

From: [Andrew Grammer](#)
To: [Hamilton, Elizabeth A CIV USARMY CESAM \(USA\)](#)
Subject: [Non-DoD Source] RE: Pre-Application Meeting // SAM-2019-00914-ES // NextEra Energy
Date: Tuesday, January 21, 2020 2:44:16 PM

Ms. Hamilton,

My apologies for the delayed response. I had two weeks of vacation and getting sick when I came back to work coupled with playing catchup, well this fell through the cracks. I appreciate the summary of the meeting and clarification on mitigation. I don't think that is a huge surprise to NextEra. Also, we have planned on developing an applicant prepared BA for the USACE's consultation with the USFWS. Otherwise, I think everything makes sense.

We are approximately 75% complete with both bio and cultural surveys. I will provide you with a heads up on when to expect our PCN once we start pulling the martials together. This will likely get submitted before the BA as we will not be conducting species specific surveys until later in the Spring.

Again, we really appreciate the information.

Thank you,
Andrew

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-----Original Message-----

From: Hamilton, Elizabeth A CIV USARMY CESAM (USA) <Elizabeth.A.Seavoy@usace.army.mil>
Sent: Friday, December 20, 2019 2:20 PM
To: Andrew Grammer <WAGrammer@edge-es.com>
Cc: Crosson, Steven B CIV USARMY CESAM (US) <Steven.B.Crosson@usace.army.mil>; Ramsey Redman <RERedman@edge-es.com>; raymond.lovings@nee.com; alexis.hamburg@nee.com; 'Brown, Scott' <jsb@adem.alabama.gov>
Subject: Pre-Application Meeting // SAM-2019-00914-ES // NextEra Energy

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