

**From:** [Hamilton, Elizabeth A CIV USARMY CESAM \(USA\)](#)  
**To:** [Andrew Grammer](#)  
**Subject:** RE: Re: SAM2019-00914-ES // Lowman Pipeline Project  
**Date:** Wednesday, May 13, 2020 5:55:00 PM

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Mr. Grammer,

Hope all is well. Here are some answers to your questions:

1) A cultural resources survey is not necessary for a complete application. Again, it would be difficult for Mr. Dodson to begin his review when I have yet to review the project plans and define the permit areas. From what I understand, he has been glad to provide professional guidance to your archaeological consultant; however during our review process, consultation in regards to the permit area, need for additional surveys, and effects determinations, typically remains between the project manager, the Corps archaeologist, and consultation with the SHPO (which I'm sure you recall Ms. Hathorne highlighting in our last call).

Submittal of the following items constitute a federally complete application:

- a. Complete description of the proposed activity
- b. Project drawings
- c. Project location/ fill locations
- d. Purpose and need for the proposed activity
- e. Anticipated scheduling of the activity
- f. Names and addresses of all adjoining property owners
- g. List of authorizations required by other federal, interstate, state, or local agencies for the work, including all approvals received or denials already made
- h. Description of all activities which are reasonably related to the same project and for which a DA permit would be required should be included in the same permit application.
- i. Source of the material; the purpose of the discharge, a description of the type, composition and quantity of the material; the method of transportation and disposal of the material; and the location of fill sites.
- j. Statement describing how impacts to waters of the United States are to be avoided and minimized. The application must also include either a statement describing how impacts to waters of the United States are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts.
- k. Signature on application.

2. Following review of the project plans, we will determine our ESA action area, and decide whether formal consultation will be necessary. I don't foresee a call being necessary unless the applicant requires clarification regarding the Section 7 ESA consultation process.

Please let me know if you have any further questions.

Respectfully,

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

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

From: Andrew Grammer [<mailto:WAGrammer@edge-es.com>]  
Sent: Wednesday, May 13, 2020 4:49 PM  
To: Hamilton, Elizabeth A CIV USARMY CESAM (USA) <Elizabeth.A.Seavoy@usace.army.mil>  
Subject: [Non-DoD Source] RE: Re: SAM2019-00914-ES // Lowman Pipeline Project

Hi Elizabeth,

I wanted to follow up with a couple of questions given that we have submitted the permit application request and received confirmation.

1) Since the USACE has not defined the permit area, should we hold off providing the USACE with the draft cultural report until the PA has been defined, or can informal communication continue with Mr. Tim Dodson? In previous communications he seems okay with starting his review. To that end, does not filing a cultural report render the application incomplete?

2) Will you want to have a call in the near future to discuss the application and schedule, including the applicant prepared draft Biological Assessment? Surveys for Gopher Tortoise and mussels species are currently underway and we plan on filing the BA in June.

Thank you,  
Andrew

W. ANDREW GRAMMER  
3288 E. Phillips Drive  
Centennial, CO 80122  
M: 303.594.5617  
edge-es.com

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

From: Hamilton, Elizabeth A CIV USARMY CESAM (USA) <Elizabeth.A.Seavoy@usace.army.mil>  
Sent: Friday, May 08, 2020 3:51 PM  
To: Andrew Grammer <WAGrammer@edge-es.com>  
Subject: RE: Re: SAM2019-00914-ES // Lowman Pipeline Project

Mr. Grammer,

Because the ongoing cultural surveys have been performed voluntarily by the applicant, unsolicited by the Corps and without review to determine our Section 106 Permit Area, please wait to submit the cultural report until it is completed. Also, please note that the coordination between Mr. Dodson and your cultural team has been completed independently of the Regulatory review process.

Respectfully,

Elizabeth A. Hamilton  
U.S. Army Corps of Engineers  
Project Manager

Mobile District, Regulatory Division  
South Alabama Branch

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

From: Andrew Grammer [<mailto:WAGrammer@edge-es.com>]  
Sent: Friday, May 08, 2020 10:16 AM  
To: Hamilton, Elizabeth A CIV USARMY CESAM (USA) <Elizabeth.A.Seavoy@usace.army.mil>  
Subject: [Non-DoD Source] RE: Re: SAM2019-00914-ES // Lowman Pipeline Project

Elizabeth,

I know our cultural folks have been talking to Tim Dodson about filing a 95% complete cultural report with the permit application with a complete cultural report on or around the 15th. I was wondering if it we just hold off on submitting the cultural report until the 15th if that impacts our application or not. Still looking to file the permit application and all the other documents today if we can.

Thank you,  
Andrew

W. ANDREW GRAMMER  
3288 E. Phillips Drive  
Centennial, CO 80122  
M: 303.594.5617  
edge-es.com

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

From: Hamilton, Elizabeth A CIV USARMY CESAM (USA) <Elizabeth.A.Seavoy@usace.army.mil>  
Sent: Wednesday, May 06, 2020 10:49 AM  
To: Andrew Grammer <WAGrammer@edge-es.com>  
Subject: RE: Re: SAM2019-00914-ES // Lowman Pipeline Project

Mr. Grammer,

No worries. I spoke briefly over the phone with Mr. Hagood this morning and explained to him that his water quality questions would likely best be answered by the ADEM; however, we are glad to address his concerns later this afternoon. Answers to your questions below:

1) No hard copy is necessary, the permit application can be submitted to our online dropbox: CESAM-RD@sam.usace.army.mil

2) Yes, I would be the primary contact and you can also list our main line as the secondary contact number (251) 690-2658. In the event I am not available, the call can be directed to the appropriate person available at that time.

Respectfully,

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

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

From: Andrew Grammer [<mailto:WAGrammer@edge-es.com>]

Sent: Wednesday, May 06, 2020 11:14 AM

To: Hamilton, Elizabeth A CIV USARMY CESAM (USA) <Elizabeth.A.Seavoy@usace.army.mil>

Subject: [Non-DoD Source] Re: SAM2019-00914-ES // Lowman Pipeline Project

Elizabeth,

Per my voicemail, we had a couple of questions.

1. How would you like us to file the permit application? Should a hard copy with CDs and/or USBs be mailed, or is there a link for electronic submittal? Given this may be an IP we have a public and a confidential version. Also, if we file hard copies we will provide landowner list with mailing labels.
2. For our Horizontal Direction Drill Inadvertent Release Plan, should you be the primary point of contact if there is a release? If not then who? Also, who should be the backup contact?

Also, I know we have a meeting scheduled for this afternoon. John Hagood works with ADEM on behalf of NextEra. He was asking ADEM what, if anything they needed in addition to what we file with USACE if the permitting goes the IP route. He was referred to Brad Crosson and now we have a call set up. Thinking this was a mix up in communication as I know you have provided guidance, so I do not believe this should take long this afternoon.

Please let me know if you have any questions.

Thank you,

Andrew

W. ANDREW GRAMMER

3288 E. Phillips Drive

Centennial, CO 80122

M: 303.594.5617

edge-es.com