

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: Wednesday, June 24, 2020 5:25:26 PM

Ms. Hamilton,

Per my voicemail, I am getting a lot of questions from NextEra on how to move the project along given this is now a Stand Permit and not a Nationwide Permit 12. Specifically, there are some complications with issuing information for a Public Notice prior to the PSC providing certain disclosures of project changes. I would like to discuss if we can provide the currently available public route, while knowing NextEra is working with landowners (some new) and the PSC on some small route changes. We believe the project impacts will be less on the reroutes, and NextEra is willing to provide the new landowners in the line list for the Public Notice; however, they cannot make the reroutes public until the PSC has gone through their process.

In addition, knowing that the USFWS has 135 days once formal consultation has been initiated, I was hoping to discuss that process/schedule. We know we have species concerns (i.e., pine snake, gopher tortoise, and two mussel species), and have a draft applicant prepared Biological Assessment completed minus some stream data for mussels. Weather has been a factor in completing mussel surveys (heavy rains and flow rates are too high), and we were wondering if we could start the process prior to those surveys being completed with the understanding they will be done as soon as flow rates are suitable for surveys (we have 3 to 4 days of survey).

Thank you,
Andrew

W. ANDREW GRAMMER
M: 303.594.5617

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

From: Hamilton, Elizabeth A CIV USARMY CESAM (USA) <Elizabeth.A.Seavoy@usace.army.mil>
Sent: Wednesday, June 10, 2020 2:48 PM
To: Andrew Grammer <WAGrammer@edge-es.com>
Subject: RE: Request for Information // SAM-2019-00914-ES // NextEra Energy Pipeline Holdings (Lowman), Inc.

Mr. Grammer,

As we discussed, if you can provide a conservative estimate of the stream/wetland impact areas using desktop resources (soil surveys, NWI, etc.), then we should be able to utilize that information to move forward with the Public Notice and scoping. Updated maps, impacts tables, and mapping data would be appreciated. Please understand that if these estimates change significantly, we may have to re-issue the public notice. Please let me know if you have any other 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: Tuesday, June 09, 2020 2:30 PM

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

Subject: [Non-DoD Source] RE: Request for Information // SAM-2019-00914-ES // NextEra Energy Pipeline Holdings (Lowman), Inc.

Ms. Hamilton,

Per my voicemail, I am hoping to chat briefly about submitting the overall project impacts. Given land negotiations and the nature of pipeline routing, minor route deviations can go on for months. We are wondering how we can move forward with the Public Notice, defining the Permit Areas for Section 106, and defining the Action Area for Section 7 of the ESA (e.g., desktop no access tracts and provide field data once we have access?). That said, because the PSC is involved, NextEra is motivated to stay on all the currently identified landowners so the line list for Public Notice should not change.

In addition, we recognize submitting additional data will require an amendment(s) to the application, and I would like to discuss how you want that information provided (e.g., just submit pages with changes, maybe highlighting the changes or summarizing the changes on a separate page? Something else?)

I'd be happy to set up a call time and/or feel free to call me when it is convenient. Otherwise, I appreciate the help.

Kind regards,

Andrew

W. ANDREW GRAMMER

3288 E. Phillips Drive

Centennial, CO 80122

M: 303.594.5617

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

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

Sent: Monday, June 08, 2020 12:50 PM

To: Andrew Grammer <WAGrammer@edge-es.com>

Subject: RE: Request for Information // SAM-2019-00914-ES // NextEra Energy Pipeline Holdings (Lowman), Inc.

Mr. Grammer,

We are unable to issue the Public Notice or define the Section 106 Permit Areas and Section 7 ESA Action Areas without submittal of the overall project impacts.

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: Monday, June 08, 2020 11:53 AM

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

Subject: [Non-DoD Source] RE: Request for Information // SAM-2019-00914-ES // NextEra Energy Pipeline Holdings (Lowman), Inc.

Ms. Hamilton,

We are currently working through the state's legal process to gain access to properties where the landowner has denied access. Unfortunately this has taken longer than anticipated and we do not currently have an ETA for completion. I can provide updates as we move through the process and see how quickly we are gaining access.

Given this, how does this impact your schedule? Specifically, does this delay issuing the Project's public notice or anything else? Also, when do you anticipate defining the APE for protected species and consulting with the FWS?

Thank you,
Andrew

W. ANDREW GRAMMER
3288 E. Phillips Drive
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-----Original Message-----

From: Hamilton, Elizabeth A CIV USARMY CESAM (USA) <Elizabeth.A.Seavoy@usace.army.mil>
Sent: Monday, June 08, 2020 9:54 AM
To: Andrew Grammer <WAGrammer@edge-es.com>
Subject: RE: Request for Information // SAM-2019-00914-ES // NextEra Energy Pipeline Holdings (Lowman), Inc.

Mr. Grammer,

Has there been any changes regarding the timeline for completing the stream/wetland surveys within the proposed project corridor?

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 29, 2020 12:50 PM
To: Hamilton, Elizabeth A CIV USARMY CESAM (USA) <Elizabeth.A.Seavoy@usace.army.mil>
Subject: [Non-DoD Source] RE: Request for Information // SAM-2019-00914-ES // NextEra Energy Pipeline Holdings (Lowman), Inc.

Please find attached the revised tables for Appendix 8 and the KMZ file. The KMZ should include a lot of data layers, including CL, valves, mile posts, HDD drill points, access roads, pipe yards, landowner denied access, survey corridor, limits of disturbance, and wetland and waterbodies. Let us know if you have any questions or need additional information.

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 29, 2020 10:25 AM
To: Andrew Grammer <WAGrammer@edge-es.com>
Subject: RE: Request for Information // SAM-2019-00914-ES // NextEra Energy Pipeline Holdings (Lowman), Inc.

Mr. Grammer,

The statement regarding FERC is sufficient for the file. The requested items can be sent directly to me via email and I will replace the pages as appropriate.

Thank you for your quick response.

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 29, 2020 11:17 AM
To: Hamilton, Elizabeth A CIV USARMY CESAM (USA) <Elizabeth.A.Seavoy@usace.army.mil>
Subject: [Non-DoD Source] RE: Request for Information // SAM-2019-00914-ES // NextEra Energy Pipeline Holdings (Lowman), Inc.

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
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-----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