From: To:		Hamilton, Eilandeth A. CYV USARHY CESAM (USA) Mikhi, Bookiner	
Subject: Date:		RE: Public Notice No. S4M-2020 00333-E5 WindendayA. Jugua PJ, 2020 12:5300 PP4	
Mr. Bruck	ner,		
Your com	ment will	be taken into consideration and added to the Administrative Record for SAM-2019-00914-ES.	
Respectful	lly,		
Elizabeth A. Hamilton U.S. Army cop 'Engineers			
	Project Manager Mobile District, Regulatory Division		
South Alal	bama Bra	unch "	
Original Message			
Sent: Wed	From: Mitch Bruckner «Mitch. Bruckner@nilpros.com> Sent: Wednesday, August 19, 2020 12:47 PM		
To: Hamil Subject: [N	To: Hamilton, Elizabeth a CIV USARMY CESAM (USA) «Elizabeth A. Scavoy@usace.army.mil> Subject: [Non-Do Surrey] RE: Public Notice to S. Ash. 2020-0035-ES Subject: [Non-Do Surrey] RE: Public Notice to S. Ash. 2020-0035-ES		
Ms. Hamil			
		No. of later	
Here is the corrected letter.			
	ow if the	re is anything else you need.	
Thanks, Mitch			
Origin	al Messa		
From: Han	nilton, E	ürzabeth A CIV USARMY CESAM (USA) <elizabeth.a seavoy@usace.army.mil=""> August 19, 2020 12:41 PM</elizabeth.a>	
To: Mitch	Bruckne	r <mitch. bruckner@railpros.com=""></mitch.>	
		: Notice No. SAM-2020-00353-ES	
Mr. Bruck	ner,		
I think it w	ould ber	efficial to include the correct number to prevent any potential conflicts.	
Respectful	lly,		
Elizabeth a			
U.S. Army	Corps o	ton I Efigineers	
Project Ma Mobile Di	inager strict, Re	gulatory Division	
South Alal	bama Bra	unch	
Origin			
Sent: Wed	nesday, a	ner <mitch. bruckner@railpros.com=""> August 19, 2020 11:15 AM</mitch.>	
To: Hamil Subject: [N	ton, Eliza Von-DoE	abeth A CIV USARMY CESAM (USA) <elizabeth a.seavoy@usace.army.mil="">) Source] RE: Public Notice No. SAM-2020-00353-ES</elizabeth>	
Ms. Hamil			
		the letter reference the correct Public Notice No.?	
Thanks,	to revise	and the detection of the contest and the conte	
Mitch			
Origin	al Messa	ge	
Sent: Wed	nesday, a	lizabeth A CIV USARMY CESAM (USA) <elizabeth a="" seavoy@usace.army.mil=""> August 19, 2020 1049 AM</elizabeth>	
To: Mitch	Bruckne	r < Mitch. Bruckner@milprox.com> Notice No. SAM. 2020.00333-ES	
Mr. Bruck			
		riding a response to the Public Notice for SAM-2019-00914-ES. Please note that the file number included in your letter (SAM-2020-00353-ES) was left on the subject Public Notice in error. The correct file number for the NextEra project is SAM-2019-00914-	
ES. I apole	gize for	ranga response to the rutions contex for SAM-2019-09/14-Es. Prease note that the tile number included in your fener (SAM-2014-09/33-Es) was left on the subject rution contex for FAM-2019-09/14-Es. Prease note that the tile number for the Next Era project is SAM-2019-09/14-Es.	
Respectful	lly,		
Elizabeth / U.S. Army		ton 'Enginees'	
Project Ma	anager	gulatory Division	
South Alal			
Origin			
Sent: Wed	nesday, a	ner <mitch bruckner@milpross.com=""> August 19, 2020 1041 AM</mitch>	
		abeth A CIV USARMY CESAM (USA) - Izizabeth.A.Seavoy@usace.army.mil ; coastal@adem.alabama.gov - (reany.robioson@arilpros.com)	
Subject: [N	Non-DoD	Source] Public Notice No. SAM-2020-00353-ES	
Good Mor	ning,		
I am conta	cting you	uon Behalf of Norfolk Southern Corporation. We received Public Notice No. (SAM -2020-00353-ES) from the United States Army Corps of Engineers-Mobile District. Attached is Norfolk Southern's response to the Public Notice.	
Please revi	iew the c	omments and let me know if you have any questions.	
V D	6.11		
Very Resp	ectfully,		
Mitch Bru	ckner		
Real Estate	e Special	ist	
"Rail isn't	a part of	our business, it IS our business."	
11819 Mir	acle Hill	s Dr Suite 102 Omaha Nebraska 68154	
005 (02	222 500		

 $\label{eq:mitch-bruckner} mitch-bruckner@railprox.com < \frac{caulto-mitch-bruckner@railprox.com <$



Norfolk Southern Corporation

Real Estate Department 1200 Peachtree Street, N.E.; 12th Floor Atlanta, GA 30309 **Solomon P. Jackson**Director Real Estate

August 18, 2020

VIA EMAIL: elizabeth.a.seavoy@usace.army.mil

Elizabeth Hamilton
United States Army Corps of Engineers
P.O. Box 2288
Mobile, Alabama, 36628-0001

Dear Ms. Hamilton,

I am writing on behalf of Norfolk Southern Railway Company ("NS"). On or about July 27, 2020, NS received a Public Notice, **No. SAM-2019-00914-ES** (the "Public Notice") from the United States Army Corps of Engineers ("USACE") and State of Alabama Department of Environmental Management with respect to project proposed by NextEra Energy Pipeline Holdings (Lowman) Inc. ("NextEra") to construct, operate, and maintain a proposed 16-inch natural gas line (the "Proposed Facilities") under and across certain property owned or operated by NS. The notification included a specification exhibit that showed the location of the Proposed Facilities.

The Public Notice reflected that NextEra had sought a permit from USACE pursuant to Section 404 of the Clean Water Act (33 USC §1344) in order to construct the Proposed Facilities. The Public Notice allows for potentially impacted landowners to comment to USACE within 30 days of the date of the Public Notice.

This correspondence is to inform you that NS has reviewed the Public Notice, and notes that the Proposed Facilities cross an active NS railroad right of way at or near latitude/ Longitude: 31.493803/ -87.909542. However, NS has not received any communication or request from the applicant for the Proposed Facilities to cross its right of way. As you can imagine, work under or through active operating railroad rights of way has inherent safety concerns that must be addressed, and railroads have significant federal safety and operational regulations with which they must comply Without receipt and approval of engineering designs for the proposed pipeline crossing of NS's railroad right of way, NS must oppose the project based upon the detrimental impacts that this project may have to the environment, the pipeline facilities, and the railroad if the crossing does not meet NS engineering design standards and construction does not adhere to all NS safety and notification requirements outlined in an appropriate NS pipeline license agreement.

Although the burden is on the applicant to contact NS for access rights, because the Public Notice advised of NextEra's potential future encroachment, NS attempted to contact the pipeline company but has received no response. As such, we request that USACE reject NextEra's permit unless and until such time as NextEra obtains appropriate access rights to use NS property for the Proposed Facilities. NS long ago established an online process to facilitate these types of access requests, which can be accessed through https://ns.railprospermitting.com. Once NextEra submits a complete application and supporting information via this website and enters into an

appropriate license agreement for the pipeline occupancy on railroad land, NS's objections will be lifted.

Lastly, NS hereby makes a reservation of rights to state further objections that may become known to it, after investigation, review, and evaluation of the Proposed Facilities.

Sincerely,

DocuSigned by:

Solomon Jackson
Director Real Estate

Cc: Alabama Department of Environmental Management, Mobile Branch/Coastal Section via email: coastal@adem.alabama.gov