

From: [Andrew Grammer](#)
To: [Hamilton, Elizabeth A CIV USARMY CESAM \(USA\)](#)
Subject: [Non-DoD Source] RE: Request for Information // SAM-2019-00914-ES // NextEra Energy Pipeline Holdings (Lowman), Inc.
Date: Friday, May 29, 2020 11:18:37 AM

Ms. Hamilton,

After reviewing your request, I think we can make the necessary changes and provide replacement pages for the impacts tables (attachments 8A and 8B) along with the KMZ files requested. You are correct that the PCN ID was just to show which waterbodies triggered the PCN for the now vacated NWP 12; however, the table does represent all of the impacts to wetlands and waters across the project. We will remove the PCN language.

As for the FERC, this pipeline is not subject to their jurisdiction under the Natural Gas Act ("NGA"). Section 1(c) of the NGA carves out an exception for certain pipelines, commonly referred to as "Hinshaw" pipelines. To qualify as a Hinshaw pipeline: (1) the pipeline facilities must be wholly within one State; (2) all the natural gas received is ultimately consumed within such State; and (3) the rates and service of the pipeline be subject to regulation by a State commission. Lowman Pipeline is entirely within the state of Alabama, all the gas it transports will be consumed in Alabama, and the Alabama Public Service Commission will regulate Lowman Pipeline.

Is this email enough or do you need a statement on letterhead or provided in some other manner that can be included as an attachment or response to your email concerning the FERC's authority?

Also, I assume we can submit the revised and additional info via the dropbox provided and do not need to resubmit the entire application, but let us know if that is an incorrect assumption.

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: Thursday, May 28, 2020 12:57 PM
To: Andrew Grammer <WAGrammer@edge-es.com>
Subject: Request for Information // SAM-2019-00914-ES // NextEra Energy Pipeline Holdings (Lowman), Inc.

Mr. Grammer,

Reference is made to the application you submitted on behalf NextEra Energy, requesting a Department of the Army permit to work and place fill material in waters of the U.S. for installation of a new natural gas pipeline in Choctaw and Washington Counties. This project has been assigned file number SAM-2020-0914-ES, which should be referred to in all correspondence.

After our initial review of the application, the following information will be required prior to issuance of the public notice:

1. TOTAL IMPACTS:

a. Provide further details regarding impacts designated on the submitted impact tables as "non-PCN". Pre-Construction Notification requirements for NWP-12 are no longer applicable to new oil/gas pipelines. Should the

determination of "no PCN required" have been determined following NWP-12 conditions, these impacts will need to be accounted for and included in the project plans.

b. Provide the completed wetland survey so that all other impacts may be accounted for.

2. Provide a copy of any documentation relating to the project issued by Federal Energy Regulatory Commission.

Please provide the following information so that we may continue our review:

PROJECT FOOTPRINT - Please provide a .kml or shapefile of the following details:

a. Path of the pipeline.

b. Delineated waters.

Cultural review: Please be aware that a USACE archaeologist will be reviewing the permit area of this project for potential impacts to cultural resources. Based on that review, this office will make an effects determination, which may be coordinated with the Alabama State Historic Preservation Officer (SHPO), who has 30-days to concur or offer comments on the federal determination. We will not be able to finalize our evaluation until this process is completed. Should any existing cultural resources surveys of the property be available, please provide the documents to our office for review.

Please submit the above requested information within 30 days of the date of this correspondence, so we may continue our evaluation. The application will be held in abeyance until this information is received or the deadline has passed. If we do not receive the information by the above deadline date, we will assume that the applicant no longer wishes to pursue this activity, and this application will be withdrawn and application number cancelled without prejudice.

Respectfully,

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