

Delaware Riverkeeper Network ~ Ostego 2000
No Fracked Gas in Mass ~ Common Ground Community Trust
Gas Free Seneca ~ Earthlands Community Land Trust
StopNED ~ Co-op Power ~ 350.org ~ HoCo Climate Action
Citizens United for Renewable Energy (CURE)
Environmental Justice Task Force of the WNY Peace Center
Safe Energy Rights Group, Inc.
Sanford-Oquaga Area Concerned Citizens (S-OACC)
Don't Gas the Pinelands ~ OVEC-Ohio Valley Environmental Coalition
Milford Doers/Residents of Crumhorn Mountain
Virginia Citizens Consumer Council ~ Project CoffeeHouse
Stop the Algonquin Pipeline Expansion
Plymouth Friends for Clean Water ~ Friends of Augusta
Arise for Social Justice ~ Middlefield Neighbors
Concerned Citizens of Otego ~ Mountain Majesty LLC
Fore River Residents Against the Compressor Station
The Banner Newsletter ~ Compressor FREE Horseheads
Berks Gas Truth ~ Food & Water Watch ~ Friends of Buckingham
Protect Orange County ~ Advocates for Cherry Valley
Landscape Alternatives L.L.C ~ Plan To Save The Planet
Springfield Area Interfaith Climate Action Network
Compressor Free Franklin ~ ECHO Action NH: #FossilFree603
Breathe Easy Susquehanna County
Coalition Against the Pilgrim Pipeline New Jersey
Sane Energy Project ~ Wilderness LLC ~ Transition Town Media
Damascus Citizens for Sustainability ~ Citizens For Water
NYH2o ~ Union County (NJ) Peace Council
Roseland Against Compressor Station (RACS) ~ Marshalls automotive
2degreesatgreenneighbors.earth ~ Climate Action NOW
Springfield Climate Justice Coalition ~ Clean Water for North Carolina
Rochester Defense Against Fracking ~ Sustainable Medina County
People Not Pipelines ~ Christians For The Mountains
Sullivan Alliance for Sustainable Development
Big Bend Conservation Alliance ~ West Virginia Highlands Conservancy
Concerned Burlington Neighbors ~ South Coast Neighbors United
Sullivan Area Citizens for Responsible Energy Development
Mohawk Valley Keeper ~ Exodus Acres
ROAR (Roseboom Owners Awareness Response Against Fracking)
Advocates for Springfield
FCCPR, Franklin Co Continuing the Political Revolution
TerraBella Farm ~ Schuylkill Pipeline Awareness
Winyah Rivers Foundation Inc. ~ Friends of Nelson
Bucks Environmental Action ~ No Sharon Gas Pipeline | Clean Energy Now

**SCRAM ~ HALT-PennEast ~ Veerans Green Jobs Initiative
Genesis Farm ~ Lancaster Against Pipelines
Concerned Citizens of Allegany County
Aquashicola/Pohopoco Watershed Conservancy
Bucks County CCAP ~ The Wei ~ Jewish Climate Action Network
Seeding Sovereignty ~ Ray King Studio ~ Wellness
Orange Residents Against Pilgrim Pipelines
CARCS- Citizens Against the Rehoboth Compressor Station
Nash Stop the Pipeline (Blue Ridge Environmental Defense League)
Catskill Citizens for Safe Energy ~ ClimateMama
Modernboy Woodshop ~ Fenton Inn ~ Fenton Family Holdings
Cuyahoga Co. Green Party Central Committee ~ Eight Rivers Council
People for a Healthy Environment
Western North Carolina Renewables Coalition ~ United for Action
Concerned Residents of Oxford ~ 1st Presbyterian Church
Pipe Line Awareness Network for the Northeast
Shaleshock ~ Morning Glory & Bumble Bee LLC
Beyond Extreme Energy ~ Tinker Tree Play/Care
Mothers Out Front, NY ~ Frackbusters NY ~ 350Brooklyn
Action Together NEPA ~ Marion Institute
Dryden Resource Awareness Coalition ~ Potomac Riverkeeper Network
SEED (Securing Economic and Energy Democracy) of SW New Mexico
Concerned Citizens of Lebanon County
Climate Justice Committee of CNY Solidarity Coalition
Greenbrier River Watershed Assn. ~ Coalition to Protect New York
New York Progressive Action Network - Enviro Committee
NYPAN Greene ~ Responsible Drilling alliance (RDA)
Otsego Neighbors ~ Grassroots Environmental Education
TerraPredictions ~ Cahaba Riverkeeper ~ Alexandria Township CAP
Nuclear Information and Resource Service
Williams Township Against the Pipeline ~ Citizens' Environmental Coalition
The Pine Creek Valley Watershed Association, Inc.
Peace Action New York State ~ Delaware Township Citizens Against the Pipeline
Green America ~ Earthworks
Physicians for Social Responsibility (PSR) Philadelphia/Pennsylvania
Savage River Watershed Association ~ Citizens for Local Power
SEnRG (Safe Energy Rights Group) ~ Resist Spectra
Mountain Lakes Preservation Alliance ~ Indian Creek Watershed Association
Unitarian Universalist Ministry for Earth ~ Shaleshock CNY
Catskill Mountainkeeper ~ Croton Climate Initiative
Milwaukee Riverkeeper ~ Mothers Out Front MA
Pepacton Institute LLC ~ Philip Scalia Photography
Dryden Resource Awareness Coalition ~ Virginia Pipeline Resisters**

**Sourland Conservancy ~ Stop The Minisink Compressor Station
350 Mass for a Better Future ~ Together Hanover ~ Save Monroe, Inc.
Massachusetts Quaker Legislative Action Network ~ Fractivist.org
Bucks County Concerned Citizens Against the Pipelines
198 methods ~ Living Rivers & Colorado Riverkeeper
Massachusetts PipeLine Awareness Network (MassPLAN)
Allegheny-Blue Ridge Alliance ~ Sugar Shack Alliance
Highlanders for Responsible Development ~ Pipeline Safety Coalition
Women's International League for Peace and Freedom-Triangle Branch
Paradise Gardens and Farm
Principled Progressives of Orange County NYPAN Chapter ~ 350 Charlotte
Progressive Action of Lower Manhattan – Chapter of New York Progressive
Action Network
Bucks County Green Party ~ Prince William Soundkeeper
Eckelmann Brothers Construction LLC ~ DiBianca Foundation
Pipeline Awareness Southern Oregon ~ Sierra Club NJ Chapter
Resist the Pipeline (West Roxbury) ~ Climate Disobedience Center
Clean Air Council ~ Espit Décor ~ Berkshire Environmental Action Team
Bold Alliance ~ New Mexico Story Power ~ Uplift Syracuse
Preserve Monroe ~ Summers County Residents Against the Pipeline
Friends of the Narrows of Hans Creek ~ NYC Grassroots Alliance
Seneca Lake Guardian ~ Cherish Creamery, LLC
NYPAN of the Southern Finger Lakes ~ Coalition Against Pilgrim Pipelines
Alliance for a Green Economy ~ Stop NY Fracked Gas Pipeline
Toxics Action Center ~ Environmental Education Fund
Save Our Sandhills ~ Syracuse Peace Council ~ PEER ~ 350NYC
Fossil Free Tompkins ~ AMP Creeks Council ~ We Are Cove Point
Chatham Research Group ~ People for a Healthy Environment
Elmirans and Friends Against Fracking ~ Oregon Shores Conservation Coalition
Indivisible Lambertville New Hope ~ Climate Change Awareness & Action
Foodshed Alliance ~ Grassroots Action NY ~ 350 Triangle
Madison Huddle ~ NYPAN SFL ~ Morning Star Martial Arts
Communities for Safe and Sustainable Energy ~ Sister District WNY
Residents Allied for the Future of Tioga (RAFT)
Uptown Progressive Action - a NYPAN chapter
Preserve Montgomery County VA ~ Williams Township Against Fracking
NH Pipeline Health Study Group
Nash Stop the Pipeline (Blue Ridge Environmental Defense League)
Amherst Mothers Out Front ~ DiBianca Associates LLC
Lehigh-Pocono Committee of Concern (LEPOCO Peace Center)
Lebanon Pipeline Awareness ~ Save the Pine Bush ~ No Norfolk, MA Gas Pipeline
Living the Change Berkshires ~ Western NY Drilling Defense
NC WARN Inc. ~ Protecting Our Waters**

**Holland Township NJ Citizens Against the Pipeline ~ NH Pipeline Resistance
Beloved Earth Community ~ FreshWater Accountability Project
Concerned Residents of Oxford ~ Covered Bridge Trail Association
Sustainable Otsego ~ Concerned Health Professionals of New York
Jewish Climate Action Network**

May 31, 2018

Federal Energy Regulatory Commission
Secretary of the Commission
888 First Street, N.E.
Washington, DC 20426

We, the undersigned environmental and community advocacy organizations, are outraged that the Federal Energy Regulatory Commission (FERC) has misused its authority to categorically deny its obligations under the National Environmental Policy Act (NEPA) and render a sweeping interpretation of federal law that undermines the courts. In doing so, FERC has denied the due process rights of communities across the nation that continue to be harmed by its rubber stamp approval of fracked gas pipelines and infrastructure.

Specifically, we demand rescission of the *Order Denying Rehearing for Dominion Transmission, Inc.* Docket No. CP14-497-001, affecting a pipeline expansion project known as "New Market." In its May 18, 2018 order, FERC asserted that it would not undertake climate change assessments for the upstream production and downstream use of natural gas associated with the Dominion project, asserting that doing so was outside of the scope of the agency's NEPA analysis obligations. Moreover, FERC declared that from now on, this new policy determination would apply to all natural gas infrastructure projects brought before the Commission for review.

As so accurately stated by Commissioner Glick in his dissenting opinion to the Dominion Order:

"Climate change poses an existential threat to our security, economy, environment, and, ultimately, the health of individual citizens. Unlike many of the challenges that our society faces, we know with certainty what causes climate change: It is the result of greenhouse gas emissions, including carbon dioxide and methane—which can be released in large quantities through the production and the consumption of natural gas.

Accordingly, it is critical that, as an agency of the federal government, the Commission comply with its statutory responsibility to document and consider how its authorization of a natural gas pipeline facility will lead to the emission of greenhouse gases, contributing to climate change."

"...the Commission cannot determine whether a natural gas pipeline is in the "public interest" without considering the effect that granting a certificate will have on climate change."

Significantly, by rendering this determination regarding the scope of FERC's NEPA obligations in an order for a single pipeline infrastructure project but announcing its applicability to all such projects, FERC has stripped impacted communities across the nation of their rights to fair and timely due process. Individuals and organizations can only legally challenge a particular FERC decision if they have previously intervened in the docket. However, until now other communities that will be impacted by FERC's policy decision in the context of their own infrastructure battles had no way of knowing or reason to believe that they needed to intervene in Docket No. CP14-497-001. Other parties with cases before FERC may also find themselves subject to a far reaching determination without any legal recourse until it is too late. (For example, a party subjected to a tolling order would be in legal limbo, unable to address implications of FERC's new policy decision while their project proceeded forward).

FERC's assertions that the increased downstream use of gas once it has been transported by pipeline, as well as the climate changing impact of that use, are not reasonably foreseeable and determinable consequences of the pipeline infrastructure FERC approves is absurd. It is also in direct contradiction to the Court of Appeals for the DC Circuit decision issued August 22, 2017 in *Sierra Club v. FERC* 867, F.3d 1357, 1373 (D.C. Cir. 2017) in which the court observed and then ordered:

“An agency conducting a NEPA review must consider not only the direct effects, but also the *indirect* environmental effects, of the project under consideration. *See* 40 C.F.R. § 1502.16(b). “Indirect effects” are those that “are caused by the [project] and are later in time or farther removed in distance, but are still reasonably foreseeable.” *Id.* § 1508.8(b). The phrase “reasonably foreseeable” is the key here. Effects are reasonably foreseeable if they are “sufficiently likely to occur that a person of ordinary prudence would take [them] into account in reaching a decision.” *EarthReports, Inc. v. FERC*, 828 F.3d 949, 955 (D.C. Cir. 2016) (citation omitted). “

...

“As we have noted, greenhouse-gas emissions are an indirect effect of authorizing this project, which FERC could reasonably foresee, and which the agency has legal authority to mitigate. *See* 15 U.S.C. § 717f(e). The EIS accordingly needed to include a discussion of the “significance” of this indirect effect, *see* 40 C.F.R. § 1502.16(b), as well as “the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions,” *see WildEarth Guardians*, 738 F.3d at 309 (quoting 40 C.F.R. § 1508.7). “

FERC is obligated, by this court order, as well as the reality of applicable science, laws and facts to consider the downstream climate impacts of its pipeline approvals.

In addition, while not yet the subject of a court determination, the science, laws and facts also dictate that FERC must consider the climate and other environmental impacts of upstream gas extraction associated with the pipeline infrastructure. Increased and ongoing extraction of gas from shale using fracking technology is not just reasonably foreseeable, it is a known and demonstrable effect of FERC approved pipeline infrastructure that is clear to any person of ordinary prudence, as are the related environmental and climate changing impacts that will result. That the gas will be utilized downstream and result in additional impacts, including climate changing impacts is, likewise, reasonably foreseeable by any person of ordinary prudence. Indeed, the induced fracking for gas and the end use of gas are the very reasons why the industry is seeking to build these projects and why FERC is approving them.

FERC's assertion that the upstream and downstream impacts of natural gas extraction and use are not sufficiently related to the projects it is approving nor reasonably foreseeable effects is proof of the

agency's unmitigated bias and proof that this is an agency that must be checked by Congress, starting with hearings into its abuses of power and law.

FERC must rescind its *Order Denying Rehearing for Dominion Transmission, Inc.* Docket No. CP14-497-001 and address climate changing impacts, both upstream and downstream, of this pipeline project—and all pipeline projects—before rendering any determination regarding Certification.

Respectfully signed:

Maya K. van Rossum, the Delaware Riverkeeper, Delaware Riverkeeper Network
Nicole Dillingham, President, Ostego 2000
Rosemary Wessel, Co-Founder/Director, No Fracked Gas in Mass
Elaine Cimino, Director, Common Ground Community Trust
Yvonne Taylor, Vice President, Gas Free Seneca
Dr. Larry Buell, Director, Earthlands Community Land Trust
Cathy Kristofferson, Co-founder, StopNED
Lynn Benander, President, Co-op Power
Bill McKibben, Sr. advisor, 350.org
Ruth White, Chair of Advocacy Team and member of Steering Committee, HoCo Climate Action
Georgina Shanley, Co-Founder, Citizens United for Renewable Energy (CURE)
Charley Bowman, Co-Chair, Environmental Justice Task Force of the WNY Peace Center
Nancy S. Vann, President, Safe Energy Rights Group, Inc.
Gail Musante, Official Signer, Sanford-Oquaga Area Concerned Citizens (S-OACC)
Dr. Bob Allen, Co-Chairman, Don't Gas the Pinelands
Vivian Stockman, Vice Director, OVEC-Ohio Valley Environmental Coalition
Otto Butz, Founder, Milford Doers/Residents of Crumhorn Mountain
Irene Leech, President, Virginia Citizens Consumer Council
Barbara Jarmoska, President, Project CoffeeHouse
Susan Van Dolsen, Co-Founder, Stop the Algonquin Pipeline Expansion
Peter Hudiburg, Founder, Plymouth Friends for Clean Water
Jennifer Lewis, President and Founder, Friends of Augusta
Michaelann Bewsee, Executive Director, Arise for Social Justice
Kelly Branigan, Founding Member, Middlefield Neighbors
Stuart Anderson, Community Organizer, Concerned Citizens of Otego
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Alice Arena, President, Fore River Residents Against the Compressor Station
Dwain Wilder, Editor, The Banner Newsletter
Linda Finch, Coordinator, Compressor FREE Horseheads
Karen Feridun, Founder, Berks Gas Truth
Scott Edwards, Co-director Food & Water Justice, Food & Water Watch
Chad Oba, President/Chair, Friends of Buckingham
Pramilla Malick, Chair, Protect Orange County
Lynn Ellen Marsh, President, Trustee, Advocates for Cherry Valley
Lynn Ellen Marsh/Douglas M. DeLong, Trustees, Landscape Alternatives L.L.C
Glenn Sanders, Founding Member, Plan To Save The Planet
Joelle Million, Co-Chair, Springfield Area Interfaith Climate Action Network
Donald Hebbard, President/Founding Member, Compressor Free Franklin
Stephanie A. Scherr, Director, ECHO Action NH: #FossilFree603
Rebecca Roter, Chairperson/Co-Founder, Breathe Easy Susquehanna County
Ken Dolsky, Organizer, Coalition Against the Pilgrim Pipeline New Jersey

Kim Fraczek, Director, Sane Energy Project
Roberta Koontz, Vice President, Wilderness LLC
Sari Steuber, President, Transition Town Media
B. Arrindell, Director, Damascus Citizens for Sustainability
Joe Levine, Director, Citizens For Water
Buck Moorhead, Chair, NYH2o
Diane Beeny, Chair, Union County (NJ) Peace Council
Mary Kushner, Founding Member, Roseland Against Compressor Station (RACS)
Barry Marshall, owner, Marshalls automotive
Marty Nathan, Convener, 2degreesatgreenneighbors.earth
Susan Theberge, Steering committee member, Climate Action NOW
Marty Nathan, Steering committee member, Springfield Climate Justice Coalition
Hope Taylor, MSPH, Executive Director, Clean Water for North Carolina
Toby, Founding member, Rochester Defense Against Fracking
Kathie Jones, Co-Founder, Sustainable Medina County
Colleen McKinney, Co-Founder, People Not Pipelines
Allen Johnson, Coordinator, Christians For The Mountains
Linda Reik, Member, Board of Directors, Sullivan Alliance for Sustainable Development
Joselyn Fenstermacher, Board Vice President, Big Bend Conservation Alliance
Larry Thomas, President, West Virginia Highlands Conservancy
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Wendy M. Graca, President, South Coast Neighbors United
Larysa Dyrszka MD, Co-Founder, Sullivan Area Citizens for Responsible Energy Development
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Robert Armstrong, Chair, Climate Crisis Task Force,
FCCPR, Franklin Co Continuing the Political Revolution
Wade A. Neely, Terra Bella Farm
Faith Zerbe, Co-Founder, Schuylkill Pipeline Awareness
Christine Ellis, Executive Director, Winyah Rivers Foundation Inc.
Helen Kimble, President, Friends of Nelson
David Meiser, Co-Founder, Bucks Environmental Action
Bri McAlevey, President, No Sharon Gas Pipeline | Clean Energy Now
George Billard, Co-Founder, SCRAM
Jacqueline, Vice President, HALT-PennEast
Larry Menkes cSBA, Founder and CEO, Veerans Green Jobs Initiative
Mirim MacGillis, OP, Director, Genesis Farm
Tim Spiese, Board President, Lancaster Against Pipelines
Frederick Sinclair, Chairman, Concerned Citizens of Allegany County
Jim Vogt, President, Aquashicola/Pohopoco Watershed Conservancy
Arianne Elinich, Founder, Bucks County CCAP
Kimi Wei, COO, The Wei
Rabbi Katy Allen, President, Jewish Climate Action Network
Janet MacGillivray, Executive Director, Seeding Sovereignty
Debbie King, Ray King Studio
Deborah Scoblink, President, Wellness
Sandra Kissam, Chair, Orange Residents Against Pilgrim Pipelines
Tracy R. Manzella, CARCS Director, CARCS- Citizens Against the Rehoboth Compressor Station

W. Marvin Winstead, Jr., President, Nash Stop the Pipeline (Blue Ridge Environmental Defense League)
 Jill Wiener, Member, Catskill Citizens for Safe Energy
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 Lilia Fenton, Manager, Fenton Inn
 Will Fenton, Manager, Fenton Family Holdings
 Daryl Davis, Co-Chair, Cuyahoga Co. Green Party Central Committee
 Beth Little, Secretary, Eight Rivers Council
 William D. Couchon, Co-Founder, People for a Healthy Environment
 Carolyn Anderson, Founder and Leader, Western North Carolina Renewables Coalition
 Edith Kantrowitz, Board Member, United for Action
 Dan Taylor, Co-Founder, Concerned Residents of Oxford
 The Rev. Elsie Armstrong Rhodes, Pastor, 1st Presbyterian Church
 Kathryn R. Eiseman, President & CEO, Pipe Line Awareness Network for the Northeast
 Sara Hess, Treasurer, Shaleshock
 Vita Wallace, Member, Morning Glory & Bumble Bee LLC
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 Lisa Marshall, Community Organizer, Mothers Out Front, NY
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 Pam Bishop, Principal, Concerned Citizens of Lebanon County
 Katherine Burns, Chairperson, Climate Justice Committee of CNY Solidarity Coalition
 John J. Walkup III, President, Greenbrier River Watershed Assn.
 Maura Stephens, Co-Founder, Coalition to Protect New York
 Cari Gardner and Pramilla Malick, Co-chairs, New York Progressive Action Network - Enviro Committee
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 Ingrid E. Morning, President and CEO, The Pine Creek Valley Watershed Association, Inc.
 Jim Anderson, President, Peace Action New York State
 Debra Bradley, Secretary, Delaware Township Citizens Against the Pipeline.
 Todd Larsen, Executive Co-Director, Green America
 Aaron Mintzes, Senior Policy Counsel, Earthworks
 Tammy Murphy, Medical Advocacy Director, Physicians for Social Responsibility (PSR) Philadelphia/PA
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Howdy Henritz, President, Indian Creek Watershed Association
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Wes Gillingham, Associate Director, Catskill Mountainkeeper
Lisa Moir, Leader, Croton Climate Initiative
Cheryl Nenn, Riverkeeper, Milwaukee Riverkeeper
Sue Stafford, Member, Leadership Team, Mothers Out Front MA
Jannette M. Barth, Ph.D., Managing Director, Pepacton Institute LLC
Phil Scalia, Proprietor, Philip Scalia Photography
Marie McRae, Spokesperson, Dryden Resource Awareness Coalition
Stacy Lovelace, Co-Founder, Virginia Pipeline Resisters
Caroline Katmann, Executive Director, Sourland Conservancy
Debra Slattery, Vice-Chair, Stop The Minisink Compressor Station
Alan Palm, Director of Organizing, 350 Mass for a Better Future
Christiane Riederer, Environmental Committee, Together Hanover
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Drew Hudson, 198 methods
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Lewis Freeman, Executive Director, Allegheny-Blue Ridge Alliance
Carole Horowitz, Structure and Facilitation Committee, Sugar Shack Alliance
Lewis Freeman, President, Highlanders for Responsible Development
Lynda Farrell, Executive Director, Pipeline Safety Coalition
Lib Hutchby, Water Committee Co-Chair, Women's International League for Peace & Freedom-
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J. Stephen Cleghorn, PhD, Owner, Paradise Gardens and Farm
Roger Brennan, Co-Chair, Principled Progressives of Orange County NYPAN chapter
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Stacey McLaughlin, Pipeline Awareness Southern Oregon
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Joe Minott, Clean Air Council
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Asha Canalos, Co-founder, New Mexico Story Power
Maurice Brown, Co-Chair, Uplift Syracuse
Roseanna Sacco, Chairperson, Preserve Monroe

Susan Bouldin on behalf of Chris Chanlett, Interim Chair, Summers County Residents Against the Pipeline
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 Joe McDonald, President, Save Our Sandhills
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 Lewis Grupper, Exec, Grassroots Action NY
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Rabbi Katy Z. Allen, Jewish Climate Action Network

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VOICES Sign on re climate change.PDF.....1-11