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To: [Andrew Grammer](#)
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Subject: Pre-Application Meeting // SAM-2019-00914-ES // NextEra Energy
Date: Friday, December 20, 2019 3:19:00 PM
Attachments: [2019-12-17.PRE.18-0914. Conversion.pdf](#)
[2019-12-17.PRE.18-0914. PreApp Meeting sign in sheet.pdf](#)

Mr. Grammer,

Thank you for meeting with us to discuss NextEra's upcoming pipeline installation project in Choctaw and Washington Counties. I wanted to follow up with a brief summary of our discussion. Considering the scope of the project presented during our meeting, it is our initial understanding that it may be reviewed for potential authorization under the Nationwide Permit (NWP) program, specifically NWP-12 for Utility Line Activities.

It was mentioned that wetland impacts, which could not be avoided via directional boring, would be compensated through the purchase of conversion credits from Alabama River Mitigation Bank. During the meeting we mentioned that temporary impacts did not require compensation; unfortunately this was incorrect. If you refer to the attached conversion ratio sheet utilized by our office, you will find the recommended ratios for fully restored impacts to be 1:0.25. Additionally, it is my understanding that the Alabama River Mitigation Bank is outside of the project watershed and would require use of the Proximity Factor Method. A frac-out contingency plan will be required as part of your application for areas intended to be directionally bored.

In regard to consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act, we discussed the potential for the gopher tortoise, black pine snake, Alabama heelsplitter, and southern clubshell to occur within the proposed project areas. Due to the existence of known gopher tortoise burrows and the high potential for suitable habitat to occur along project tract, formal consultation for effects to species would be required. Section 7 allows up to 90 calendar days for the formal consultation process. Following completion of the consultation, FWS has an additional 45 calendar days to prepare the final biological opinion.

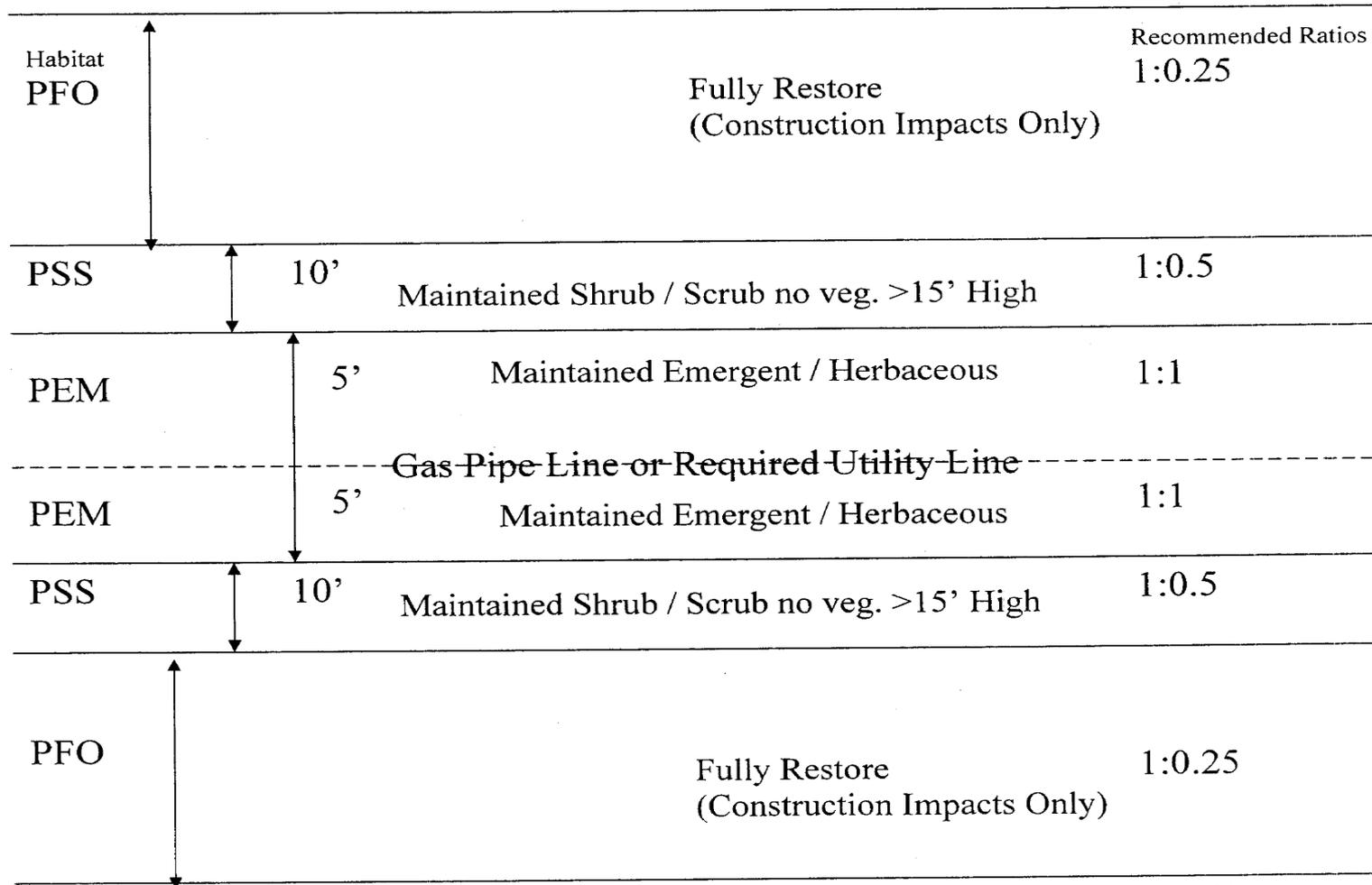
Considering Section 106 of the National Historic Preservation Act, it is our understanding that a Phase I Cultural Resources Assessment of the project area is currently being performed and will be submitted to our office following completion of the survey. Once received we will coordinate the assessment with the USACE archaeologist for review and effects recommendation. Following his review we will coordinate with you the best path forward to avoid impacts to identified/known resources. Our determination and avoidance/minimization plans will be coordinated with the State Historic Preservation Officer (SHPO). The SHPO will have 30-days to review and respond to our determination.

Please contact me by phone at (251) 694-3781, or by e-mail if you have any other questions, or can think of any other items I may have left out.

Respectfully,

Elizabeth A. Hamilton
U.S. Army Corps of Engineers
Project Manager
Mobile District, Regulatory Division
South Alabama Branch

Converted Wetland Habitat ROW for Typical Linear Project w/ Typical Recommendation for Compensation due to Vegetation Conversion



Note: This is an evaluation tool to assist project managers in determining appropriate mitigation for secondary and cumulative impacts in Palustrine Forested (PFO) wetlands when the removal of trees and midstory results in a decrease in functional capacity. In the Mobile District, PFO wetlands are typically bottomland hardwood and bayhead drain wetlands. This may not be appropriate for pine savannah wetlands (PEM) which are emergent wetland systems that would likely demonstrate an increase in functional capacity with the removal of trees and midstory. This tool should be used to assist in making regulatory decisions, but is not a substitute for professional judgment and experience.

