1
2
3
4
5
6 RECORDED INTERVIEW
7 OF
8 LINDA CULPEPPER
9 Friday, October 4, 2019
10 3:53 p.m.
11
12 In Re: NC DEQ Interviews
13
14
15
16
17
18
19
20
21
22
23
24
25

1 A P P E A R A N C E

2

3 LINDA CULPEPPER

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

17

18

19

20

21

22

23

24

25

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. I am with
4 Eagle Intel Services. We've been contracted by the
5 North Carolina General Assembly subcommittee on the ACP
6 to gather facts and report those facts and information
7 back to them. We're here today to interview you. And
8 this interview is being recorded. And I would like for
9 each individual present to state your name, position
10 and acknowledge that you are aware that it's being
11 recorded. And I'll start with Tom.
12 MR. BEERS: I'm Tom Beers. I'm an
13 investigator with Eagle Intel Services, and I
14 understand this is being recorded.
15 MR. LANE: Bill Lane, DEQ. I understand it's
16 being recorded.
17 MS. CULPEPPER: Linda Culpepper, DEQ, Division
18 of Water Resources Director. And I understand that
19 this is being recorded.
20 MR. HARGROVE: Drew Hargrove with DEQ. And I
21 understand this is being recorded.
22 MR. GREENE: Thank you. And I believe Mr.
23 Lane would like to add something.
24 MR. LANE: Yes, just a couple of notes. Based
25 on an agreement of the parties, this agreement will

1 last no long -- I'm sorry, this interview will last no
2 longer than an hour. We're beginning at 3:57. So
3 we'll finish no later than 4:57.
4 And the only questions to be presented to Ms.
5 Culpepper will be those related to the 401 water
6 quality certification for the Atlantic Coast Pipeline,
7 not other projects that she works on or anything in her
8 personal life. Thank you.
9 MR. GREENE: Understood. And thank you.
10 Thank you for being here. You've already stated your
11 name. Can you just give us a brief background of your
12 employment history with DEQ?
13 MS. CULPEPPER: Began employment in November
14 of 1988 in the Division of Water -- excuse me, the
15 Division of Waste Management, and transitioned over to
16 the Division of Water Resources in early 2016 and had
17 been employed since then.
18 MR. GREENE: Okay. All right. And in the
19 same position, 2016 to current?
20 MS. CULPEPPER: I came into the Division of
21 Water Resources as a deputy director and then interim
22 director and then director.
23 MR. GREENE: Okay. During 2017, primarily
24 through 2017 and the beginning of January or the all of
25 January, what was your official position?

1 MS. CULPEPPER: Deputy director transitioning
2 into -- excuse me, interim director transitioning into
3 director.
4 MR. GREENE: Okay. Which, same duties and
5 responsibilities for those positions?
6 MS. CULPEPPER: Essentially.
7 MR. GREENE: And what would that be?
8 MS. CULPEPPER: As the director?
9 MR. GREENE: Yes, ma'am.
10 MS. CULPEPPER: Policy and implementation of
11 all of our statutes, rules, responsibilities.
12 MR. GREENE: Okay. And did you have the
13 ultimate authority over 401 water permits?
14 MS. CULPEPPER: The 401 permits are in our
15 permitting section, led by Jeff Poupart, who's the
16 section chief. He reports to the deputy director which
17 is Jim Gregson.
18 MR. GREENE: Okay.
19 MS. CULPEPPER: And then Jim Gregson reports
20 to me.
21 MR. GREENE: All right. During this time
22 period, 2017, was Jim Gregson the deputy director at
23 that time?
24 MS. CULPEPPER: I would have to go back and
25 look at the time when he became deputy director.

1 MR. GREENE: Okay. And the chain of command,
2 who do you answer to?
3 MS. CULPEPPER: Sheila Holman.
4 MR. GREENE: Sheila Holman. And then Holman
5 answers to the secretary?
6 MS. CULPEPPER: I assume it's the secretary.
7 MR. GREENE: Okay. What primarily was your
8 involvement with the Atlantic Coast Pipeline permitting
9 process?
10 MS. CULPEPPER: Once they had the basic
11 outline of the permit, and I participated in division
12 or department conversations on the permit, and
13 meetings, I attended at least one of the listening
14 sessions, I believe it's down in Robeson County when we
15 were engaged in public stakeholder…
16 MR. GREENE: Okay. All right. And were you
17 involved in the daily activities or how much
18 information was usually relayed to you regarding the
19 process?
20 MS. CULPEPPER: Typically it was in the
21 meetings.
22 MR. GREENE: Okay. And these meetings
23 occurred how often?
24 MS. CULPEPPER: I do not recall how often.
25 MR. GREENE: Okay. On a regular basis or as

1 a…
2 MS. CULPEPPER: Yes, they were on a regular
3 basis.
4 MR. GREENE: Okay. And who is normally
5 present during these meetings?
6 MS. CULPEPPER: The permitting staff from the
7 401 and…
8 MR. GREENE: Which are? Those people would
9 be?
10 MS. CULPEPPER: Honestly, I cannot recall if
11 Jeff Poupart himself was there. Karen Higgins at the
12 time was the branch head.
13 MR. GREENE: Okay. Anyone else? The hearing
14 officer…
15 MS. CULPEPPER: At that point in time, when
16 the hearing officer was engaged in the process and
17 Brian Wrenn, he works on our water sciences section.
18 MR. GREENE: Okay. All right. And were there
19 other meetings within the department that you would
20 come together and discuss the ACP permitting not just
21 on the 401?
22 MS. CULPEPPER: Honestly I don't recall what -
23 - when I was at the meetings I was focused on the 401
24 component of the permit, so.
25 MR. GREENE: Right. But I guess my question

1 would be were there other divisions present during
2 these meetings?
3 MS. CULPEPPER: There were other divisions,
4 right. They were involved in permitting.
5 MR. GREENE: Okay. And you were an interim or
6 preparing to be director since 2016. Were you involved
7 in the pre-application process for the ACP?
8 MS. CULPEPPER: And when I came in in 2016 I
9 was the deputy director, and this permitting function
10 reported to the director, Jay Zimmerman.
11 MR. GREENE: Okay.
12 MS. CULPEPPER: Okay. So this permitting
13 program has never been a direct report to me. But I am
14 responsible as the division director for all of their
15 work.
16 MR. GREENE: Okay. And in your position
17 capacity, obviously you've been involved with a lot of
18 projects. How would you rate the ACP projects,
19 specifically the 401 water permitting process compared
20 to others on a scale basis or information basis?
21 MS. CULPEPPER: I'd have to ask some clarity.
22 Technically, complexity or -- I don'(cross talk) -- I…
23 MR. GREENE: How would you -- how -- is there
24 any way that you would categorize projects? Or are
25 they categorized?

1 MS. CULPEPPER: Not in my mind. I don't
2 approach it that way.
3 MR. GREENE: Okay. All right. Did this
4 particular project -- were there any anomalies or
5 abnormal things going on in the process, the permitting
6 process that was unusual or different from others?
7 MS. CULPEPPER: I had not gone through very
8 many 401 processes before, so I don't have a benchmark
9 for you to, you know, to describe.
10 MR. GREENE: Okay. All right. Just want to
11 go through just a couple of things briefly and then
12 we'll get into more specifics. But we pulled off the
13 DEQ website where your -- the staff files are located.
14 And I pulled just a few documents here from yours. I'm
15 going to show you -- not yours, this is yours.
16 Particular document we like -- just want to flip
17 through that to see if those appear to be your notes.
18 Sorry.
19 MS. CULPEPPER: That's okay. I assume you it
20 wants to go on this page. They look to be my
21 handwriting and my notes.
22 MR. GREENE: Okay. Do you recall making those
23 notes?
24 MS. CULPEPPER: I would have to look at each
25 one, if you want me to respond to each page, but…

1 MR. GREENE: Okay. And we -- I will ask just
2 a couple of questions regarding each one. There are
3 some blank spaces on these. Is that a redaction or
4 were they submitted that way?
5 MS. CULPEPPER: I do not recall. I can see
6 that there are --
7 MR. GREENE: As you can see, yeah, there's…
8 MS. CULPEPPER: -- some other topics spliced
9 in here -- or put -- copied in here. So I don't (cross
10 talk) recall.
11 MR. GREENE: Would -- how would those notes be
12 entered into the public file? Right. Would you do it
13 -- would you actually redact that like it is? Or would
14 someone else do that?
15 MS. CULPEPPER: I don't recall.
16 MR. GREENE: Okay. All right. If I can just
17 view that.
18 MS. CULPEPPER: Sure.
19 MR. GREENE: Thank you. All right. Here is a
20 note. And I've got it highlighted. If you can just
21 review that particular note and read it into the
22 record, if you would.
23 MS. CULPEPPER: I am having trouble reading my
24 writing.
25 MR. GREENE: You're like me.

1 MS. CULPEPPER: Looks like Wednesday, December
2 20th. Cannot read the word. It looks like adding
3 cumulative impact. The next line is, "Meeting with."
4 And I do not -- I can't read that. Next words are
5 hearing officer report, Thursday. "Final
6 recommendation next week," is the final line that's
7 highlighted.
8 MR. GREENE: Okay. Do you have any
9 recollection of making that note and more specifics
10 regarding that?
11 MS. CULPEPPER: I do not.
12 MR. GREENE: Okay. What would be -- how would
13 -- what would be your inference as to what that means?
14 MS. CULPEPPER: Directly Wednesday the 20th,
15 it looks like there's additional information or
16 something related to cumulative impact.
17 MR. GREENE: Okay. And cumulative impact is a
18 -- tell me what cumulative impact is, if you would
19 please.
20 MS. CULPEPPER: The total impacts of a
21 project, looking at the totality.
22 MR. GREENE: And is that part of the 401
23 process for the permitting?
24 MS. CULPEPPER: Right.
25 MR. GREENE: Okay.

1 MS. CULPEPPER: The second line is hearing
2 officer report, Thursday.
3 MR. GREENE: Okay. And I don't even know what
4 day the 20th is, but I'm assuming it would be talking
5 about a upcoming Thursday. So probably next Thursday
6 after the 20th, and I did apologize for not looking at
7 calendar, but that's -- you are expecting to see it at
8 that point in time?
9 MS. CULPEPPER: My notes seem to indicate,
10 "Hearing officer report Thursday." I don't know if I
11 was anticipating seeing that or if there was going to
12 be a discussion on it, I don't know from these notes.
13 MR. Lane: Okay. Is there a date on these
14 notes? I don't see a date.
15 UNIDENTIFIED SPEAKER: No.
16 MR. GREENE: No, just the reference to the
17 December 20th.
18 MS. CULPEPPER: And which says it's Wednesday.
19 I can read that writing.
20 MR. GREENE: Oh, okay.
21 MS. CULPEPPER: Wednesday the 20th.
22 MR. GREENE: Yes, we were trying to figure
23 that out, what the…
24 MS. CULPEPPER: But I don't know if Thursday
25 means the next day or…

1 MR. GREENE: Right, or the following. That
2 may be Christmas…
3 MS. CULPEPPER: Do not know.
4 MR. GREENE: Okay. Thank you. I actually
5 kind of go forward while we're -- this. Okay. If you
6 can just look at the next one that's highlighted.
7 MS. CULPEPPER: Okay.
8 MR. GREENE: And what does it say?
9 MS. CULPEPPER: "Brian, cumulative impacts,
10 sufficient response," is the first line. The second
11 line, "Send draft to Karen and Jennifer to review."
12 The third line is, "Comments done tomorrow. " The
13 fourth line, "Meet Monday."
14 MR. GREENE: Okay. And do you recall when
15 those notes were made?
16 MS. CULPEPPER: No, sir. I don't see anything
17 on the sheet that would indicate.
18 MR. GREENE: Would that indicate that your --
19 the review of the hearing officer's report was going to
20 be complete or completed or what…
21 MS. CULPEPPER: It does not reference the
22 hearing officer report.
23 MR. GREENE: Oh, I'm sorry. I think there was
24 a reference to Brian. What was that reference?
25 MS. CULPEPPER: "Cumulative impact, sufficient

1 response."
2 MR. GREENE: Okay. And do you know what that
3 was in response to?
4 MS. CULPEPPER: I don't. I know we were doing
5 add info requests.
6 MR. GREENE: Okay. And I believe we do have
7 the fourth ad info request, and that specifically was
8 talking about the cumulative impact, and that was a
9 request on that. So would that indicate that that was
10 received?
11 MS. CULPEPPER: I cannot tell from the notes.
12 MR. BEERS: Okay. When you made those notes,
13 what information were you making these notes from? Was
14 someone telling you this information? Or is this -- do
15 you…
16 MS. CULPEPPER: I don't -- from reading the
17 notes, I don't have that context.
18 MR. GREENE: Okay. Let's see. Then there's -
19 - it appears to be a meeting on January 19th. And if
20 you can just look at that and kind of review that page.
21 And first of all, who was present during that meeting,
22 according to these notes?
23 MS. CULPEPPER: According to the notes, I
24 typically will document names, so Geoff Gisler
25 (phonetic), Gudrun Thompson, David Neal (phonetic),

1 Secretary Regan, Sheila Holman, Bill Lane, Doug Heyl
2 are listed.
3 MR. GREENE: Okay. And the date on that is…
4 MS. CULPEPPER: January 19, 2018.
5 MR. GREENE: All right. And if you -- now you
6 briefly reviewed it a few minutes ago. What seems to
7 be -- what's the meeting about?
8 MS. CULPEPPER: So there's information
9 regarding the ACP. There's information regarding our
10 community EJ or engagement conference. And we're
11 looking at economic development with the Department of
12 Commerce in the rural area. So there seems to be a
13 variety of topics.
14 MR. GREENE: Would any of those pertain to the
15 401 permit?
16 MS. CULPEPPER: I have a header listing on
17 line 4, one update on ACP, and then I have some notes
18 regarding SELC and Geoff Gisler.
19 MR. GREENE: Are they within the water
20 resource department? I'm not familiar with who they
21 are. What are their positions?
22 MS. CULPEPPER: I'm listing SELC. I do --
23 Gudrun Thompson, I do not know. That point of contact
24 for sure I have a head notes with it for utility/FERC
25 (phonetic). David Neal, I have a notation signaling

1 air and environmental justice as EJ.
2 MR. GREENE: Okay. And do you recall that
3 meeting on the 19th?
4 MS. CULPEPPER: I do not recall it
5 specifically, no.
6 MR. GREENE: And I believe the permit was
7 issued on the 26th of January. So then a week, one
8 week prior to that. Is there any discussion as to when
9 the permit was going to be issued at that point in
10 time? The 401 specifically.
11 MS. CULPEPPER: Let me look through it again.
12 I did not see it at my first look through. I do not
13 see any indication on timing of permit. What I see are
14 notes regarding comments made by other participants in
15 the meeting.
16 MR. GREENE: And when you say other
17 participants, are those from other divisions?
18 MS. CULPEPPER: The ones that I have read out
19 loud their names.
20 MR. GREENE: Right. And what division are
21 they? Because I -- I think you made reference to SLE
22 or something.
23 MS. CULPEPPER: Southern Environmental Law
24 Center, SELC.
25 MR. GREENE: Okay.

1 MS. CULPEPPER: Geoff Gisler, Gudrun Thompson,
2 David Neal, those are not DEQ employees.
3 MR. GREENE: Okay. And do you know why they
4 were present?
5 MS. CULPEPPER: I apologize. I do not recall
6 this meeting specifically.
7 MR. GREENE: Okay. Okay.
8 MR. BEERS: Thank you. I'm just going to show
9 you -- these are some e-mails that came from the DEQ
10 website as well.
11 MS. CULPEPPER: Okay.
12 MR. BEERS: I'll let you start. You can
13 become familiar with those. And they're mostly
14 December, January.
15 MR. LANE: Oh, I see. Do you need them back?
16 MR. BEERS: Yeah, well, I'll just -- this
17 first page. It looks like December 14th Karen Higgins
18 reaches out to Bridgette (phonetic). Is that your
19 assistant?
20 MS. CULPEPPER: Those -- we have separate
21 parts. That's -- I apologize.
22 MR. BEERS: Okay. Yeah, there is up here.
23 MS. CULPEPPER: Bridgette Morris-McLawhorn
24 (phonetic) was our administrative secretary.
25 MR. BEERS: So it looks like she's trying to

1 schedule a meeting to review the HO report, the hearing
2 officer's report, is that…
3 MS. CULPEPPER: Okay.
4 MR. BEERS: Do you recall that? Of course
5 not…
6 MS. CULPEPPER: I apologize.
7 MR. BEERS: Yeah. So I mean that's what it
8 looks like. I mean it's…
9 MS. CULPEPPER: It appears she was setting up
10 the meeting.
11 MR. BEERS: So then in the next e-mail Brian
12 Wrenn is going to e-mail to Sarah Rice saying that she
13 -- that Linda has scheduled a meeting to discuss ACP
14 hearing officer on January 4th. And I'm finalizing the
15 HO report, hearing officer's report, I think that
16 means. "And I hope to have a draft to Karen Higgins
17 and Jennifer early next week."
18 So she's looking to get some Environmental
19 Justice statement in this. But it looks like they're
20 going forward trying to finalize this hearing officer's
21 report to give this to you to review on January 4th.
22 Do you recall that?
23 MS. CULPEPPER: I don't recall the timing but…
24 MR. BEERS: Okay. Just consistent with what
25 you would recollect in the overall process?

1 MS. CULPEPPER: It's consistent with the
2 permitting process.
3 MR. BEERS: Okay. So that was in December
4 they set this up. Moving onto January 3rd, you saw
5 these e-mails, where they're -- it looks like Brian
6 Wrenn, Karen Higgins are basically finalizing this
7 hearing officer's report. Does that reflect what that
8 e-mail -- those e-mails are in January 3rd? They look
9 like they're making edits to get ready to review with
10 you. That's what it looks like to me.
11 MS. CULPEPPER: They look…
12 MR. LANE: Just note that Ms. Culpepper is not
13 copied on any -- these are not sent -- none of these e-
14 mails were sent to her.
15 MR. BEERS: Right.
16 MR. LANE: So she's reading other people's e-
17 mails.
18 MR. BEERS: Correct. And I'm just trying to
19 put the timeline to refresh her memory of how this
20 final review process went.
21 MS. CULPEPPER: Okay.
22 MR. BEERS: So January 4th there's an e-mail
23 chain, Brian Wrenn and Bridget Munger. And it looks
24 like she's made a request to Brian Wrenn to get the
25 hearing officer's report. Do you recall that before

1 You reviewed it.
2 MS. CULPEPPER: I don't recall their exchanges
3 between each other that (cross talk).
4 MR. BEERS: Do you recall rather than you
5 review this hearing officer's report it was going to be
6 reviewed by the secretary's office before you got to
7 review it? Do you recall that?
8 MS. CULPEPPER: I don't recall it. I do see
9 in these e-mails there's a reference to that.
10 MR. BEERS: So does that refresh your
11 recollection, the date you were going to review this
12 report before you?
13 MS. CULPEPPER: I apologize. It's been long
14 enough ago. I don't have recall on that.
15 MR. LANE: Again, Ms. Culpepper did not send
16 or receive any of these e-mails.
17 MR. BEEERS: Right. And I didn't say that.
18 I'm just asking if she remembers that how -- if she
19 knew the secretary's office reviewed the hearing
20 officer's report prior to you.
21 MS. CULPEPPER: I do not recall.
22 MR. BEERS: Do you remember when you first got
23 a copy to review?
24 MS. CULPEPPER: I don't recall a date, no. I
25 apologize.

1 MR. BEERS: Do you recall any conversation
2 with someone from the secretary's office about
3 reviewing the hearing officer's report?
4 MS. CULPEPPER: We would -- during our
5 periodic meetings we would discuss timing for when we
6 thought we would have the hearing officer's report
7 ready. So that was a point of discussion.
8 MR. BEERS: So do you recall the secretary's
9 office from where you reviewed this? You don't recall?
10 MS. CULPEPPER: I apologize. I do not recall.
11 MR. BEERS: In any of your meetings do you
12 recall any conversations about the secretary's office
13 being involved with the approval of the 401 permit?
14 MS. CULPEPPER: We would go over items to
15 understand how close are we, do we have enough
16 information and what our technical review on that, if
17 we're moving towards a issuance or a denial. So those
18 were points of conversation.
19 MR. BEERS: This is the first -- it looks to
20 me that January 22nd, that's the first e-mail where I
21 see you got a copy of the hearing officer's report.
22 MS. CULPEPPER: Okay. Thank you.
23 MR. BEERS: Do you recall that day, getting it
24 that day? That's the date it was signed.
25 MS. CULPEPPER: I don't recall.

1 MR. BEERS: Okay, you don't. Okay. You don't
2 recall any -- going from having a meeting to review the
3 hearing officer's report and then finding out you're
4 not going to review it until the 22nd, you don't recall
5 that big gap in time and any conversation that would
6 have taken place, why you're not going to look at this
7 anymore.
8 MS. CULPEPPER: We were going through
9 different technical points for the permit, so there
10 were some time in there where we were looking at do we
11 have enough information. So I recall that there were
12 those iterations. And there were some gaps in time
13 gathering information with the staff working on the
14 project.
15 MR. BEERS: Do you recall any changes that
16 were made to the hearing officer's report from the 4th
17 until the 22nd? I'm just asking if you recall. This
18 is a big -- it's quite a gap in time before something
19 that's -- was going to happen on the 4th. And then
20 that's when you were first going to review it. And
21 then the 22nd is the first time you see it. I just
22 wonder if you recollect any conversation about that.
23 MS. CULPEPPER: Yeah, and I've shared. What I
24 recall is…
25 MR. BEERS: Yeah, okay. I'm just -- I'm

1 trying to…
2 MS. CULPEPPER: What I recall is just our
3 technical issues going through it to make sure dot all
4 the T -- or dot all the Is, cross the Ts.
5 MR. BEERS: Who at the secretary's office
6 would have asked for that to see that report? Who
7 would have been the person to ask for that? In your
8 experience working there, would it have been, in just
9 the secretary's office who is going to review it, who
10 they were…
11 MR. LANE: That's speculation in this case.
12 MR. BEERS: Well, in your experience working
13 with the secretary's office, who has the expertise to
14 look at something like this? Anyone?
15 MS. CULPEPPER: I really don't have a lot of
16 history working on these. This is one of the earlier
17 ones in my capacity as the director to even look at.
18 MR. BEERS: Okay.
19 MS. CULPEPPER: So I -- I don't have that
20 frame of reference for you, but…
21 MR. BEERS: Right. Okay.
22 MR. GREENE: And going back to this timeframe,
23 because from your notes on that Wednesday the 20th and
24 then the -- we were saying hearing officer report on
25 Thursday. So that's, you know, a month away, of course

1 there is holidays in there too. And so did you ever
2 question what's going on where is the hearing officer's
3 report?
4 MS. CULPEPPER: We have these periodic
5 meetings to hear those questions that were being asked.
6 MR. GREENE: Okay. And so were you apprised
7 of the steps that were being taken as to this person is
8 going to review it. At this point in time this person
9 is going to review it. Were you aware of how it's
10 going to progress?
11 MS. CULPEPPER: I don't recall the logistics
12 of those review processes or -- I don't know. I
13 apologize.
14 MR. GREENE: And once everything was submitted
15 to you -- 22nd?
16 MR. BEERS: Yeah, the 22nd.
17 MS. CULPEPPER: Yes, it was in again the 22nd.
18 MR. GREENE: 22nd. Do you recall what was
19 provided to you on the 22nd?
20 MS. CULPEPPER: The attachment indicates ACP
21 hearing officer's report 01222018., as a PDF file.
22 MR. GREENE: Okay.
23 MS. CULPEPPER: So I assume that's what was
24 attached.
25 MR. GREENE: Okay. And with that attachment

1 you have the hearing officer's report. When everything
2 typically comes to you for your review, what's in the
3 package? Report goes out the doors saying here's your
4 permit.
5 MS. CULPEPPER: So the ones that I see are
6 very limited number 401s. They're the ones that have
7 had a public hearing or if there's a denial then the
8 director is the signatore on that. So there's very few
9 of those. So for this, I assume that I got the hearing
10 officer's report which went through the public comment
11 and the listening sessions that we had associated with
12 the application.
13 MR. GREENE: And when you reviewed it -- I'm
14 assuming you reviewed the hearing officer's report, did
15 you have any questions or concerns at that time?
16 MS. CULPEPPER: I cannot recall. I had
17 questions. And I cannot recall a distinction between
18 the actual permit and the hearing officer's report.
19 But I recall asking questions. I would assume probably
20 both documents. I typically have questions or -- but I
21 can't recall specifics of what questions did I ask and
22 in which the permit itself or of the hearing officer's
23 report.
24 MR. GREENE: So you have -- you had both
25 documents there at that point in time?

1 MS. CULPEPPER: I cannot tell you that.
2 MR. GREENE: Okay.
3 MS. CULPEPPER: I don't have recollection on
4 when I actually had the permit.
5 MR. GREENE: Okay. Did you see the draft
6 denial letter?
7 MS. CULPEPPER: I do recall seeing the draft
8 denial letter. They had presented it together at the
9 same day with -- my recollection is it's presented at
10 the same day with the approval letter.
11 MR. GREENE: Okay. And do you recall what date
12 that was?
13 MS. CULPEPPER: I do not recall.
14 MR. GREENE: Okay. And have you -- how many
15 other times have you seen a draft denial letter
16 presented with the permit and the hearing officer's
17 report?
18 MS. CULPEPPER: I believe this is the first
19 one that I had seen, the first 401. And I believe that
20 was the first time I had seen the denial and the
21 approval for a 401.
22 MR. GREENE: The recommendation.
23 MS. CULPEPPER: And when I asked staff about
24 it, they indicated that they had had a procedure in the
25 past, that that's what they did to prepare. At one

1 point they had prepared one and not the other and they
2 just made -- there was a recommendation to move forward
3 with both when they came to the director's office that
4 would have both documents.
5 MR. GREENE: Okay. Do you recall the draft
6 denial letter, the contents of it?
7 MS. CULPEPPER: Not the content of it. I
8 remember seeing it though with the approval letter. I
9 have permitting experience in the other division,
10 that's…
11 MR. GREENE: Okay. Do you have something?
12 MR. BEERS: No, it looks like the -- on the
13 25th it looks like you got, someone dropped off to
14 Bridgette in your office the hardcopy of those --
15 MS. CULPEPPER: Okay.
16 MR. BEERS: -- those documents. That was on
17 the 25th.
18 MR. CULPEPPER: Okay. Okay, thank you.
19 MR. BEERS: Which is a Thursday, maybe that
20 corresponds to the note.
21 MR. GREENE: December.
22 MR. BEERS: That was December?
23 MR. GREENE: That was December.
24 MR. BEERS: That was another -- another one
25 was undated. So do you recall what happened at that

1 point when everything was dropped off?
2 MS. CULPEPPER: I don't recall dates or…
3 MR. BEERS: Right.
4 MS. CULPEPPER: I assume I receive those, but…
5 MR. GREENE: So it was issued on the 26th and
6 what's the procedures of how that's done?
7 MS. CULPEPPER: We do a final review. What I
8 do recall on the day I signed and you're indicating it
9 was the 26th…
10 MR. GREENE: Yes.
11 MS. CULPEPPER: Okay. On the day I signed it
12 there was one lingering edit that I had wanted made.
13 And I don't recall what that edit was. But I remember
14 asking staff to make that edit. But I apologize. I do
15 not remember what it was.
16 MR. GREENE: Okay. And obviously it wasn't
17 significant to the issuance of the permit, was it?
18 MS. CULPEPPER: I have no idea what it…
19 MR. GREENE: Okay.
20 MS. CULPEPPER: I can't recall what it was.
21 MR. GREENE: Okay. And who was aware that the
22 permit was going to be signed on the 26th?
23 MS. CULPEPPER: I do not know in totality who
24 was involved. I believe our public information officer
25 was…

1 MR. GREENE: And that would be?
2 MS. CULPEPPER: Gosh. At the time I believe
3 it would have been Bridget Munger was with us at the
4 time.
5 MR. GREENE: Any other people or -- I guess
6 my…
7 MS. CULPEPPER: I assume Brian Wrenn as the
8 hearing officer and Karen Higgins as the permitting
9 branch head.
10 MR. GREENE: Would you notify anyone above
11 your position?
12 MS. CULPEPPER: When we have significant
13 permits being issued, I do notify Sheila Holman that we
14 are issuing a permit, same thing sometimes with
15 enforcement.
16 MR. GREENE: Okay. Do you recall that's who
17 you actually notified?
18 MS. CULPEPPER: I don't recall.
19 MR. GREENE: And would that be typically on
20 the same day or would it be prior to? How would that
21 normally shake out?
22 MS. CULPEPPER: The public information
23 officers for significant permits do want to know before
24 the issuance so that they can prepare if they do get
25 media inquiry. We try to let them know this is coming

1 so that they can have talking points ready. There's
2 anything that's controversial…
3 MR. GREENE: Okay. Did you notify the
4 secretary's office that it was…
5 MS. CULPEPPER: I don't recall who I notified,
6 but I would assume my typical protocol is to let Sheila
7 know when I'm signing.
8 MR. GREENE: Okay. Anything else. Were you
9 aware of the mitigation fund that was being negotiated
10 outside of DEQ, the $57.8 million? Were you aware of
11 that at the time of the permit certification?
12 MS. CULPEPPER: I was not aware of that fund
13 at the time I signed this permit. I found out about it
14 through the media afterwards.
15 MR. GREENE: Okay. So there was no discussion
16 about how it could be used for cumulative impact or
17 whatever?
18 MS. CULPEPPER: No, sir. I found out after
19 via the media.
20 MR. GREENE: Okay. And did you find anything
21 unusual about the permitting process? Or was there
22 anything, any outside forces creating hurdles for it
23 that you could see?
24 MS. CULPEPPER: No. We added additional
25 listening sessions for the public. That to me was an

1 extra step. My experience in solid waste management,
2 with landfills, we would also try to engage the public
3 in a very thorough way to try to make sure anyone who
4 had comments or issues make sure they were heard and we
5 understood concerns. So I equated that additional step
6 to my experience in a different -- in the other
7 division.
8 MR. GREENE: Okay. Is that a decision you
9 made, to have the listening sessions?
10 MS. CULPEPPER: I don't believe it was me
11 personally. I think it was a discussion point during
12 our meetings.
13 MR. GREENE: Okay. Meetings with…
14 MS. CULPEPPER: Our periodic meetings on
15 pipeline.
16 MR. GREENE: Okay. All right. Would that
17 have come from the secretary's office or other
18 individuals within the divisions?
19 MS. CULPEPPER: I believe it was at the
20 meetings where we had different divisions represented
21 as well as the secretary's office. But I do not recall
22 details of who initiated a conversation on the topic,
23 but…
24 MR. GREENE: Okay.
25 MR. BEERS: That's all I have.

1 MS. CULPEPPER: Okay.
2 MR. GREENE: That's all we have.
3 MS. CULPEPPER: All right.
4 MR. GREENE: And we certainly appreciate your
5 time and thank you for your duties, what you do.
6 Appreciate it.
7 MR. BEERS: (cross talk).
8 MS. CULPEPPER: Thank you.
9 MR. GREENE: So at this time it is 4:38. And
10 I want to take the recorders off.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, Linda Culpepper, 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

Linda Culpepper

Interviewee's Printed Name

10/17/2019

Date

State of North Carolina, County Wake

I, Janet T Mack, Notary Public

Do hereby certify that Linda Culpepper

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

Jan 31

⊛ ACP → refund, any heavy office report (F).
w/ link to comments.

⊛ Mtg – data layers – sources / DWM / DWR / DAQ.
Amy Kenworth, lab.

⊛ Karen / DuPont – data

11am ACP

- More crossings as it goes further into J.C. via media.
  Phased project. - modify 401 Certification.
  Corps could ask for an individual permit.
  401 Certification has reopened.

Sheila - Dominion mtg. - Karen/Jennifer asked for conventional boring example plans for crossing. Status of VA & WV
- addition asks, following up in writing. heavy in coming w/u
  responding to comments - anticipate fall decision.
- DEMLR disapproved Sed./Control plans
  Not seen re-submission yet No storm water sub. Ad.
  Met 3 week ago
- DAQ - notice next Wed. for public hearing - Nov. 15th
Address all issues.

ACP Conf Call

Sheila - point of contact

Jennifer Dundett

- 401 - Company indicated they will respond this week to Ad info - Jennifer Dundett, - Stream crossing, Cumulative analysis - ex: from DOT to help them.
  - Likely receive response on Friday - Starts 60 day clock.

Tuesday

- DEMLR - need more info. Getting letter ready.
- Stormwater - 1 application

MP.

- DAQ - Nov. 17 hearing pump station

Jan.

- Black Creek formation - low pH conditions, need cathodic protection like sewer line
  - No regulations ~~from~~ DEQ ~~requiring~~.
  - Put in advisory statement / Utility Commission.
  - Pipeline would not create any additional risk
  - Talk to Mark McIntire this afternoon.

Duke -

ACP – 11:15 am. Applications

Air – request for additional info – on modeling → not received response yet.

401 Cert – C Impactor not fully responsive → Dominion responded, w/ an error with stormwater program in Robeson County. Did not look at impacts due to mistake. Emailed clarification / Phone call Monday. Not received official response.

Sheila – may see 401 response today & sed./erosion cntrl today.

Sed/ER – starts 15 day clock. Need 401 Cert first.

Karen – if it comes in Friday, not sure the plg will be finalized in 15 days. Review of Hearing Officer Rpt.

Brian Wrenn – HO. report. Drafted all he can except for C Impact – EJ plan in, people working on notification of speakers.

Stormwater – judgment for mainline. General review. Public comment recommendation → Lay down area = individual permit, other area General permit

140 acres
21 are impervious
2 apts.

ACP – A Munger doing notes.

Call 919-733-2411 at 3:30 – 4pm

401

– Wed. Jan 30th Recent addition Cumulative Impact,
– Meeting w/ Listen Hearing Officer Rept. Thurs.
First recommendation next week.

Dembek – access roads

Public Notice General Permit & Individual Permit – constructions yard → leaning to a hearing on the Individual permit.

Bill / Sheila → 11 am IOT.

ACP - Brian - Consider Input sufficient response
Sent draft to Ken & Jennifer to review
- comments done tomorrow
- meet. Mon
Temp impacts large, can't convert to permanent.
Stormwater DEMLR. & Duffie authorization.

John Huisman / Rich
Newest Tar. rules

Thomas Slunzer - One Water
Meeting: Rich, Patrick, Heather Jennings.
Rep for DWR 1319 Grants
How do you pull people together to give updates?
Busy workloads, get siloed putting out fires.

TJCOG - Jordan Lake
Continued leadership on intern.
Keep on updated. See pilot project through.

Open House Jamie Rayen, Lisa Rankin,
Craig Caldwell.

Jan. 19, 2018 (written) SELC ACP (Air, EJ)

Geoff Gisler, Godrun Thompson, David Neal

Jee. Regan, Holman, Lane, Hyle. (utility/FERC)

Want update on ACP

SELC opposed, originally along I-95 not recognized as threat it now is.

Godrun "Bad deal, take state in wrong direction"

Project not worth the risk. On clean energy — pipeline lock state into fossil fuel. Opportunity cost to lock out other energy opt.

Geoff - plan in comment letter. Approx individual 40% cert.

More than what projs have been through. PA example..

Impacts - are practical alts. entirely & open cut method.

In a week or two — Pulling together report in next few weeks → make better use of existing pipeline. [Need at all]

- Additional capacity not needed by improving distribution network.
- Directional drilling / boring - under major rivers, but dismiss. doing that at other places → justify why not. Lacking in eval. of open cut & places of stream crossings. to ensure WQ violations won't happen & restored.
- Don't have plan to know baseline, how can they put it back.
- CI analysis - does not get to CI. Many watersheds w/ crossings that are on diff tribs or on same soon - together they hit 4-5 tribs to a stream in short area. Not at proper level.
- CI anyone growth will happen anyways, then also due to pipeline. Don't have substance on future impacts.

Need, demand, cost, imminent domain - looking collectively on approach. Beyond DEQ.

Report on need - of FERC? So far FERC has not looked closely at port submitted by SELC.

Geoff - (1st) ~~[illegible] of comments~~ - info needed for baseline.

- Pulled from NY regulatory agency. Pre construction contours / soil / vegetation.
- Look at impacts in close proximity.

David - Compression station - 50% African. Double ave. at/below poverty line.

Continuously operating at exposure & lack. Indian community impacts - FERC not Sec. - shifted resources & look at Title VI & EJ. Close to having EJ / Family Advo Board to Sec.

Tribal / Local Govt / Community Activist (visited) Better community engagement / notice / CI.

Community Eng. Conf. in NC → planning next one after 2017 Mediare event.

Nearlous Wallace - Dept of Commerce, point on econ. dev / rural.

EXHIBIT

B

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

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

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

Email correspondence to and from this address is subject to the
North Carolina Public Records Law and may be disclosed to third parties.

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

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

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

1617 Mail Service Center Raleigh, NC 27699-1617

(Physical Address: 512 N. Salisbury St, Raleigh, NC 27604 - 9th Flr Archdale Bldg – Room 942F) Email correspondence to and from this address is subject to the

North Carolina Public Records Law and may be disclosed to third parties.

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

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

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

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