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6 RECORDED INTERVIEW
7 OF
8 BRIDGET MUNGER
9 Friday, October 4, 2019
10 1:31 p.m.
11
12 In Re: NC DEQ Interviews
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1 A P P E A R A N C E

2

3 BRIDGET MUNGER

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

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

2 MR. GREENE: Today's date is October 4th,
3 2019. My name is Kevin Greene, and I'm with Eagle
4 Intel Services. And we've been contracted by the North
5 Carolina General Assembly Subcommittee on the ACP to
6 gather facts and report those facts back to the
7 committee. We are recording this interview today. And
8 I would like to have each person present to state your
9 name, position and that you acknowledge that we're
10 recording this interview. And I'll start with Tom.
11 MR. BEERS: Okay. Tom Beers, I'm an
12 investigator with Eagle Intel Services. And I
13 understand that this is being recorded today.
14 MR. LANE: Bill Lane from DEQ. I understand
15 this is being recorded.
16 MS. MUNGER: Bridget Munger with the
17 Department of Public Safety. I understand this is
18 being recorded.
19 MR. HARGROVE: Drew Hargrove with DEQ. I
20 understand it's being recorded.
21 MR. GREENE: Thank you all. And I believe Mr.
22 Lane would like to add something?
23 MR. LANE: Yes, thank you. We are starting
24 this interview at 1:35 p.m. By agreement of the
25 parties, this interview will take no more than an hour,

1 so we will be concluding this interview no later than
2 2:35. Again, by agreement of the parties the questions
3 to be asked will be related to Ms. Munger's official
4 duties related to the 401 Water Quality Certification
5 for the Atlantic Coast Pipeline and not other -- any
6 other projects that she's worked on or anything in her
7 personal life. Okay.
8 MR. GREENE: Thank you very much. We'll start
9 by just if you would just give us a brief background of
10 your time with DEQ, when you started and the position
11 that you served.
12 MS. MUNGER: I started with DEQ in August of
13 2006 as a communications specialist III with the
14 Division of Soil and Water Conservation. That division
15 was later moved out of the agency. Before that
16 happened, I accepted a position with the Division of
17 Water Quality moving over as a federally funded storm-
18 water outreach and education coordinator for the state.
19 And that would have been February 1st, 2008, when I
20 switched jobs there.
21 What followed was various reorgs, not
22 particularly official reorgs, but within the
23 communications shop for the department. And eventually
24 I ended up as PIO for two divisions, the Division of
25 Energy, Mineral and Land Resources; as well as the

1 Division of Water Resources. And eventually I became
2 the deputy communications director for the department.
3 MR. GREENE: Okay. And during the timeframe
4 of primarily 2017 and early 2018, what position did you
5 have at that time?
6 MS. MUNGER: A deputy communications director.
7 That promotion came about midpoint of that, but I'd
8 already assumed the duties. I was working as the lead
9 for both of those very busy divisions.
10 MR. GREENE: Okay. Yeah, I believe we found
11 that out. And can you give us an idea of what you did
12 in those -- in that position as deputy communications
13 director?
14 MS. MUNGER: Each part of the work would be
15 public information requests; taking in requests; doing
16 the research; working with subject matter experts
17 permitting staff to respond to those. We get a very
18 high volume of those at DEQ; responding to media
19 inquiries; writing press releases; website content,
20 maintaining that sort of thing. Developing outreach
21 materials, education outreach materials, PowerPoints.
22 And just serving as a general communication consultant
23 for staff, when they're writing reports, that sort of
24 thing.
25 MR. GREENE: Okay. And can you give us a

1 hierarchy of who you answer to or did you supervise any
2 employees? So two questions there.
3 MS. MUNGER: And so in that position, you sort
4 of serve two masters. You answer to the directors that
5 you're serving as a PIO, but you also report to a
6 communications director at the department level, or to
7 a deputy communications director, then a communications
8 director.
9 MR. GREENE: Okay. So in 2017, within the
10 Division of Water Resources, who was your immediate
11 boss or supervisor?
12 MS. MUNGER: Honestly I believe it was Linda
13 Culpepper. There was a transition in leadership and
14 I'm not sure what the date was.
15 MR. GREENE: Okay. And then you said you also
16 had someone else that you would answer to beyond that?
17 MS. MUNGER: Yes, at the department level.
18 MR. GREENE: The department. And who would
19 that be?
20 MS. MUNGER: Doug Heyl headed up
21 communications. And after he arrived, within a matter
22 of a few months, Megan Thorpe came onboard to serve as
23 a communications director. He served as communications
24 director/deputy secretary for public affairs, then
25 Megan Thorpe came onboard and took over the premier

1 communications director role.
2 MR. GREENE: Okay. All right. And we'll
3 start with your role as it pertains to specifically the
4 Atlantic Coast Pipeline project. Can you just give us
5 a brief summary of that role and your duties and
6 responsibilities and what may have taken place during
7 that time period of the permitting process,
8 specifically as it relates to the Division of Water
9 Resources?
10 MS. MUNGER: So my role involved assisting
11 with placing public notices to a degree when a draft
12 permit might be ready for review. And honestly, I
13 don't remember the details of that. But typically it
14 would be a public notice being posted, announcing a
15 public comment period, attending public hearings in
16 case media showed up. Our staff don't prefer -- they
17 really don't want to talk on camera, so we run
18 interference for them. So, yeah, I'd be there for
19 media inquiries. And of course, if reporters were to
20 call about the project, direct them in the right place,
21 or if I have the information, answer it. And for some
22 of the community meetings.
23 I also worked, got information from cultural
24 resources, that particular project carried across
25 different programs. And so for example, we had fact

1 sheets that talked about they crossed Indian burial
2 grounds over there. So the fact sheets for information
3 on the project.
4 MR. GREENE: Okay. And how closely did you
5 work for those people making the decision for the
6 permit?
7 MS. MUNGER: I didn't work closely with those
8 people.
9 MR. GREENE: Would they reach out to you
10 regarding, like, obviously the public hearings? Is
11 that something that was your function to arrange those
12 public hearings?
13 MS. MUNGER: With that particular program, they
14 were pretty self-sufficient in terms of public
15 hearings. They had lot of experience. And I don't
16 recall if I actually set up the public hearings over
17 the years. Honestly, I set up a lot of public…
18 MR. GREENE: Sure.
19 MS. MUNGER: Those still stand out to me.
20 MR. GREENE: I am sure. Was there anything
21 within the ACP permitting process that stood out to you
22 that was a duty that you had that you recall that was
23 significant or a contribution to…
24 MS. MUNGER: I would say, as with any big
25 project, just making sure that the public in the public

1 comment period, the inquiries, people got all the
2 information that they're looking for, we're public
3 servants. And that's who we work for.
4 MR. GREENE: All right. So you dealt a lot
5 with the media, requests for information. And I guess
6 interviews. Do they -- do they want to interview
7 people?
8 MS. MUNGER: I don't remember. I mean, some
9 reporters call for interviews, some call for, you know,
10 background information. I know that on occasion I'd
11 get a call from reporters asking if a permit had been
12 issued. And I would tell them I would check, you know,
13 to try to find out the status and I let them know.
14 MR. GREENE: Okay. Do you recall any specific
15 instances where there were topics that reporters would
16 ask routinely about on the ACP?
17 MS. MUNGER: There was a lot of interest in
18 the project. So if you were a county reporter, and the
19 pipeline was going to impact your county, you might
20 want to know if an erosion and sediment control plan
21 was approved. So they would call and ask that. The
22 pivotal permit was the water permit, has that been
23 issued. And I would confirm whether - where we were in
24 the process, and let them know.
25 MR. GREENE: Okay. Did you attend any of the

1 staff meetings when they were discussing the project?
2 MS. MUNGER: If I did, it -- no, I don't think
3 so. I don't recall being in one of those meetings. So
4 I mean, no, I don't think -- you mean permitting staff.
5 I…
6 MR. GREENE: Correct. Yes ma'am. Or
7 department staff discussing the Atlantic Coast
8 Pipeline?
9 MS. MUNGER: In PIO meetings, I might talk
10 about when I would draft a press release communications
11 step. But that would be a round robin setting where we
12 go by division. And these were not communications
13 meetings called to talk about the Atlantic Coast
14 Pipeline.
15 MR. GREENE: Okay. I'm going to show you,
16 since it involves press, this is an e-mail that was
17 pulled off the public server for the files regarding,
18 and it's an e-mail dated October 24, 2017. And I think
19 it's a response to Elizabeth Ouzts that you may have
20 given regarding the Atlantic Coast Pipeline. So this -
21 - if you'd just kind of review that and basically just
22 summarize what that request is and what the response
23 was.
24 MS. MUNGER: Okay. What is the question?
25 MR. GREENE: Can you summarize what the

1 question was, what they were seeking, and your response
2 and what you may have provided?
3 MS. MUNGER: It looks like she's looking for
4 data on 401 certifications that had been applied for
5 historically, and whether or not they were approved.
6 That's what I would take from this. And my responses
7 are referring her to a very large online database that
8 is Laserfiche where the 401 unit stores all their
9 program files.
10 MR. GREENE: Okay. Was there a denials
11 spreadsheet?
12 MS. MUNGER: Excuse me, it's a public --
13 publicly accessible database.
14 MR. GREENE: Right.
15 MS. MUNGER: That's important.
16 MR. GREENE: We're familiar with it.
17 MS. MUNGER: Okay.
18 MR. GREENE: Was she -- was there a denial
19 spreadsheet provided?
20 MS. MUNGER: I don't recall. I don't recall
21 if there was a denial spreadsheet. I would refer -- I
22 would typically refer someone, a reporter, anyone to a
23 project file on Laserfiche that would be labeled by the
24 project number. And I -- quite frankly, it wasn't my
25 job to go in and dig out all that information.

1 MR. GREENE: Right.
2 MS. MUNGER: It's -- this was a convenience to
3 be able to say here's the file. For want of a paper
4 file review, just easier for the requester.
5 MR. GREENE: Okay. All right. I think I see.
6 And I think she was asking here -- she'd interviewed a
7 former North Carolina DEQ regulator who said outright
8 denials of major 401s is pretty unusual. Do you know
9 who she talked to?
10 MS. MUNGER: I don't.
11 MR. LANE: Can she see the emails?
12 MR. GREENE: Yes, I'm sorry.
13 MS. MUNGER: No, I don't know who she talked
14 to.
15 MR. GREENE: Okay. Do you recall speaking or
16 communicating with this particular person?
17 MS. MUNGER: Not this particular exchange. I
18 know who Elizabeth Ouzts is-, but I don't remember that
19 exchange.
20 MR. GREENE: Okay. And is she with a paper or
21 magazine or what's her position?
22 MS. MUNGER: At that point, I think she was
23 with Southeast Energy News -- no, or something energy
24 news, some sort of publication that focused on energy.
25 MR. GREENE: Okay.

1 MS. MUNGER: I think she was freelancer.
2 MR. GREENE: Okay. I figured as far as that
3 iCloud account --
4 MS. MUNGER: Yeah.
5 MR. GREENE: -- she probably was. I couldn’t
6 figure that out. Thank you. What were some of the
7 major -- she contacted you about that and I've kind of
8 alluded to this question, but was there one particular
9 topic that most of the press wanted to know about
10 during the ACP process?
11 MS. MUNGER: No.
12 MR. GREENE: No?
13 MS. MUNGER: No.
14 MR. GREENE: Okay.
15 MS. MUNGER: No, I mean, I don't really recall
16 that, so.
17 MR. GREENE: Okay. Do you remember -- do you
18 recall anything being unusual regarding the ACP
19 permitting process that you would have to respond to?
20 MS. MUNGER: No. Unusual? No.
21 MR. GREENE: Okay. Everything was normal?
22 MS. MUNGER: Yes.
23 MR. GREENE: Okay. And you said you weren't
24 sure if you actually set up the hearings, the public
25 hearings or not. Do you remember there being a

1 listening session for environmental justice?
2 MS. MUNGER: Yes. Yes.
3 MR. GREENE: Okay. Did you set that…
4 MS. MUNGER: I did set this up, yes.
5 MR. GREENE: Okay. What do you recall about
6 that particular session? And do you recall when it
7 took place?
8 MS. MUNGER: What do I recall about them?
9 MR. GREENE: How it came to be, what initiated
10 it?
11 MS. MUNGER: I think in large part it was
12 because many of the public comments we received and
13 many of just the contact we got from community
14 organizers indicated they wanted more information.
15 They were concerned about the impacts of the project to
16 their communities. And they wanted to be heard. And
17 we thought it was very important that they be able to
18 have that chance. So we decided to go further than was
19 required under I guess I don't know, administrative,
20 whatever the rules are that apply there. And hold
21 these listening sessions. So that's what we did.
22 MR. GREENE: Okay. What -- can you define
23 environmental justice, what that is?
24 MS. MUNGER: I doubt that I would give the
25 textbook or legal definition that perhaps you or my

1 friends here are familiar with. What it means to me is
2 a mindfulness in terms of permitting, the location of
3 industrial facilities, any of the impacts associated
4 with it; being very mindful of their location in a
5 community making sure that there's not a vulnerable or
6 at-risk population that is impacted inordinately --
7 inordinately if I've said that correctly. That's maybe
8 the Cliffs Notes, the…
9 MR. GREENE: Okay. Sounds good to me. Thank
10 you.
11 MS. MUNGER: Okay.
12 MR. GREENE: And was that standard, or was
13 that a normal practice in major projects?
14 MS. MUNGER: Was what a more major?
15 MR. GREENE: To have the public listening
16 sessions regarding environmental justice?
17 MS. MUNGER: No, it was not a standard
18 practice. In this particular instance, we decided to
19 do it because there were requests for it. And as I
20 said before, I take the public service part of this
21 very seriously, and try to be responsive.
22 MR. GREENE: Okay.
23 MR. BEERS: You said we requested. Who at DEQ
24 would have actually made that request for you to do
25 that?

1 MS. MUNGER: I don't recall.
2 MR. BEERS: Would you have taken that on your
3 own initiative to do that or would it be someone above
4 you in command that would have said let's do this?
5 MS. MUNGER: I think in the case of these that
6 I in part suggested that we should do it.
7 MR. BEERS: Was there any pushback because
8 it's not a requirement for the permit? Was it -- do
9 you remember any discussions to that extent?
10 MS. MUNGER: No, that was -- no, no, there was
11 support for doing these listening sessions.
12 MR. BEERS: For across the board at the review
13 process?
14 MS. MUNGER: Yes.
15 MR. BEERS: Okay.
16 MS. MUNGER: Yes, there was absolute goal of
17 transparency in this project and that included the best
18 public engagement that we could achieve. And that was
19 -- that's what we were trying to do.
20 MR. BEERS Do you believe those efforts to be
21 that transparent delayed the review process of the 401
22 permit in any way?
23 MS. MUNGER: No.
24 MR. GREENE: Were you involved in each time
25 there was a notice of request for additional

1 information to the applicant?
2 MS. MUNGER: I'm not…
3 MR. GREENE: Would that be published in any
4 way?
5 MS. MUNGER: I'm speaking as though I still
6 work here. I was not involved in that part of the
7 process, no.
8 MR. GREENE: Okay. When decisions were made
9 specifically 401 water permit or certification, it was
10 your duty to do a public press release on that?
11 MS. MUNGER: We didn't always do press
12 releases on each development in the permitting process.
13 In fact, I don't really recall when we did the actual
14 press releases. I know that was done at the end of
15 that. That's what I recall, that one. But -- can you
16 repeat the question again? I could have checked there.
17 MR. GREENE: Yeah, they were okay. You just
18 said there was a press release involved at the end of
19 that. When you say end of that, is it 401 permit?
20 MS. MUNGER: Yeah, at the end of that
21 particular permitting process, correct.
22 MR. GREENE: Were you involved in that
23 particular press release?
24 MS. MUNGER: Yes. Yes.
25 MR. GREENE: Okay.

1 MS. MUNGER: It was my division.
2 MR. GREENE: It was your division. Were you
3 involved in it in this capacity working with the
4 governor's office and their press, or their PIO --
5 MS. MUNGER: No.
6 MR. GREENE: -- in doing a release?
7 MS. MUNGER: No.
8 MR. GREENE: Okay. Who would have reviewed
9 the press release in the -- within the department?
10 MS. MUNGER: Again, without remembering the
11 today specifics of then, it would have been a subject
12 matter expert. Maybe the program supervisor for
13 accuracy, a standard procedure. I am not an engineer.
14 So a subject matter expert and it's typical just to --
15 for a director to be able to see any press release
16 going out a division director. That's why they're the
17 director. And then it would be given to the department
18 communications office for review, some of your top
19 communications director reviews.
20 MR. GREENE: And at that time would be Doug
21 Heyl?
22 MS. MUNGER: Honestly I don't know if Megan
23 was onboard with DEQ at that point or not. So if Megan
24 was here, it would have gone to Megan.
25 MR. GREENE: Okay. And if she wasn't, who was

1 prior to her?
2 MS. MUNGER: There was an Acting
3 Communications Director, Jamie Kritzer. But -- Jamie
4 was gone by then. Jamie was gone by then.
5 MR. GREENE: Jamie Kritzer?
6 MS. MUNGER: Yeah. Yeah. He was gone by
7 then.
8 MR. GREENE: Okay.
9 MR. LANE: And spelling is K-r-i-t-z-e-r.
10 MR. GREENE: Kritzer. Thank you. Were you
11 ever present during any meetings, whether it was with
12 staff or the division or the department where they were
13 expressing any concerns over the permitting process
14 itself?
15 MS. MUNGER: Concerns about the process?
16 MR. GREENE: The process?
17 MS. MUNGER: No.
18 MR. GREENE: Okay.
19 MS. MUNGER: No.
20 MR. GREENE: Do you know when the 401 was I
21 guess certified or when it was given?
22 MS. MUNGER: Approved?
23 MR. GREENE: Approved?
24 MS. MUNGER: Honestly I don't remember the
25 exact date. I know it was I believe the end of

1 January. But I don't recall the exact date. Sorry.
2 MR. GREENE: All right. Prior to that, when
3 did you have any knowledge about when it was expected
4 to be approved?
5 MS. MUNGER: Well, in any sort of substantial
6 permit you might hear in a casual comment that it will
7 be finished by -- we expect it to be ready by such and
8 such date. But no, I don't remember specific
9 references to when it was going to be or -- no. It
10 would be ready when it was ready was my take on this.
11 MR. GREENE: Okay. Were you ready to prepare
12 or have you had -- did you have a draft press release
13 prior to the issuance?
14 MS. MUNGER: I don't recall if I had a draft,
15 but the nature of my job is to be ready to knock out a
16 press release whenever it's needed fast.
17 MR. GREENE: Okay. Do you want to go over?
18 MR. BEERS: Yeah. So are you familiar with
19 the hearing officer's report that's required in certain
20 --
21 MS. MUNGER: I know what one is.
22 MR. BEERS: -- 401 certifications?
23 MS. MUNGER: Yes.
24 MR. BEERS: In this ACP, do you remember there
25 being a hearing officer's report that was approved up?

1 MR. BEERS: This is actually one, I'll show
2 you the…
3 MR. BEERS: Well, I'll tell you, no, there was
4 in fact one.
5 MS. MUNGER: I'm sorry, did I know there was
6 one?
7 MR. BEERS: You do -- yeah.
8 MS. MUNGER: Yes.
9 MR. BEERS: Are you aware in this case there
10 was --
11 MS. MUNGER: Yes.
12 MR. BEERS: -- because you were.
13 MS. MUNGER: It's a requirement.
14 MR. BEERS: Right. So that's the hearing
15 officer's report. And it's dated January 22nd I
16 believe. Do you understand the purpose of the hearing
17 officer's report and what it does and how it affects
18 the issuance of a 401 certification?
19 MS. MUNGER: Do I understand the purpose?
20 MR. BEERS: Do you understand -- yeah.
21 MS. MUNGER: Yes.
22 MR. BEERS: Okay. Can you describe that,
23 what's the purpose of that report, and how it affects
24 the…
25 MS. MUNGER: "For an experienced and qualified

1 individual who serves as the hearing officer to have
2 thorough knowledge front to back of a project from all
3 of our subject matter experts referencing research and
4 data and public comments and feedback. And everything
5 they have learned about a project to make a
6 recommendation -- a recommendation on whether or not an
7 approval or a permit should be issued." And they
8 summarize this again to -- speaking to transparency.
9 "This summarizes everything that's happened in this
10 process for any member of the public to be able to
11 review if they have questions. And it's prepared for
12 the director of the appropriate division."
13 MR. BEERS: Okay. Do you remember the review
14 process for this particular hearing officer's report?
15 MS. MUNGER: I was not involved in the review
16 process.
17 MR. BEERS: Not at all?
18 MS. MUNGER: I don't -- if I was I don't
19 remember.
20 MR. BEERS: Okay. I'm going to -- there is
21 some e-mails.
22 MS. MUNGER: I might have -- I might have done
23 like -- this is like reviewing a white paper if you're
24 a communications expert. You don't make substance
25 changes. You might fix dates so they were an

1 Associated Press style. You don't do that kind of
2 editing. I might have looked at this for formatting or
3 something, but I don't really recall.
4 MR. BEERS: Okay. I'm just going to refer you
5 to an e-mail.
6 MS. MUNGER: I think right there, there.
7 MR. BEERS: Okay. There's the e-mail dated
8 January 5th. This is from Brian Wrenn back to you
9 indicating that you've had some communications about
10 this hearing officer's report.
11 SIRI: Sorry, I couldn't quite hear you.
12 Could you please repeat what you said?
13 MR. GREENE: For the record that was not Ms.
14 Munger.
15 MR. BEERS: That was Siri (phonetic) on my
16 phone.
17 MS. MUNGER: Yeah, that was not me.
18 MR. BEERS: Looks like January 4th.
19 MS. MUNGER: Okay. So this is going in the
20 other direction.
21 MR. BEERS: Exactly.
22 MS. MUNGER: Okay. Okay.
23 MR. BEERS: Yeah. This is this is Brian Wrenn
24 responding back to you.
25 MS. MUNGER: Okay. Yeah, let me start over so

1 I can read it in the proper order. That was a little
2 confusing.
3 MR. BEERS: These are confusing how they're
4 printed off the website, but they're backwards.
5 MS. MUNGER: Okay.
6 MR. BEERS: Okay. So you just read those e-
7 mails I think on January 4th and 5th, 2018.
8 MS. MUNGER: Uh-huh.
9 MR. BEERS: So can you describe the
10 communication with Brian Wrenn about the hearing
11 officer's report?
12 MS. MUNGER: In summary, it just sounds like
13 he is still working on it and fine-tuning it. And it's
14 going through a review process internally.
15 MR. BEERS: Okay. So how are you involved
16 with this process? Why is he going to -- why are you
17 asking to have it sent to you if that's in fact what
18 you did?
19 MS. MUNGER: There could be a number of
20 reasons why it'd be sent to me. Someone may have asked
21 for me -- asked for it, ask me for it.
22 MR. BEERS: Well, that is the question. Did
23 someone ask you to get that from Brian Wrenn, do you
24 recall that?
25 MS. MUNGER: I don't recall that. No, I

1 don't. But when these -- I mean, when we review
2 documents, they -- there can be quite a few people that
3 are involved in that process. So I don't recall this
4 specific communications or who asked me for the copy.
5 Sorry.
6 MR. BEERS: There's another e-mail that may
7 refresh your recollection. So this e-mail above
8 January 5th at 9:17. It says "Brian Wrenn." He's
9 indicating that the secretary's office has to have it
10 reviewed. Do you recall that?
11 MS. MUNGER: I mean I can read what's here in
12 the e-mail.
13 MR. BEERS: Yeah, I'm asking for your
14 recollection.
15 MS. MUNGER: But I don't remember that
16 instance.
17 MR. BEERS: You don't recall if the
18 secretary's office asked you to get this report?
19 MS. MUNGER: No, in fact, I mean, I don't know
20 if he's the one who's first sharing that there. So I -
21 - no, I don't, I'm sorry.
22 MR. BEERS: Okay. So in this e-mail, Brian
23 Wrenn does in fact, as he said he was going to you send
24 it to Jeff Poupart, is that his -- that's -- do you
25 know who that is?

1 MS. MUNGER: Uh-huh.
2 MR. BEERS: And CCed you, the hearing
3 officer's report?
4 MS. MUNGER: This one going backwards too.
5 Let me just get my bearings here. 12/19, 4:15, okay.
6 It is two -- the same e-mail here.
7 MR. BEERS: Yeah, it's -- I think the way your
8 -- the website stores and it's from multiple people, so
9 they all have this duplicates involved.
10 MS. MUNGER: Okay. The very last one doesn't
11 clearly show who is to and who is from.
12 MR. BEERS: Which one…
13 MS. MUNGER: If that's…
14 MR. BEERS: What this is -- they're not all
15 presented.
16 MS. MUNGER: Yeah.
17 MR. BEERS: So one of them is -- this is the
18 one I'm talking about. You got -- you received this
19 from Brian Wrenn. He CCed you this hearing officer's
20 report.
21 MS. MUNGER: Uh-huh.
22 MR. BEERS: Right? I just want to know if you
23 recall why -- who asked you to get it and what you did
24 with it? And what's the reason for you to get the
25 report?

1 MS. MUNGER: And so again, he's courtesy
2 copying me there. So that's not unusual to courtesy
3 copy communications specialist or anybody else. You
4 may think we'd be interested in a document. But also,
5 so you're asking me again, can you just -- are you
6 again ask me if someone in particular requested it from
7 me?
8 MR. BEERS: Yes, exactly.
9 MS. MUNGER: No. I didn't -- I don't recall
10 that.
11 MR. BEERS: Okay. Here's -- this is a little
12 later in time. But it's the next time we see you e-
13 mailing anything related to this. And here you're
14 sending this hearing officer's report out.
15 MS. MUNGER: Okay.
16 MR. BEERS: So it looks like you at least had
17 a copy of it for some time now.
18 MS. MUNGER: Okay. Someone here for a review.
19 Is this the same thread I'm looking at?
20 MR. BEERS: No.
21 MS. MUNGER: Okay. Okay.
22 MR. BEERS: No, but here you are sending on
23 the 22nd. Can you read that e-mail to see…
24 MS. MUNGER: Okay. I'm trying to figure out.
25 I want to start -- over here.

1 MR. BEERS: Yeah, let's make sure --
2 MS. MUNGER: Okay.
3 MR. BEERS: -- we're in the right one.
4 MS. MUNGER: And I particularly want it in the
5 correct order.
6 MR. BEERS: The one from you.
7 MS. MUNGER: Okay.
8 MR. BEERS: And there is an attachment, the
9 hearing officer's report.
10 MS. MUNGER: Okay.
11 MR. BEERS: And who is it being sent to?
12 MS. MUNGER: Sent to Karen Higgins.
13 MR. BEERS: From -- to?
14 MS. MUNGER: Oh, I'm sorry.
15 MR. BEERS: I'm sorry. I don't want to --
16 just a -- I'm sorry.
17 MS. MUNGER: You're making me nervous, coming
18 across the table.
19 MR. BEERS: I'm trying to direct you to…
20 MS. MUNGER: That is -- it's an e-mail to
21 Sheila Holman and Doug Heyl.
22 MR. BEERS: Okay. Can you tell me why you
23 were sending it to them?
24 MS. MUNGER: So that they would have a copy of
25 it.

1 MR. BEERS: Just for -- just the copy, or was
2 there a request to -- from them to get this?
3 MS. MUNGER: There may have been a request. I
4 don't remember the incidence of them of making a
5 request. I don't remember if someone else asked me to
6 send it.
7 MR. BEERS: Yeah, I was just wondering if you
8 remember this, this -- why you were reviewing this
9 document and what you did, what you recalled about
10 this?
11 MS. MUNGER: And so again I think I mentioned
12 before, it's not unusual for a hearing officer's report
13 for any project to be reviewed. Not everyone who
14 becomes an engineer or an environmental specialist is a
15 particularly talented writer, some are better than
16 others. It's not out of the ordinary for that to be
17 the case, just to take a look at it. A lot of times we
18 don't have time to do it. But I don't recall someone
19 asking me to do this particular thing to take this
20 action. I'm not saying it didn't happen because
21 clearly it did. But I would be dishonest if I told you
22 I recalled that.
23 MR. BEERS: Okay. You don't recall even
24 getting it at this time. Actually you're looking it --
25 MS. MUNGER: I see the e-mail.

1 MR. BEERS: -- it says it happened and you
2 still recall it.
3 MS. MUNGER: Okay. And it makes sense. You
4 know, it's in the course of work. But I…
5 MR. BEERS: Do you recall a conversation with
6 Brian Wrenn where you said the secretary's office wants
7 to review this hearing officer's report?
8 MS. MUNGER: No, I don't recall the
9 conversation. I'm sorry. I just -- I don't.
10 MR. GREENE: And backing up to that particular
11 e-mail, it's being sent to Holman, is that correct?
12 MS. MUNGER: Sheila Holman, yes.
13 MR. GREENE: And what's her position?
14 MS. MUNGER: She was assistant secretary --
15 assistant secretary for the environment for the
16 Department.
17 MR. GREENE: For the department?
18 MS. MUNGER: She still is I think, yeah.
19 MR. GREENE: Okay. And also it's been sent to
20 Doug --
21 MS. MUNGER: Doug Heyl.
22 MR. GREENE: -- Heyl who was working for the
23 department as a PIO also?
24 MS. MUNGER: No. Doug, no. Doug was the
25 deputy secretary for Public Affairs.

1 MR. GREENE: Okay. Okay. And so in Holman's
2 role, she would be supervising the permitting process
3 overall?
4 MS. MUNGER: That's my understanding.
5 MR. GREENE: Okay. I just want to clarify
6 that. So if she wanted it, I mean would it not go
7 through channels instead of going outside of PIO to
8 her?
9 MS. MUNGER: Not necessarily, no.
10 MR. GREENE: Okay.
11 MS. MUNGER: It's entirely possible for a
12 project that she would ask for it.
13 MR. GREENE: Okay.
14 MS. MUNGER: There's not a checklist that has
15 to follow a procedure.
16 MR. GREENE: Okay. All right. Did you have
17 communications with the governor's office, Public
18 Affairs, officers, individuals regarding the ACP?
19 MS. MUNGER: No.
20 MR. GREENE: No?
21 MS. MUNGER: No.
22 MR. GREENE: When the press release was
23 written for the 401 permit, I believe is 1/26
24 (phonetic), that was your press release or did the
25 governor's office have input?

1 MS. MUNGER: I probably would have done the
2 first draft because it's my programs. But again, press
3 releases are collaborative. I had no authority to
4 draft a press release in a vacuum on anything.
5 MR. GREENE: Right.
6 MS. MUNGER: It's a collaboration. So…
7 MR. GREENE: And who would you collaborate
8 with?
9 MS. MUNGER: As I mentioned before that
10 subject matter experts, division director to review to
11 make sure you don't have something wrong. Make sure
12 there's no typos or bad dates. And then it goes up the
13 communications, you know, to whoever is involved in the
14 project.
15 MR. BEERS: Okay. Were you aware of a
16 mitigation fund being negotiated by the governor's
17 office for the ACP partnership?
18 MS. MUNGER: There's a mitigation fund.
19 That's what -- I don't know a lot about that.
20 MR. BEERS: The separate fund -- apart from
21 the 401 permitting process, it's separate funds.
22 MS. MUNGER: And so I remember hearing a
23 little bit about that, but I didn't really understand
24 what that was about. And so it was in the course of a
25 PIO meeting, so.

1 MR. BEERS: Where did you hear that, from what
2 source?
3 MS. MUNGER: Honestly I'm not sure who it was.
4 It might have been Doug.
5 MR. BEERS: Did you get inquiries from the
6 press regarding that issue?
7 MS. MUNGER: No.
8 MR. BEERS: No?
9 MS. MUNGER: Huh-uh.
10 MR. BEERS: When you first heard about it, was
11 this during the course of the review of the 401 permit
12 application?
13 MS. MUNGER: I don't think so, no. I don't
14 think so. I don't know the specific dates, but as -- I
15 mean, as the hearing report was being finalized,
16 following the regulations and the rules and the laws
17 that are laid out in the books, the determination was
18 made. And so I don't know why the two would be
19 involved, if I understand your question.
20 MR. BEERS: Well, I just want to know if you
21 knew about this mitigation fund. There's a memorandum
22 of understanding that was signed by ACP partners and
23 the governor's office. And it was announced right
24 around the same time (cross talk).
25 MS. MUNGER: I remember when it was announced.

1 I do remember when it was announced. And I remember
2 discussion about how Virginia had done something
3 similar there. And -- but I don't know details of it
4 and I wasn't privy to discussions about it.
5 MR. BEERS: You weren't included in any prior
6 meetings? Prior to announcement, you weren't included
7 in any discussions about how this would actually affect
8 environmental mitigation or how the press might be
9 interested in this issue as it relates to the ACP?
10 MR. LANE: Maybe you could break that down a
11 little bit. Do you…
12 MR. BEERS: Well, I just wanted -- you weren't
13 involved in any discussions about this prior, is that
14 correct?
15 MS. MUNGER: I don't think so, no.
16 MR. BEERS: You don't recall?
17 MS. MUNGER: They don't stand out. No, I
18 don't think so.
19 MR. GREENE: Okay. Where did you learn that
20 Virginia had the same fund?
21 MS. MUNGER: I think there was media coverage
22 of it.
23 MR. GREENE: Okay. So it wasn't a PIO meeting
24 in where you guys noticed that?
25 MS. MUNGER: Oh, no, there was media coverage

1 of that.
2 MR. GREENE: Okay.
3 MS. MUNGER: I mean, we -- they were dealing
4 with the same project, so.
5 MR. GREENE: Right. So you didn't have a
6 briefing after the fact as to how to handle questions
7 regarding the fund?
8 MS. MUNGER: No.
9 MR. GREENE: Did you have…
10 MS. MUNGER: No, I don't think so. No, I
11 don't, no.
12 MR. GREENE: Okay. Did you have a -- after
13 the 401 permit was issued, did you have a briefing as
14 to what questions may arise?
15 MS. MUNGER: We may have had talking points on
16 the permit, which again is typical because anything
17 controversial, you prepare talking points to be able to
18 answer questions. I recall that somewhat. It was not
19 a very large document, it was just a few key points
20 about the issuance.
21 MR. BEERS: Okay. So with this -- you know,
22 you weren't present during a meeting when people
23 associated with the ACP talked about potential uses of
24 this fund during the negotiation of the fund?
25 MS. MUNGER: I don't recall that.

1 MR. BEERS: You say you don't recall that?
2 MS. MUNGER: To be honest, I forgot -- I don't
3 have to dementia but (phonetic).
4 MR. BEERS: Yeah.
5 MS. MUNGER: I hadn't even thought about my
6 meetings, where I had attended, where the
7 representatives were there until you just said it. So,
8 no, I don't recall that.
9 MR. BEERS: Okay. I think -- anything else?
10 I don’t know if this is going to be anything of
11 importance. All done. That's all the questions I
12 have. You've got…
13 MR.GREENE: Did anyone ever express any
14 concerns that to you, within the department or outside
15 the department, that the permitting process was
16 dragging or being slowed? Or that there were barriers
17 being created?
18 MS. MUNGER: No. No.
19 MR. GREENE: Did you ever have any discussions
20 with anyone regarding how long the process is taking or
21 was taking at that time?
22 MS. MUNGER: Not in that context. There were
23 -- I got reporter questions about the process, for
24 example, when do you think it'll be finished? But no,
25 not conversations as to -- as though…

1 MR. GREENE: And how would you follow up on
2 those questions?
3 MS. MUNGER: That it’s still under review.
4 MR. GREENE: Okay.
5 MS. MUNGER: That would be a standard. For
6 any permit that's come, the talking point is still --
7 again, it's ready when it's ready.
8 MR. GREENE: Okay. Anything unusual that you
9 can think of regarding the ACP process that was out of
10 the norm?
11 MS. MUNGER: No.
12 MR. GREENE: Okay.
13 MS. MUNGER: No.
14 MR. GREENE: Okay. I think we're done.
15 SPEAKER: (Inaudible).
16 MS. MUNGER: Okay. I get to have lunch now.
17 MR. GREENE: It's --
18 MS. MUNGER: Oh. Yeah.
19 MR. GREENE: -- 2:19 and we're going to turn
20 the recorders off.
21
22
23
24
25

I, Bridget C. Munger, 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.

Bridget C. Munger

Interviewee's Signature

Bridget C. Munger

Interviewee's Printed Name

10/17/19

Date

State of North Carolina, County Wake

I, Janet T Mack, Notary Public

Do hereby certify that Bridget C. Munger

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 Mack, Notary Public

JANET T MACK
My Commission Expires
NOTARY
PUBLIC
May 1, 2020
WAKE COUNTY, NC

EXHIBIT

A

From:	Munger, Bridget
To:	Elizabeth Ouzts
Cc:	Munger, Bridget (bridget.munger@ncdenr.gov)
Subject:	RE: [External] Re: Atlantic Coast Pipeline Project Update: Oct. 24, 2017
Date:	Wednesday, October 25, 2017 4:18:00 PM

Hi Elizabeth,
Because of the Neuse Nutrient Strategy and associated buffer protection rules, the erosion and sediment control plans that were submitted for the northern segment of the proposed pipeline (DEQ's Raleigh Regional Office) cannot be approved without a buffer authorization. If granted, the buffer authorization will be issued at the same time as the required state 401 water quality certification. Erosion and sediment control plans cannot be approved without the required buffer authorization and/or the required state 401 certification. For any project, without the required buffer and/or 401 water quality documents, the erosion and sediment control plans would be disapproved.

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

919-807-6363 office
919-207-7786 mobile
bridget.munger@ncdenr.gov

1612 Mail Service Center
Raleigh, NC 27699-1612

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

From: Elizabeth Ouzts [mailto:elizouzts@icloud.com]
Sent: Wednesday, October 25, 2017 10:42 AM
To: Munger, Bridget <bridget.munger@ncdenr.gov>
Subject: [External] Re: Atlantic Coast Pipeline Project Update: Oct. 24, 2017

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you verify that the attachment and content are safe. Send all suspicious email as an attachment to report.spam@nc.gov.

Thanks for this update. Isn't it a foregone conclusion that you all will have to reject this again b/c Atlantic Coast Pipeline doesn't yet have its 401 cert? Or is there a chance you would approve them both at the same time, or approve them with conditions?

Best
E

On Oct 24, 2017, at 6:07 PM, Munger, Bridget <bridget.munger@ncdenr.gov> wrote:

Atlantic Coast Pipeline Update
Oct. 24, 2017

Atlantic Coast Pipeline, LLC submitted new erosion and sediment control plans for the proposed route for the North Carolina segment of the pipeline on Oct. 23. When a project

submits erosion and sediment control plans for a second time, the state Sedimentation Control Act requires DEQ to review and make a decision to either deny or approve the new plans within 15 days of receipt. Therefore, the deadline for review of the newly submitted plans is **Tuesday, Nov. 7**. The new plans are available online at the links below:

- Fayetteville Region Sediment and Erosion Control Plan Submittal 2
- Raleigh Region Sediment and Erosion Control Plan Submittal 2

More Information

Information on the pipeline project's environmental review process is regularly updated on the DEQ website:https://deq.nc.gov/about/divisions/energy-mineral-land-resources/acp.

Please feel free to share this update with other interested parties who may wish to have more information on the Atlantic Coast Pipeline project.

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

919-807-6363 office
919-207-7786 mobile
bridget.munger@ncdenr.gov

1612 Mail Service Center
Raleigh, NC 27699-1612

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Elizabeth Ouzts
Southeast Energy News
elizouzts@icloud.com
(919) 672-9803 / @envirouzts

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

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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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

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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

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

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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