project length and human and natural resources. ACP continued to refine the Eastern alternative balancing a variety of human and natural environmental resources such as public lands, roads, conservation easements, forested lands, streams and wetlands, known historical and cultural resources, and homes and businesses. Development of the proposed pipeline route included the analysis of seventeen major route alternatives and thrity-seven minor adjustments in the North Carolina portion of the project in an effort to avoid and minimize impacts to these resources. This analysis included pre- and post-application communication with DWR and NC Wildlife Resources Commission (NCWRC) on avoidance and minimization opportunities. ACP has continued to refine the avoidance and minimization practices in response to additional information requests from DWR and through environmental commitments. A more detailed discussion of avoidance and minimization can be found below.

***Recommendation**: None. The applicant has sufficiently demonstrated that there is no practical alternative that can accomplish the project's basic purpose with less adverse impact to surface waters or wetlands.*

(2) Will minimize adverse impacts to the surface waters based on consideration of existing topography, vegetation, fish and wildlife resources, and hydrological conditions under the criteria outlined in Paragraph (g) of this Rule.
Paragraph (g) states: "Minimization of impacts may be demonstrated by showing that the surface waters or wetlands are able to continue to support the existing uses after project completion, or that the impacts are required due to:
(1) The spatial and dimensional requirements of the project; or
(2) The location of any existing structural or natural features that may dictate the placement or configuration of the proposed project; or
(3) The purpose of the project and how the purpose relates to placement, configuration or density.

The applicant has minimized impacts to surface waters and wetlands to the greatest extent practical. The permanent impacts will be 766 linear feet of streams and 0.80 acres of wetlands. The permanent impacts related to streams and wetlands will be a result of

upgrading and improving access roads constructed for installation and maintenance of the pipeline, not from the pipeline itself. All crossings of major rivers will be conducted using horizontal directional drilling (HDD) to avoid open trenching. The magnitude of the temporary impacts is very high but within reason considering the size and scope of the project. The applicant will use a narrower construction corridor when crossing wetlands and construction techniques such as timber matting, temporary work bridges, and clean rock over piping to minimize temporary impacts to streams and wetlands. Temporary impacts to streambanks and wetland areas will be restored to the original contours and revegetated with native plants. ACP will monitor any temporary impact areas in streams or wetlands to ensure there is no permanent loss at these locations. The monitoring plan includes monitoring for a minimum of two years for streams and three years for wetlands with stability, vegetation, and hydrology requirements. Upon successful completion of the restoration and monitoring activities, the stream and wetland impact areas will continue to support existing uses of hydrology, vegetation, and aquatic and wildlife habitat.

The applicant has committed to a number of best management practices to avoid and minimize impacts to streams and wetlands.

- *Demarcation of wetland boundaries with flagging and signs prior to start of construction*
- *Use of temporary work bridges, matting and pads to reduce the risk of soil compaction*
- *Trench backfilling using native material to prevent soil contamination and to accelerate revegetation*
- *Limiting operation of construction equipment in wetlands to only that necessary for clearing, excavation, pipe installation, backfilling, and restoration*
- *Installing trench breakers or plugs at the boundaries of wetlands to prevent draining of wetlands*
- *Pump-out activities in the work area will be routed through an energy dissipation/sediment filtration device prior to discharging to waterbodies*
- *Use of a project-specific invasive plant species management plan*
- *Stump removal, grading, and excavation will be limited to the area immediately over the trench line to maintain native seed and rootstock*
- *Coating for concrete-coated pipe will be conducted at least 100 feet from surface waters and springs*
- *Prohibiting use of live concrete as a building material so that wet concrete does not come in contact with surface waters*
- *Prohibiting storage of chemicals, fuels, hazardous materials, and lubricating oils within 100 feet of surface waters*
- *Voluntarily implementing the requirements of the Construction Stormwater General Permit No. NCG010000*
- *Use of horizontal directional drilling for all major river crossings*
- *Implementation of a Spill Prevention, Control, and Countermeasure plan and a Horizontal Directional Drill Drilling Fluid Monitoring, Operations, and Contingency plan*

ACP has completed formal consultation with US Fish and Wildlife Service (USFWS) on threatened and endangered species along the corridor. In an October 16, 2017 biological opinion, USFWS did not identify any threatened and endangered species or sensitive habitat in NC along the proposed corridor. ACP has also coordinated extensively with the NCWRC. This coordination began with the alternatives analysis and site-specific routing of the pipeline. ACP worked with NCWRC to avoid threatened and endangered species and sensitive habitats and to develop relocation protocols for fish and mussels. ACP conducted pre-construction surveys for fish and mussels in the Neuse River at the proposed crossing location. These surveys found that the mussel population was much more abundant and diverse than previously known. This survey and the continued coordination with NCWRC resulted in ACP's revised proposal to use HDD at the Neuse River instead of open trenching. ACP has also developed a relocation plan for fish and mussels in coordination with NCWRC.

***Recommendation**: The applicant has sufficiently demonstrated that impacts to surface waters and wetlands are required due to spatial considerations, natural features and the purpose of the project. The 401 WQC should include requirements for monitoring of temporary impact areas in accordance with the proposed restoration and monitoring plan. The certification should also include reopener language in the event that temporarily disturbed wetland areas do not return to wetland conditions as defined by the 1987 US Army Corps of Engineers (Corps) Wetland Manual and confirmed by a Corps representative. The reopener language should require a modification to the 401 WQC to account for the additional permanent impacts and mitigation for all permanent wetland impacts should the permanent impacts exceed 1.0 acre. Furthermore, the 401 WQC should be conditioned to comply with any work moratoriums suggested by NCWRC for the proposed project as well as the fish and mussel relocation plan.*

(3) Does not result in the degradation of groundwaters or surface waters.

The main risk to surface and groundwater from the ACP project will be during construction activities. These risks include sedimentation and turbidity in surface waters, breaches of drilling fluids during HDD, and spills of petroleum products and hydraulic fluids from fueling and equipment maintenance. In addition, some commenters raised concerns regarding impacts to drinking water wells from trenching and blasting activities associated with the pipeline installation and from possible contamination due to pipeline leaks during operation.

The applicant has committed to working in the dry for all stream and wetland crossings unless site-specific conditions warrant working in wet conditions and the applicant obtains prior written approval from DWR. Proper erosion and sedimentation control measures will be required for the entire project in accordance with the Division of Energy, Mineral and Land Resources (DEMLR) sedimentation and erosion control Certificate of Plan Approval. All temporary fill placed in surface waters related to construction of the pipeline will be removed once installation of the pipeline is completed at the crossing. The stream banks or wetlands will be restored to the original contours and revegetated with a native seed mix to prevent erosion. Only in areas where vegetative stabilization is not successful will hardened stabilization (rip-rap, geogrid, etc.) techniques be used. No hardening will be placed below

the ordinary high water mark. Furthermore, the applicant has voluntarily agreed to meet the requirements of the NPDES Construction Activities General Permit No. NCG010000.

The applicant will store chemicals, fuels, hazardous materials, and lubricating oils and conduct all equipment and vehicle fueling and maintenance at least 100 feet from surface waters and 200 feet from private drinking water wells. In situations where equipment must continue to operate during fueling activities such as dewatering pumps near surface waters, secondary containment structures will be used to prevent any spillage from reaching the surface waters.

The applicant has conducted a desktop survey to identify all known drinking water wells within 150 feet of the pipeline construction corridor. Almost 50 private drinking water wells were located in NC. The applicant proposes to test each well prior to construction for a suite of parameters including pH, total suspended solids, total dissolved solids, conductivity, alkalinity, acidity, sulfates, oil/grease, phenolic, iron, manganese, aluminum, fecal coliform, copper, lead, nickel, silver, thallium, zinc, chromium, arsenic, mercury, selenium, cyanide, calcium magnesium, hardness, chlorides, antimony, cadmium, and beryllium as well as well yields. These tests will provide a baseline of groundwater quality and quantity against which to measure any construction-related impacts. In the event that blasting will occur within 500 feet of a drinking water well, the applicant proposes to conduct pre-blasting monitoring for the parameters listed above. Should the applicant receive a complaint regarding damage to well water quality or quantity, the applicant proposes to conduct post-construction well testing of the same parameters to verify no adverse impacts have occurred. Furthermore, in the event that adverse impacts do occur as a result of construction activity, ACP has committed to providing temporary water supplies, and/or a new water treatment system or well.

Operation of the pipeline is not expected to have adverse effects on surface waters and groundwater. Any post-construction stormwater generated as a result of impervious surfaces installed during construction are subject to state and local stormwater requirements. ACP has committed to using sheetflow and existing stormwater conveyances and drainage ditches. No curb and gutter stormwater management will be constructed. For impervious surfaces constructed in areas with no state or local stormwater programs, these stormwater management techniques will be protective of water quality.

Many commenters raised concerns about leaks from the pipeline impacting groundwater. The pipeline will be transporting dry natural gas which is not soluble in water. Liquids contained in the gas are removed at a natural gas processing plant prior to transport and at liquid separators at compressor stations. Any remaining liquid will be de minimus and is not likely to impact groundwater.

***Recommendation**: The project is not expected to violate water quality standards if the conditions in the 401 Water Quality Certification are fully complied with by the applicant (or its successor). The 401 WQC should be conditioned to require full compliance with the following permits:*

- *Certificate of Plan Approval No. Cumbe-2018-036, issued by DEMLR, Fayetteville Regional Office*
- *NPDES Permit No. NCG010000 issued by DEMLR*

The 401 WQC should also be contingent on the issuance of a sedimentation and erosion control Certificate of Plan Approval issued by DEMLR, Raleigh Regional Office and upon issuance of appropriate state and local stormwater permits. FERC NEPA and 401 WQC application documentation indicates that the applicant has agreed to conduct pre-construction water quality testing for drinking water wells within 150 feet of the pipeline construction corridor and within 500 feet of blasting activities. The 401 WQC should be conditioned to require ACP to conduct pre- and post-construction testing of all wells within 150 feet of the construction corridor and within 500 feet of blasting activities regardless of whether a complaint is received. Should post-construction testing indicate that well water quality or quantity has been impacted by the construction, ACP should be required to provide temporary water supplies, and/or a new water treatment system or well. An independent, qualified groundwater specialist should determine whether an impact has occurred or not.

The 401 WQC should be conditioned to require monthly ride-through inspections with appropriate DWR and DEMLR staff to measure compliance with the respective certifications and permits. The 401 WQC should also require a pre-construction meeting with the construction contractors, ACP staff, and DWR and DEMLR staff to review the conditions and requirements of the respective certifications and permits for clarity and understanding.

(4) Does not result in cumulative impacts, based upon past or reasonably anticipated future impacts, that cause or will cause a violation of downstream water quality standards.

Cumulative impacts are those impacts that would result from the incremental effects of the project added to other past, present and reasonably foreseeable future activities (15A NCAC 01C .0103). This includes secondary impacts or impacts from future activities that occur as a result of the proposed project. The proposed project for the most part will consist of temporary water quality impacts from the installation of the pipeline. These impacts could include sedimentation and temporary disturbance of aquatic and riparian habitat during construction. Permanent impacts will occur in streams and wetlands from access road improvements. The temporary and permanent impacts will be reduced through avoidance and mitigation efforts, erosion and sedimentation control and stormwater best management practices (BMPs), and spill prevention, control, and countermeasure practices. Any projects occurring in similar locations to the proposed project will be subject to local, state, and federal regulations that address stream and wetland impacts, stormwater management, and watershed protection.

Almost 80% of the increased natural gas supply has been committed to natural gas power plants. The remaining supply will be available for commercial, industrial and residential use. However, only three distribution points or M&R stations will be constructed in NC. These M&R stations will be located in Johnston, Cumberland, and Robeson Counties. Secondary development as a result of the pipeline is likely to be focused around these distribution points; therefore, water quality impacts are most likely in proximity to these areas. The applicant conducted a qualitative analysis of the potential secondary and cumulative impacts in these three counties.

In the qualitative analysis, the applicant completed an "indirect (secondary) and cumulative effects screening matrix" where a series of parameters including scope of the project, population growth, available land, water/sewer availability, natural gas availability, market for development, public policy, and notable water resources were evaluated on their ability to contribute to indirect and cumulative effects on water quality. Based on these ratings, areas of potential growth and development were identified. These growth areas were then compared in an action/no-action forecast where the differences in growth and development between building the pipeline and not building the pipeline were determined. Areas that had significant increases in growth and development from building the pipeline were mapped.

As discussed above, any new development projects will be subject to state and federal regulations for impacts to streams and wetlands and erosion and sedimentation control. However, stormwater management regulations are variable by location. Existing state and local stormwater programs were overlain on the areas of potential growth identified in action/no-action analysis to predict the net impact to water quality resulting from secondary development.

The action/no-action analysis demonstrated that growth could significantly increase in Johnston and Cumberland Counties if the pipeline is built. These areas have existing infrastructure for water/sewer and transportation, are predicted to have population growth, and have a number of shovel-ready development sites. Johnston and Cumberland Counties are almost entirely covered by state and local stormwater programs and Johnston County is subject to the Neuse River Nutrient Sensitive Waters Management Strategy. Any potential water quality impacts due to growth in the area would be mitigated through these programs.

Most of Robeson County does not have state or local stormwater programs. Those that are present are associated with High Quality Waters or Water Supply Watersheds and are limited in area. However, the action/no-action analysis demonstrated that Robeson County is not expected to have a significant increase in growth and development as a result of the pipeline. According to ACP's analysis, lacking infrastructure, population decline, and separation from metropolitan areas has stunted growth in this area. Only one shovel-ready industrial site is available in Robeson County, and it is located in the protected Water Supply Watershed and would be subject to a local stormwater program. Water quality impacts from secondary growth in this area would be minimal.

***Recommendation**: The project is not expected to result in cumulative impacts that violate water quality standards, if the conditions in the 401 WQC are fully implemented by the applicant (or its successor). The qualitative cumulative impacts analysis should be forwarded to the NC Department of Commerce for informational purposes.*

(5) Provides for protection of downstream water quality standards through the use of on-site stormwater control measures.

Post-construction stormwater is another potential water quality concern. The vast majority of the proposed pipeline project will not result in new impervious surfaces. However, some new impervious surfaces are proposed as part of the project. The impervious surfaces include multiple improved access roads, eleven valve stations, a compressor station, three metering

and regulating (M&R) stations, and multiple contractor yards. The access roads are existing unpaved roads that will be improved to allow construction and maintenance equipment to safely pass. Improvements will include minor widening and/or surface water crossing upgrades (e.g., minor pipe/culvert extensions). The valve sites are needed to segment the pipeline for safety, operation, and maintenance purposes. The compressor station will be located in Northampton County, and the M&R stations will be located in Johnston, Cumberland, and Robeson Counties. The applicant has indicated that stormwater will be managed by using existing drainage ditches and swales for access roads. No curb and gutter stormwater conveyances are proposed for the compressor or M&R stations, and stormwater will be managed through existing drainage ditches and swales.

Stormwater management for these impervious surfaces will be regulated through state programs in Phase II communities or by local programs where applicable. Valve sites and access roads in a small portion of Nash County and access roads, valve sites, and a contractor yard in Cumberland County will be regulated through the state-implemented Phase II Stormwater Program. ACP will have to meet the requirements of SWG040000 – General Permit To Construct A Linear Utility Line and Associated Incidental Built-Upon Area (SWG04) or an individual state stormwater permit. SWG04 and individual state stormwater permits require compliance with the conditions of the respective permits and with the provisions of 15A NCAC 02H .1000, Session Law 2006-246, and Session Law 2008-211 which ensure the protection of downstream water quality standards through on-site stormwater control measures. Any impervious surfaces built in areas covered by local stormwater programs will have to meet the requirements of the local stormwater program. The applicant also proposes to build impervious surfaces in areas where no state or local programs are applicable. Based on the descriptions of stormwater best management practices proposed by the applicant, stormwater is not expected to violate downstream water quality standards in these areas.

Recommendation: *Session Law 2017-10 prohibits DWR from requiring on-site stormwater management through a 401 WQC. As discussed above, the 401 WQC should be conditioned to require compliance with all applicable state and local stormwater permits for construction of a linear utility line and associated incidental built-upon area.*

(6) Provides for replacement of existing uses through mitigation.

Both federal and state requirements allow for the purchase of in lieu fee credits to offset unavoidable impacts to streams and wetlands. DWR requires mitigation [15A NCAC 02H .0506(h)] at a 1:1 ratio for permanent perennial stream impacts above 300 linear feet and a 1:1 ratio for permanent wetland impacts above one acre. Perennial stream and wetland impacts for this project will not exceed the respective mitigation thresholds, therefore, no stream or wetland mitigation is required by DWR. Mitigation is required, however, by the U.S. Army Corps of Engineers for the wetland conversion impacts. Riparian buffer mitigation is required for the uses identified in the Table of Uses of the Neuse and Tar-Pamlico River Basins Nutrient Sensitive Waters Management Strategies [15A NCAC 02B .0233(6) and 15A NCAC 02B .0259(6), respectively] as "ALLOWABLE WITH MITIGATION." "ALLOWABLE WITH MITIGATION" uses are defined in 15A NCAC 02B .0233(7)(c) and 15A NCAC 02B .0259(7)(c),

respectively. Buffer mitigation is discussed below in the buffer authorization certificates section.

***Recommendation**: No mitigation is required for stream or wetland impacts as a result of the proposed project. The 401 WQC should be conditioned to include language requiring mitigation should permanent impact changes occur that exceed mitigation thresholds.*

Neuse and Tar-Pamlico Nutrient Sensitive Waters Management Strategy

The Neuse River Basin Nutrient Sensitive Waters Management Strategy and the Tar-Pamlico River Basin Nutrient Sensitive Waters Management Strategy have the exact same requirements [15A NCAC 02B .0233 and 15A NCAC 02B .0259, respectively]. Furthermore, the mitigation requirements for impacts to protected buffers are exactly the same for the Neuse and Tar-Pamlico River Basins [15A NCAC 02B .0242 and 15A NCAC 02B .0260 respectively] and both make reference to the buffer mitigation rules [15A NCAC 02B .0295]. For the purposes of this report, the buffer authorization certificates recommendations will be combined in one discussion.

15A NCAC 02B .0233 and 15A NCAC 02B .0259

(5) DIFFUSE FLOW REQUIREMENT. Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow and reestablishing vegetation.

As discussed above in Section 5 of the 15A NCAC 02H .0506 discussion, the vast majority of the proposed project will not result in new impervious surfaces that will create concentrated stormwater flow. However, there will be improved temporary and permanent access roads, and five valve sites constructed and maintained in the Neuse and Tar-Pamlico River Basins as part of the project. The access roads are existing unpaved roads that will be improved to allow construction and maintenance equipment to safely pass. Upgrades will include minor widening and/or surface water crossing upgrades (e.g., minor pipe/culvert extensions). The valve sites will consist of gravel pads around above-ground valves with gravel driveways.

Stormwater from these areas will be managed by sheetflow or by using existing roadside ditches and swales. Sheetflow from the access roads meets the diffuse flow requirements associated with the Neuse and Tar-Pamlico River Basins Nutrient Sensitive Waters Management Strategies [15A NCAC 02B .0233(5) and 15A NCAC 02B .0259(5), respectively]. ACP has committed to managing the existing roadside ditches and swales to minimize sediment, nutrients, and other pollution prior to entering surface waters. The Table of Uses for the Neuse and Tar-Pamlico River Basins Nutrient Sensitive Waters Management Strategies [15A NCAC 02B .0233(6) and 15A NCAC 02B .0259(6), respectively] identifies use of existing drainage ditches, roadside ditches, and stormwater outfalls provided they are managed to minimize the sediment, nutrients, and other pollution that convey to waterbodies as "EXEMPT" uses. "EXEMPT" uses are defined in 15A NCAC 02B .0233(7)(a) and 15A NCAC 02B .0259(7)(a), respectively.

The applicant proposes to locate the Smithfield M&R station in Johnston County which is subject to the Neuse River Buffer Rules. This station is also subject to state stormwater

permitting requirements as part of the Phase II stormwater rules. Stormwater management and diffuse flow requirements will addressed through the Phase II process.

***Recommendation**: The buffer authorization certificates should include conditions requiring that diffuse flow conditions be maintained for all stormwater from impervious surfaces flowing to or within the protected buffers in accordance with the diffuse flow requirements stated above or other applicable buffer clarification memos.*

(6) TABLE OF USES.

Non-electric utility lines:

- **Impacts other than perpendicular crossings in Zone 2 – Allowable**
- **Impacts other than perpendicular crossings in Zone 1 – Allowable with Mitigation**

Non-electric utility lines:

- **Perpendicular crossings that disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width - Allowable with Mitigation**
- **Perpendicular crossings that disturb greater than 150 linear feet of riparian buffer – Allowable with Mitigation**

The proposed project is categorized as a non-electric utility line. The proposed project includes perpendicular and non-perpendicular crossings of streams and other surface waters subject to this rule. Due to the width of the maintenance corridor, 50 feet, all buffer impacts are "ALLOWABLE WITH MITIGATION" uses. "ALLOWABLE WITH MITIGATION" uses are defined in 15A NCAC 02B .0233(7)(c) and 15A NCAC 02B .0259(7)(c), respectively.

***Recommendation**: None. The proposed project is "ALLOWABLE WITH MITIGATION" under the Table of Uses.*

(8) DETERMINATION OF "NO PRACTICAL ALTERNATIVES." Persons who wish to undertake uses designated as allowable or allowable with mitigation shall submit a request for a "no practical alternatives" determination to the Division or to the delegated authority. The applicant shall certify that the criteria identified in Sub-Item (8)(a) of this Rule are met. The Division or the delegated local authority shall grant an Authorization Certificate upon a "no practical alternatives" determination. The procedure for making an Authorization Certificate shall be as follows:

(a) For any request for an Authorization Certificate, the Division or the delegated local authority shall review the entire project and make a finding of fact as to whether the following requirements have been met in support of a "no practical alternatives" determination:

(i) The basic project purpose cannot be practically accomplished in a manner that would better minimize the disturbance, preserve aquatic life and habitat, and protect water quality.

(ii) The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality.

(iii) Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.

The project proposes to construct a pipeline to transport natural gas from West Virginia and Pennsylvania through Virginia and North Carolina. The North Carolina portion of the proposed route will be constructed through Northampton, Halifax, Nash, Wilson, Johnston, Sampson, Cumberland, and Robeson Counties. The proposed project will permanently impact 521,430 square feet and 594,070 square feet of protected riparian buffers in the Neuse River Basin and the Tar-Pamlico River Basin, respectively. As part of the FERC NEPA analysis, ACP investigated several alternatives to meet the purpose and need of the project including no build, alternative energy, energy conservation, and system alternatives. Of these alternatives, the build alternative best met the purpose and need of the project.

Next ACP, conducted an extensive alternatives analysis on potential route locations including collocation of the ACP with existing pipelines as well as Eastern and Western route alternatives. Ultimately, ACP chose the Eastern route as the best option based on an evaluation of a variety of criteria such as project length and human and natural resources. ACP continued to refine the Eastern alternative balancing a variety of human and natural environmental resources such as public lands, roads, conservation easements, forested lands, streams, wetlands, protected riparian buffers, known historical and cultural resources, and homes and businesses. Development of the proposed pipeline route included the analysis of seventeen major route alternatives and 37 minor adjustments in the North Carolina portion of the project in an effort to avoid and minimize impacts to these resources. This analysis included pre- and post-application communication with DWR and NCWRC on avoidance and minimization opportunities. ACP has continued to refine the avoidance and minimization practices in response to additional information requests from DWR and through environmental commitments.

The applicant has demonstrated that the basic project purpose cannot be practically accomplished in a manner that would better minimize the disturbance, preserve aquatic life and habitat, and protect water quality. The applicant has demonstrated that the use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality. The applicant has proposed a number of best management practices in an effort to minimize disturbance, preserve aquatic life and habitat, and protect water quality including but not limited to the following:

- *Use of temporary work bridges, matting and pads to reduce the risk of soil compaction*
- *Trench backfilling using native material to prevent soil contamination and to accelerate revegetation*
- *Pump-out activities in the work area will be routed through an energy dissipation/sediment filtration device prior to discharging to waterbodies*
- *Coating for concrete-coated pipe will be conducted at least 100 feet from surface waters and springs*
- *Use of horizontal directional drilling for all major river crossings*
- *Implementation of a Spill Prevention, Control, and Countermeasure plan and a Horizontal Directional Drill Drilling Fluid Monitoring, Operations, and Contingency plan*
- *Use of a project-specific invasive plant species management plan*

- *Limiting operation of construction equipment in wetlands to only that necessary for clearing, excavation, pipe installation, backfilling, and restoration*
- *Stump removal, grading, and excavation will be limited to the area immediately over the trench line to maintain native seed and rootstock*
- *Voluntarily implementing the requirements of the Construction Stormwater General Permit No. NCG010000*

***Recommendation**: The applicant has sufficiently demonstrated that there is no practical alternative that can accomplish the project's basic purpose with less adverse impacts to protected buffers. The buffer authorization certificates should be conditioned to incorporate the best management practices proposed by the applicant intended to minimize disturbance, preserve aquatic life and habitat, and protect water quality. Furthermore, the buffer authorization certificates should require demarcation of protected buffer with flagging or signs prior to the initiation of construction and limiting operation of construction equipment in buffers to only that necessary for clearing, excavation, pipe installation, backfilling, and restoration*

(10) Mitigation. Persons who wish to undertake uses designated as allowable with mitigation shall meet the following requirements in order to proceed with their proposed use.

(a) Obtain a determination of "no practical alternatives" to the proposed use pursuant to Item (8) of this Rule.

(b) Obtain approval for a mitigation proposal pursuant to 15A NCAC 02B .0242 [.260].

15A NCAC 02B .0242 and .0260 have been repealed and replaced with 15A NCAC 02B .0295.

As discussed above, the applicant has demonstrated that there is no practical alternative that can accomplish the project's basic purpose with less adverse impacts to protected buffers. Due to the fact that the maintenance corridor for the proposed pipeline will have a width of greater than 10 feet, all of the buffer impacts are considered "ALLOWABLE WITH MITIGATION" uses and subject to the buffer mitigation requirements [15A NCAC 02B .0295]. However, impacts to wetlands within the buffers are not subject to the buffer mitigation requirements and are regulated under 15A NCAC 02H .0506(h) as discussed above in section (6) of the 401 WQC application review process. The buffer mitigation totals reflect the removal of wetland areas within the buffer.

The applicant has proposed to obtain all buffer mitigation credits through the in-lieu fee program with the Division of Mitigation Services (DMS). A letter addressed to the applicant from DMS dated May 4, 2017 and renewed on October 6, 2017, states that DMS is willing to accept payment for the buffer mitigation credits for the proposed project. DMS will administer the mitigation credits in accordance with the In-Lieu Fee program instrument dated July 28, 2010 and 15A NCAC 02B .0295.

***Recommendation**: The buffer authorization certificates should include conditions requiring buffer mitigation in accordance with the table below:*

	Compensatory Mitigation Amount Required	River & Sub-basin Number	
Buffers	301,168 (square feet)	Tar-Pamlico	03020102
	318,868 (square feet)	Tar-Pamlico	03020101
	245,612 (square feet)	Neuse	03020203
	486,344 (square feet)	Neuse	03020201

Environmental Justice

One of the most common topics of the commenters was environmental justice. As discussed above in the General Comments Section, many comments received expressed concerns about environmental justice issues associated with pipeline's construction and operation. FERC's Final Environmental Impact Statement determined, "as a result of the project, no disproportionately high and adverse impacts on environmental justice populations as a result of air quality impacts, including impacts associated with the proposed Compressor Station 2, would be expected as a result of ACP and SHP. Also, no disproportionately high and adverse impacts on environmental justice populations as a result of other resources impacts would be expected." Many commenters disagreed with this determination and requested that the 401 WQC be denied based on the potential environmental justice impacts.

The Director evaluates a 401 WQC application based on five criteria including a no practical alternatives analysis, minimization of adverse impacts to surface waters, an analysis of the degradation of groundwaters or surface waters, a cumulative impacts analysis, and replacement of existing uses through mitigation. Environmental justice is not included in the criteria upon which the Director must evaluate the application. Although environmental justice is not an evaluation criteria, the Department has been intimately engaged with the stakeholders of North Carolina through the permitting process.

On March 23, 2017, the Department hosted a stakeholder meeting in Raleigh, NC to provide information and receive feedback on the proposed pipeline project. Eight environmental organizations, four government agencies, and a representative of the Commission of Indian Affairs were in attendance.

On July 18 and 20, 2017, the Department hosted 401 WQC Application Public Hearings. This was to allow the citizens of North Carolina to comment on the certification. Notification of the public hearings was provided in accordance with 15A NCAC 02H .0506(d) and (e). In addition, the Division of Water Resources provided notices of the hearings by mailing flyers in both English and Spanish to community organizations, such as churches, government and non-government organizations, libraries, etc.

On August 9, 2017, the Department participated in an Environmental Justice Forum hosted by the Haliwa-Saponi Indian Tribe and the North Carolina Commission of Indian Affairs. The forum allowed an opportunity for tribal leaders, commission members, state and federal regulators, and other stakeholders to discuss information on the proposed Atlantic Coast Pipeline.

Between August 15 and 17, 2017, the Department hosted three listening sessions along the proposed pipeline route to obtain additional public feedback on the project. In addition to the Department, the NC Department of Commerce, NC Department of Natural and Cultural Resources, and the US Army Corp of Engineers were present.

On October 20 and 21, 2017, the Department participated in the North Carolina Environmental Justice Network's Summit. This allowed for the Department to provide a summary of the permitting status of the project.

In addition to the various stakeholder engagements listed above, the Department has been transparent with citizens who requested to sign up for the email news feed on the project, as well as meetings with the Commission of Indian Affairs. The Department has been thorough in its review of the applications submitted for the proposed Atlantic Coast Pipeline.

VI. Summary

Public comments concerning the two public hearings focused on several major issue areas, including the degradation of water quality, cumulative impacts, environmental justice, sedimentation and erosion control, the permitting process, impacts on wildlife including threatened and endangered species, and ground and surface water supply protection. Due to the number of public comments, many of which expressed concerns on the same issues, each comment is not addressed individually. Only comments that have direct relevance to the certification decision have been addressed in the recommendations (Section V).

As stated above, a thorough review of all public comments received and the project record has been conducted, and additional insight has been obtained through discussions with DWR staff. Based on all of this information, it is my recommendation that the 401 Water Quality Certification and Buffer Authorization Certificates be issued and subject to the conditions included in the recommendations in Section V. It is further recommended that DWR include any additional conditions necessary to ensure that the project will meet state water quality standards.

VII. Appendices (available on Laserfiche)

A. May 8, 2017 401 Water Quality Certification Application

a. Laserfiche Folder Name: *401 Application*

b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/fol/547515/Row1.aspx

B. Notice of Public Hearings –June 16-18, 2017

a. Laserfiche Filename: *Listserve Public Notice 06_16_2017*

b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/doc/547528/Page1.aspx

C. Correction to Notice of Public Hearings – June 19-22, 2017

a. Laserfiche Filename: *Listserve Public Notice Correction 06_19_2017*

b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/doc/547588/Page1.aspx

D. July 18, 2017 Non-speaker sign-in sheets

a. Laserfiche Filename: *ACP_July18_FayettevilleHearing_Non-SpeakerSignInSheets*
b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/doc/552613/Page1.aspx

E. July 18, 2017 Speaker list

a. Laserfiche Filename: *ACP_July18_Fayetteville Hearing_SpeakerSignInSheets*
b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/doc/552611/Page1.aspx

F. July 20, 2017 Non-speaker sign-in sheets

a. Laserfiche Filename: *ACP_July20_RockyMtHearing_Non-SpeakerSignInSheets*
b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/doc/553245/Page1.aspx

G. July 20, 2017 Speaker list

a. Laserfiche Filename: *ACP_July20_RockyMt Hearing_SpeakerSignInSheets*
b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/doc/553247/Page1.aspx

H. July 18, 2017 Public Hearing transcript, including oral comments

a. Laserfiche Filename: *ACP_July18_Fayetteville Hearing_Transcripts*
b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/doc/557323/Page1.aspx

I. July 20, 2017 Public Hearing transcript, including oral comments

a. Laserfiche Filename: *ACP_July20_RockyMt Hearing_Transcripts*
b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/doc/557322/Page1.aspx

J. Written comments received during the comment period, including at the public hearings

a. Laserfiche Folder Name: *Public Notice Comments*
b. Laserfiche link:
http://edocs.deq.nc.gov/WaterResources/0/fol/548242/Row1.aspx

EXHIBIT

C

401 Application for Atlantic Coast Pipeline

Date	Action
May 9, 2017	Application Received
June 27, 2017	Req. for Add Info (1) /Notice of Hearing
July 12, 2017	Add Info Received (1)
July 18, 2017	Public Hearing – Fayetteville
July 20, 2017	Public Hearing – Rocky Mount
August 19, 2017	Public Comment Period Ends
September 14, 2017	Req. for Add Info (2)
September 22, 2017	Add Info Received (2)
September 29, 2017	Add Info Received (2)
October 2, 2017	Add Info Received (2)
October 13, 2017	Add Info Received (2)
October 26, 2017	Req. for Add Info (3)
November 4, 2017	Add Info Received (3)
November 7, 2017	Phone call re Add Info Received
November 15, 2017	Add Info Received (3)
Nov. 21, 2017	Email requesting add info (4)
Nov. XX, 2017	Add Info Received (4)
Dec. 13, 2017	Provide HO Report and draft decision documents to Section Chief for review
Dec. 19, 2017	Provide HO Report and draft decision documents to Director for review
Jan. 2, 2018	Meet with Director for final decision

** indicate goal date not actual date **

1-3 ACP Call

- update on Air
- " " 401
- update on E&SC → still questions about access roads → sending a disapproval
  - and other little things
- stormwater → generals & individual
  - notice
  - ↳ notice & maybe hearing?

1-4

- give HO Report / Draft decisions to Linda on Monday
- Bridget will talk w/ Doug about news release of decision

1-5 Mtg. w/ JB

- double check impact #'s + buffer mit ✓
  - ↳ send to Spencer for review ✓
  - ↳ need open water impacts ✓
- WRC - relocation plans ✓
- → check NCG01 throughout ☐
- inundated wetlands - add curtains + monitoring ☑
- check all add infos + meeting notes for other conditions ✓
- → request variance from FERC to adjust route → see email
  - ↳ ~~add info~~? ☐
- add date recd for OW impacts to letter ✓
- → [illegible] ☐

1-12 Mtg. w/ Sec. Regan, Sheila, Linda, Brian

- questions re cum. analysis - DWR Add Info
  - ↳ what info does commerce have
- HD recommendations.

↓ send a summary of conclusions → send to Sheila email

↓ why was it limited to three counties

Apr - Dec 2017 1352248

#, impacts - 1 1.16

- 1,568,607.68

1-5 Call w/ Spencer

- meeting in Smithfield 9-12 or 10-12
  - ↳ let Spencer know if that week doesn't work
- haven't issued 404 permit yet - should be soon
- tree felling has started in NC

  spread 10 + spread 8 construction in 2018

  ↳ spread in South ↳ Northern

8-3 Jay

Jay's call

listening sessions → not public hearings - no Brian
↳ would point folks to the other agencies not necessarily have them there - we will invite other agencies
- not taking comments but telling folks to submit them + how

talk to MPK

↳ will check to see if JB or KH should be there, or is it higher level management
↳ will check about Aug. 9 meeting also

8-7 Mtg. with Mary Penny, Jennifer Mundt, Ken Taylor

- Jennifer, Karen & Brian

- Wed → no presentations, just there to answer questions
  ↳ Dominion will be there, EPA, NC State Prof. Emanuel
  ↳ Sarah will present
- make sure we're getting info out

- send invite for meeting w/ JB + BW on 8-24.

8-8 Pre-Meeting re 8-9 Meeting

- tribal leader comments
- provide overview of programs → powerpoint is available
- questions from tribal leaders

9-6 Meeting w/ DEMLR

Bill D., Thad V., Sally, Tim (on phone), Toby, Brian, Karen

- if insufficient info, would disapprove & include list of why disapproved
  - ↳ don't review preliminary plans.
- sequencing is more in language than seperate plans
- ERM: sealed plans
- don't allow nat. regeneration → can require veg. plans that match ours
- have to have construction mats
- silt fence or logs
- will ask for notification before different phases are open / construction start
- → checking re whether they are exempt from NCG01 → related to site not owner / FRP
- will have standard designs + list which they are using ~~where~~ @ each crossing
  - ↳ when more than one option, need to provide criteria for deciding

- do ask for proof of right away or encroachment agreement, including crossing other utilities

- no basins → just silt fences + logs, water bars, turbidity curtains
- can't approve phases w/ in one plan → if missing details, disapprove the whole thing

- prefer not to release until after 2 growing season
  - ↳ after each major phase + quarterly
    - ↳ onsite → available on request
      - ↳ could set up a digital file for them to send inspection reports to us.

- send SELC letter → highlight EAS comments

9-8 Meeting w/ Dept.

Bridget, Jay, Jennifer H., Sec. Regan, Karen, Jeff, Sarah R.
On phone → Sheila, John, Toby, Bill D., Sally C., Michael Abraczinskas

- DWR update - Karen
- DEMLR - have 2 plans in → have until Sept. 27
  - ↳ have not rec'd state sw permit application yet
    - ↳ currently a general, could have a petition to ask for an individual
  - ↳ if disapprove, have 15 days for new review
  - ↳ if miss deadline deemed [illegible]

9-27 Mtg w/ DEQ re ACP

- Mary Penny, Sheila, Bill, Toby, Julie, Linda, Jay, Jeff, Jennifer M.

- if there are areas we know are not sufficient, let them know Friday
- DEMLR
  - ↳ got responses to comments yesterday - a week or two from reviewing add'l info response.
  - ↳ checking on whether there is a 15 or 30 day clock.
- DAQ
  - ↳ met w/ Bridget & Sarah last week re outreach
  - ↳ will be a minor permit
  - ↳ doing a public hearing
    - ↳ notice by Oct. 11

↳ disapproving + request for new

no app for stormwater

Toby got an email re new pipeline in PA to GA

- letter to FERC drafted but not sent
  - ↳ FERC's next meeting is Oct. 19
- having nat. expert coming in tomorrow re pipelines
- next month is national energy awareness month

9-29 Meeting w/ ACP

- Mark McIntire, Spencer Trichell, ~~Bruce McKay~~ Colin, Richard Gangle, Sheila Holman, Jay Z., Jennifer, Karen
- ACP gave last submittal today
- Mark → timeline - when does 60 day start?
- Sheila → have rec'd request for another public hearing on add info
- Richard → questions at this point?
  - ↳ went through preliminary comments
  - 1a → provide plan & profile for both wetlands
  - 1b: → submitted Friday
    - ii → datasheets don't show inundation → points @ the edge
    - iv → will provide a little more info on lower vs. higher flow
    - vi → why A now?
      - ↳ it's not that it wasn't feasible, it wasn't an easy HDD → will it fail → if not high risk of failure, FERC directed them to do it, so they are
  - c → anticipate doing 1 everywhere → type II's (incised) are HDD
  - d4 → will add info re stability monitoring

- Questions about status of VA & WV reviews
- " " FL pipeline court decision

10-11 Weekly DEQ Meeting - call in

- DEMLR → have not received new plans yet
  → " " " an application for stormwater
- DAQ → have set up public hearing → Nov. 15
  → have communicated w/ VA
- letter to FERC → are proceeding w/ sending this
  ↳ highlighting circuit decision + ques. re extension into SC
- MPK + Ken Taylor → paper re chrom III → VI this year
  - northern part of route - maybe southto ??
  - bmps - keep it wet
  - E! SC or 401 or other
  - talk to VA

10-25 Weekly DEQ

- Ken Taylor, Mike A., Jeff P., Jay Z., Brian W., Renee, working w/ Seth, Jennifer, Karen phone → Bridget + Toby

- DAQ Update
  ↳ notice + hearing
- DWR
  ↳ questions related to risk from chrom VI →
  (see notes from yesterday)
  ↳ Black Creek → very low pH ~ 4 +/- → concerns
  maybe re corrosion → transco is installing oils
  ↳ may need to take add steps to prevent corrosion →
  not w/in scope of 401, but should convey to ACP
- Sergei → chrom should be reduced

- hoping to get Add Info out today
- Brian → working on HO report

- DEMLR
  ↳ rec'd revised E&SC Plans → plans in Laserfiche
- email Sheila re Add Info just as FYI
  ↳ cc MPK & Jay Z.

11-7 Brian: Jennifer re latest Add Info

- notable H_2Os → what is the comparison? wetlands in Rob. Co → seems it should be higher
- no mapping to show location of other projects
- Jo Co → Park station near existing developed area, 4 lane highway → potential for growth → could be covered by existing programs
  → industrial park → was in app → plans to tap in → not included at all.
- Cum. Co. → similar → can send out H_2O + sewer if not already there → I-95 right there → seems development is likely
- H_2O/sewers → more detail
- where is pot. development → where are there existing regulations

11-8 ACP Call

- update on 401 app
  - ↳ Sheila will talk w/ Sarah re EJ response
- SW
  - ↳ add info letters went out today
    - ↳ should have the info requested, just need to put it together → couldn't tell - whether what they submitted was enough?
      - ↳ anyone could petition a hearing or an individual
- E & SC
  - ↳ just sent disapprovals
- Air
  - ↳ prepared for hearing
- let Dept. know if any actions are pending

11-17 Brian & Jennifer

- missing SW layer → can show as inserts for certain areas if map too busy
  - ↳ discuss specific areas not just general county
  - ↳ include discussion of the map in doc → no connection → no analysis
- need clearly connection & support for conclusions → we cannot see how ~~they~~ their conclusions are supported
- industries that need NG to operate
- tie in terminus discussion from app into IC1

11-28 Call w/ ACP

Karen, Jennifer, James McRacken, Dennis Woods, Evan Ehrlich, Jacob Rosenberg, Jeremy Baksh, Steve Holden, Spencer Trichell, Stu Buchanan

- questions re add info letter

12-11 ASWM Call

Clifford Brown - WV(DNR):

- Wilma Reip - Project Manager in DEP
  - ↳ only requiring 401 b/c of diameter of pipe
  - ↳ all special conditions in new nationwides
  - ↳ trenching through surface mine that has been capped → acid → will comment through SW permit

12-18 Conf. call w/ ACP → see calendar invite

- draft redline sent Mon - morning
- page 17 → expand on this → RobCo has to advertise more + seek subsidies to try to attract industries

EXHIBIT

D

To: Bridgette R Morris-McLawhorn (bmorris@ncdenr.gov)
Subject: meeting with Linda
Date: Thursday, December 14, 2017 2:57:18 PM

Hi Bridgette-

I'd like to go ahead and schedule time with Linda, Jennifer Burdette, Brian Wren and me to go over the Atlantic Coast Pipeline Hearing Officer's report and recommendation. We'll probably need an hour and are looking for January 4th or 5th.

Thanks-
Karen

Karen Higgins
401 & Buffer Permitting Branch Supervisor
Division of Water Resources
Department of Environmental Quality

(919) 807-6360 office
[illegible]
[illegible] gov/about-divisions/water-resources/water-resources-permits/401-and-buffer-permits

512 N. Salisbury Street (Archdale Building), Suite 942-E, Raleigh, NC 27604
1617 Mail Service Center, Raleigh, NC 27699-1617

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From: Wrenn, Brian L
To: Rice, Sarah M
Subject: RE: ACP
Date: Friday, December 15, 2017 2:27:34 PM

Sarah,

Linda has scheduled a meeting to discuss the ACP hearing officer's report on Jan. 4th. I am finalizing the HO's report and hope to have a draft to Karen and Jennifer early next week (minus the cumulative impacts evaluation – still waiting on info). Do you think you could have a EJ statement completed next week? Thanks.

Brian Wrenn
919-743-8409 (office)
919-491-2616 (cell)

From: Rice, Sarah M
Sent: Wednesday, December 06, 2017 12:47 PM
To: Wrenn, Brian L <brian.wrenn@ncdenr.gov>
Subject: ACP

Hi Brian,

Please let me know if I can assist with any EJ related questions for the hearing officers report.

Regards,
Sarah
919.707.8287

Get Outlook for iOS

From: Doug Heyl

To: Julia White (julia.white@nc.gov)
Subject: Date: Attachments:

Heyl, Douglas

FW: ACP Update Notes - Jan. 3, 2018 Wednesday, January 3, 2018 1:36:00 PM image001.png

North Carolina Department of Environmental Quality 919.707.9034 (Office)
919.812.3415 (Mobile)
douglas.heyl@ncdenr.gov

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From: Munger, Bridget
Sent: Wednesday, January 03, 2018 1:04 PM
To: Holman, Sheila <sheila.holman@ncdenr.gov>
Cc: Heyl, Douglas <Douglas.Heyl@ncdenr.gov>; Munger, Bridget <bridget.munger@ncdenr.gov>
Subject: ACP Update Notes - Jan. 3, 2018

ACP Weekly Update Notes Jan. 3, 2018

DAQ: No written response has been received from Dominion following DAQ's request for additional information on the air quality permit application for the Northampton compressor station facility. Mike A. has reviewed draft hearing officer's report; it is in good shape.

DWR: In response to the fifth add-info request, Dominion submitted a revised cumulative analysis report on Dec. 20. Information submitted is under review to ensure that all the requested information has been provided. Final edits are being made to the hearing officer's report. Staff is meeting with Linda Culpepper tomorrow to discuss further.

DEMLR - E&SC: Staff will issue another letter of disapproval to Dominion by Jan. 4, which is the 15-day deadline date. The letter will include about 19 comments/items, which is down from 34 on the last letter of disapproval. There is no set deadline for Dominion to respond once the letter of disapproval is issued. Staff said the timeline is working out that we may be ready to issue an approval for the E&SC and construction stormwater permit application when the 401 certification issues are

resolved. Per standard procedures, DEMLR will not issue the E&SC or construction stormwater permit approval prior to 401/404 approvals.

DEMLR - Stormwater: No information has been received from Dominion in response to the DEMLR's requests for more information on the stormwater general permit and stormwater individual permit. Options for a public comment period are under discussion.

Bridget Munger
Public Information Officer
N.C. Department of Environmental Quality

From: Wrenn, Brian L

To: Higgins, Karen; Burdette, Jennifer a
Subject: Date: Attachments:

RE: ACP Well Testing
Thursday, January 4, 2018 12:54:46 PM image001.png

Ok, I think I have the comments and edits from both of you resolved. Karen, I made one change to the appendices order and double checked the references in the text but no changes to the Appendices other than that. I've included the well testing language about complaints, added the 500 feet zone around blasting, and the cumulative analysis write-up as well. I think that covers it. I've saved the report with today's date. Let me know what you think. Thanks.

Brian Wrenn 919-743-8409 (office) 919-491-2616 (cell)

From: Higgins, Karen
Sent: Thursday, January 04, 2018 9:47 AM
To: Burdette, Jennifer a <Jennifer.Burdette@ncdenr.gov>; Wrenn, Brian L <brian.wrenn@ncdenr.gov>
Subject: Re: ACP Well Testing

agreed

Thanks- Karen

Karen Higgins

401 & Buffer Permitting Branch Supervisor Division of Water Resources
Department of Environmental Quality

919 807-6360 office

From: Wrenn, Brian L

To: Higgins, Karen; Burdette, Jennifer

Subject: a FW: ACP HO report

Date: Friday, January 5, 2018 9:17:45 AM

Not sure if either of you got in this am, but I'm at home with one sick child and another out of school due to snow. The Secretary's office wants to review the HO report prior to sending to Linda. I told Bridget we would send a copy to them when we send to Jeff. I doing another read through right now. When do you think you can finish your review? Thanks!

Brian Wrenn 919-743-8409 (office) 919-491-2616 (cell)

From: Munger, Bridget
Sent: Friday, January 05, 2018 8:56 AM
To: Wrenn, Brian L <brian.wrenn@ncdenr.gov> **Subject:** RE: ACP HO report

That sounds great. Thanks!

From: Wrenn, Brian L
Sent: Friday, January 5, 2018 8:44 AM
To: Munger, Bridget <bridget.munger@ncdenr.gov> **Subject:** Re: ACP HO report

I think the HO report is their focus this am. If it's ok, we can send the draft to you when we send it to Jeff to review. Thanks.

Sent from my iPhone
On Jan 5, 2018, at 8:09 AM, Munger, Bridget <bridget.munger@ncdenr.gov> wrote:

Hi Brian,
If Karen and Jennifer will be looking at the report today, I can wait for that draft. Please let me know what you prefer.
Thank you!
Bridget
(Working at home this morning: 919-268-0069)

From: Wrenn, Brian L
Sent: Thursday, January 4, 2018 7:25 PM
To: Munger, Bridget <bridget.munger@ncdenr.gov> **Subject:** ACP HO report

Please make it known that this has not gone through final revisions. Some of the cumulative impact language is new and neither Karen nor Jennifer have reviewed it at all. Thanks.

From:

To: Subject: Date:

Brian-

Higgins, Karen

Wrenn, Brian L; Burdette, Jennifer a RE: ACP HO report
Friday, January 5, 2018 11:37:00 AM

Just a few minor suggestions highlighted in yellow. I don't think Jennifer will review this today so please go ahead and send to Jeff and others.

Since the department is reviewing the documents before going to Linda, I'm not sure that it will be ready for her by Monday. Should we try to reschedule for later in the week? We could try for after the EMC on Thursday (maybe 3:30) or Friday (maybe 8:45 or 2:00).

Thanks- Karen

Karen Higgins

401 & Buffer Permitting Branch Supervisor Division of Water Resources
Department of Environmental Quality

(919) 807-6360 office

karen.higgins@ncdenr.gov

https://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/401-wetlands-buffer-permits

512 N. Salisbury Street (Archdale Building), Suite 942-E, Raleigh, NC 27604 1617 Mail Service Center, Raleigh, NC 27699-1617

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From: Wrenn, Brian L
Sent: Friday, January 05, 2018 9:18 AM
To: Higgins, Karen <karen.higgins@ncdenr.gov>; Burdette, Jennifer a <Jennifer.Burdette@ncdenr.gov>
Subject: FW: ACP HO report

Not sure if either of you got in this am, but I'm at home with one sick child and another out of school due to snow. The Secretary's office wants to review the HO report prior to sending to Linda. I told Bridget we would send a copy to them when we send to Jeff. I doing another read through right now. When do you think you can finish your review? Thanks!

Brian Wrenn 919-743-8409 (office)

From: Munger, Bridget
Sent: Friday, January 05, 2018 8:56 AM
To: Wrenn, Brian L <brian.wrenn@ncdenr.gov> **Subject:** RE: ACP HO report

That sounds great. Thanks!

From: Wrenn, Brian L
Sent: Friday, January 5, 2018 8:44 AM
To: Munger, Bridget <bridget.munger@ncdenr.gov> **Subject:** Re: ACP HO report

I think the HO report is their focus this am. If it's ok, we can send the draft to you when we send it to Jeff to review. Thanks.

Sent from my iPhone
On Jan 5, 2018, at 8:09 AM, Munger, Bridget <bridget.munger@ncdenr.gov> wrote:

Hi Brian,
If Karen and Jennifer will be looking at the report today, I can wait for that draft. Please let me know what you prefer.
Thank you!
Bridget
(Working at home this morning: 919-268-0069)

From: Wrenn, Brian L
Sent: Thursday, January 4, 2018 7:25 PM
To: Munger, Bridget <bridget.munger@ncdenr.gov> **Subject:** ACP HO report

Please make it known that this has not gone through final revisions. Some of the cumulative impact language is new and neither Karen nor Jennifer have reviewed it at all. Thanks.

Brian L. Wrenn
Ecosystems Branch Chief Water Sciences Section
NC Division of Water Resources 919-743-8409 (office) 919-491-2616 (cell)

Physical Address:

4401 Reedy Creek Road Raleigh, NC 27607

Mailing Address:

1621 Mail Service Center Raleigh, NC 27699-1623

From: Wrenn, Brian L

To: Higgins, Karen; Burdette, Jennifer a

Subject: FW: ACP hearing officer"s report

Date: Friday, January 5, 2018 12:19:39 PM

Attachments:

FYI

ACP_hearing officers rept_01052018.docx

Brian Wrenn 919-743-8409 (office) 919-491-2616 (cell)

From: Wrenn, Brian L
Sent: Friday, January 05, 2018 12:19 PM
To: Poupart, Jeff <jeff.poupart@ncdenr.gov>
Cc: Munger, Bridget <bridget.munger@ncdenr.gov> **Subject:** ACP hearing officer's report

Jeff,
Please find attached the draft hearing officer's report for the ACP project. If you have any questions, please do not hesitate to contact me. I'm at home with kids, so try my cell (919-491-2616). Thanks.

Brian L. Wrenn
Ecosystems Branch Chief Water Sciences Section
NC Division of Water Resources 919-743-8409 (office) 919-491-2616 (cell)

Physical Address:

4401 Reedy Creek Road Raleigh, N 19681C 27607

From: To: Subject: Date:

Burdette, Jennifer a

Wrenn, Brian L

RE: ACP hearing officer"s report Friday, January 5, 2018 4:15:00 PM

Sorry for missing your call this morning. I was deep into the draft of the 401. Before I left, I just wanted to thank you for all of your help with this project. I enjoyed and learned a lot working with you.

Take care, Jennifer

Jennifer Burdette

401/Buffer Coordinator
Division of Water Resources - 401 & Buffer Permitting Branch Department of Environmental Quality
919 807 6364 office
jennifer.burdette@ncdenr.gov

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From: Wrenn, Brian L
Sent: Friday, January 05, 2018 12:20 PM
To: Higgins, Karen <karen.higgins@ncdenr.gov>; Burdette, Jennifer a <Jennifer.Burdette@ncdenr.gov>
Subject: FW: ACP hearing officer's report

FYI

Brian Wrenn 919-743-8409 (office) 919-491-2616 (cell)

From: Wrenn, Brian L
Sent: Friday, January 05, 2018 12:19 PM
To: Poupart, Jeff <jeff.poupart@ncdenr.gov>
Cc: Munger, Bridget <bridget.munger@ncdenr.gov> **Subject:** ACP hearing officer's report

Jeff,
Please find attached the draft hearing officer's report for the ACP project. If you have any questions, please do not hesitate to contact me. I'm at home with kids, so try my cell (919-491-2616). Thanks.

Brian L. Wrenn
Ecosystems Branch Chief Water Sciences Section
NC Division of Water Resources 919-743-8409 (office) 919-491-2616 (cell)

From: Wrenn, Brian L

To: Higgins, Karen
Poupart, Jeff
Cc:

Subject: Re: ACP - Draft Decision Documents

Date: Sunday, January 21, 2018 8:58:42 PM

Karen,
I accepted all of the edits on the HO rept. I looked at the 401 one last time. In condition 16, it references an exemption from condition #13. should that be #15 instead?

I'll sign the document and send it to Linda, copying you and Jeff. Thanks for all of your help on this.

From: Higgins, Karen
Sent: Friday, January 19, 2018 9:26:01 PM **To:** Wrenn, Brian L
Cc: Poupart, Jeff
Subject: Re: ACP - Draft Decision Documents

Brian-

Attached are a revised 401 and HO report. I made the edits to the HO report based on your comments in the 401 and reviewed a couple other places as well. I used the HO report I sent yesterday with those track changes accepted, so the only track changes you see are those I made today.

I also made the recommended changes to the draft 401.
Please let me know if you have any further comments/changes for either document.

Thanks- Karen

Karen Higgins

401 & Buffer Permitting Branch Supervisor Division of Water Resources
Department of Environmental Quality

919 807-6360 office karen.higgins@ncdenr.gov

From: Higgins, Karen
Sent: Thursday, January 18, 2018 10:00 PM
To: Wrenn, Brian L <brian.wrenn@ncdenr.gov>; Poupart, Jeff <jeff.poupart@ncdenr.gov>
Subject: ACP - Draft Decision Documents

Attached please find the draft 401 certification for ACP as well as the draft denial letter. Please review and send me any edits/comments etc. If you make edits in the document(s) please use track changes so I can look at them easily.

Please send me comments tomorrow if possible, or at least Monday morning.

Thanks- Karen

Karen Higgins

401 & Buffer Permitting Branch Supervisor Division of Water Resources
Department of Environmental Quality

919 807-6360 office

From: Wrenn, Brian L

To: Culpepper, Linda
Cc: Poupart, Jeff; Higgins, Karen

Subject: ACP Hearing Officer"s report
Date: Monday, January 22, 2018 8:41:00 AM

Attachments: ACP_hearing officers rept_01222018.pdf

Linda,
Please find attached for your review the Hearing Officer's report for the Atlantic Coast Pipeline project. I am happy to discuss this with you if you have any questions or comments. Thanks!

Brian L. Wrenn
Ecosystems Branch Chief Water Sciences Section
NC Division of Water Resources 919-743-8409 (office) 919-491-2616 (cell)

From: Munger, Bridget

To: Holman, Sheila; Heyl, Douglas

Subject: Fwd: ACP Hearing Officer"s report

Date: Monday, January 22, 2018 2:51:28 PM

Attachments: ACP_hearing officers rept_01222018.pdf ATT00001.htm

Please see attached.
Sent from my iPhone Begin forwarded message:

From: "Higgins, Karen" <karen.higgins@ncdenr.gov> To: "Munger, Bridget" <bridget.munger@ncdenr.gov> Subject: FW: ACP Hearing Officer's report

FYI

Thanks- Karen

Karen Higgins

401 & Buffer Permitting Branch Supervisor Division of Water Resources
Department of Environmental Quality

(919) 807-6360 office

karen.higgins@ncdenr.gov https://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater- branch/401-wetlands-buffer-permits

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From: Wrenn, Brian L
Sent: Monday, January 22, 2018 8:42 AM
To: Culpepper, Linda <linda.culpepper@ncdenr.gov>
Cc: Poupart, Jeff <jeff.poupart@ncdenr.gov>; Higgins, Karen <karen.higgins@ncdenr.gov>
Subject: ACP Hearing Officer's report

Linda,
Please find attached for your review the Hearing Officer’s report for the Atlantic Coast

Pipeline project. I am happy to discuss this with you if you have any questions or comments. Thanks!

Brian L. Wrenn
Ecosystems Branch Chief Water Sciences Section
NC Division of Water Resources 919-743-8409 (office)

From: Higgins, Karen

To: Culpepper, Linda

Subject: draft 401 decision documents

Date: Tuesday, January 23, 2018 1:22:54 PM

Attachments: 140957v2AtlanticCoastPipeline(Multi)_401_IC_NRB_TAR_2.docx
140957v2AtlanticCoastPipeline(Multi)_401_IC_NRB_TAR_DENIAL.docx

Linda-

Attached please find an electronic copy of the draft 401 decision documents for ACP. I'm working on the bullet points.

Thanks- Karen

Karen Higgins

401 & Buffer Permitting Branch Supervisor Division of Water Resources
Department of Environmental Quality

(919) 807-6360 office

Subject: DWR Discussion - ACP

Location: DENR_GS - Rm 5301 - 10 Seats - Morrow Mount

Start: Wed 1/24/2018 11:30 AM Wed 1/24/2018 12:15 PM Tentative
End:
Show Time As:

Recurrence: Meeting Status:

Organizer:
Required Attendees:

Linda-

(none)
Not yet responded

Higgins, Karen
Culpepper, Linda; Wrenn, Brian L; Poupart, Jeff

We wanted to block some time with you to go over the HO Report and 401 decision documents if you had any questions. I gave Bridgette a hard copy of the HO Report, draft 401 certification and draft denial.

Thanks- Karen

127

Subject: Location:

Start:
End:
Show Time As:

Recurrence: Meeting Status:

Organizer:
Required Attendees:

(none) Accepted

Canceled: ACP Team Meeting
DENR_GS - Rm 5212 - 14 seats - Bodie Island Lighthouse

Mon 1/22/2018 1:00 PM Mon 1/22/2018 1:30 PM Free

Lucey, John D
Heyl, Douglas; Kritzer, Jamie; Jill Warren Lucas; Munger, Bridget; Leonard, Laura

From: Higgins, Karen

To: Morris-McLawhorn, Bridgette R
Culpepper, Linda

Cc:
Subject: ACP - word document

Date: Thursday, January 25, 2018 3:40:34 PM

Attachments: 140957v2AtlanticCoastPipeline(Multi)_401_IC_NRB_TAR_3.docx

Bridgette-

I put a paper copy of the 401 certification for ACP on your desk today – there are two places for Linda to sign. I will not be in the office tomorrow, so if Linda wants any changes to the 401, I've attached the word document to this email so you can edit as needed. If you do make any changes to the word document, will you please send me the final word version document for our records?

Also, on the bottom of page two you'll see email addresses for Richard Gangle and Spencer Trichell. Once (if) Linda signs the 401, will you please email them a scanned copy of the signed document, and cc me as well?

Thanks- Karen

Karen Higgins

401 & Buffer Permitting Branch Supervisor Division of Water Resources
Department of Environmental Quality

(919) 807-6360 office

karen.higgins@ncdenr.gov

https://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/401- wetlands-buffer-permits

EXHIBIT

E

Gmail

Julia White

ACP Tick Tock

5 messages

Ken Eudy Thu, Jan 18, 2018 at 12:31 PM
To: Sadie Weiner, Julia White, Morgan Jackson <mjackson@nexusstrategies.com>

Gov is anxious to get a tick tock on this. Here's a start. Can you fill it out? He especially wants to understand how we think the word of the solar and mitigation agreements will get out. I put a placeholder statement in for discussion purposes only.

TIMING ACTIVITY OWNER

1-18 State Historic Preservation Officer signs PA agreement, returns it to FERC William
1-18/24 Gov makes stakeholder calls Morgan
1-19 Sr. staff reviews internal and external messaging, sends to gov Julia
1-19 DEQ staff begins process of final 401 approval Julia
1-19/1-22 Gov reviews messaging Sadie
1-23 Gov staff meets with DEQ to align communications Julia
1-23 Gov staff meets with Commerce to secure statements from economic dev leaders Ken
1-23 Gov staff meets with Solar developers to nail down their messaging on queue agreement Ken
1-23/24 Sr. staff may tweak messages base on stakeholder feedback Sadie
1-25 Messaging finalized for gov, DEQ, Commerce, Solar, Democrats Sadie
1-25 pm Legislative liaison briefs caucus leaders Brad
1-26 am DEQ notifies ACP Julia
1-26 am NCDP briefed Morgan
1-26 noon DEQ issues 401 permit Julia
1-26 Press office issues gov statement outlining carbon-offsetting measures Sadie
1-26 pm Local or regional stakeholder calls by IGR Jordan

Ken Eudy
Ken Eudy
[redacted]

Morgan Jackson <mjackson@nexusstrategies.com> Thu, Jan 18, 2018 at 12:59 PM
To: Ken Eudy, Sadie Weiner, Julia White, Julia White

Reoriented stakeholder calls in timeline. But otherwise good.

Sent from Iphone

From: Ken Eudy
Sent: Thursday, January 18, 2018 12:32 PM
To: Sadie Weiner, Julia White, Morgan Jackson
Subject: ACP Tick Tock