

From: [Neil C. Johnston](#)
To: [Hamilton, Elizabeth A CIV USARMY CESAM \(USA\)](#)
Cc: gary.smith@powersouth.com; coastal@adem.alabama.gov; patti.mccurdy@dcnr.Alabama.gov; [Emily B. Van Haneghan](#)
Subject: [Non-DoD Source] FOIA Request dtd 7-17-2020 and Initial Comments to Joint Public Notice No. SAM-2019-00914-ES (NextEra Energy Pipeline / Edge Engineering and Science, LLC)
Date: Wednesday, August 12, 2020 2:45:10 PM
Attachments: [image001.png](#)
[8-12-2020 ltr \(& attachments\) Elizabeth Hamilton, Corps of Eng"rs re Public Notice No. SAM-2019-00914-ES \(NextEra Energy\).pdf](#)

See attached Initial Comments letter (with attachments) regarding Joint Public Notice No. SAM-2019-00914-ES and our FOIA Request for Documents dated July 17, 2020.

Neil C. Johnston (Sr.), Esq.

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vCard <Blockedhttp://www.handarendall.com/attorney_vcard.php?attorney=82> | Map
<Blockedhttp://bit.ly/2Ni8LDt>

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HAND ARENDALL HARRISON SALE LLC

104 SAINT FRANCIS STREET, SUITE 300 ■ MOBILE, ALABAMA 36602 ■ (251) 432-5511
Post Office Box 123 ■ Mobile, Alabama 36601 ■ Facsimile: (251) 694-6375

August 12, 2020

VIA ELECTRONIC MAIL

Ms. Elizabeth Hamilton, Project Manager
U. S. Army Corps of Engineers
Mobile District Regulatory Division
P. O. Box 2288
Mobile, Alabama 36628-0001
elizabeth.a.seavoy@usace.army.mil

- Re: **1) Initial Comments Regarding**
 Joint Public Notice No. SAM-2019-00914-ES
 Applicant – NextEra Energy Pipeline Holdings (Lowman), Inc.
 Agent – Edge Engineering and Science, LLC
- 2) Request for Extension of Time to Comment**
- 3) Request for Public Hearing**
- 4) Request for Permit Application and All Attachments**

Dear Ms. Hamilton:

1. July 17, 2020 FOIA Request. By FOIA Request for Documents dated July 17, 2020, we submitted the attached letter for information on the NextEra Energy Pipeline Holdings (Lowman), Inc. proposed 51-mile 16-inch natural gas pipeline in Washington County and Choctaw County, Alabama. Our FOIA Request preceded your Public Notice.

Please supplement our July 17, 2020, FOIA Request for matters relating to Public Notice No. SAM-2019-00914-ES you have now advertised. **[See attached.]** Please let us know when we can expect the additional information we have requested so that we can provide more in depth and specific comments prior to August 26, 2020.

2. Request for Extension of Time to Provide Comments and Request for Mailing and Notice List.

(a) We request the time period to submit comments be extended for 90 days due to the extensive adverse effects the project will have to over 200 parcels of land, over 180 landowners, involve land and resources in Choctaw and Washington Counties (over 50 miles) and cause permanent damages to more than 121.898 acres (the 30 foot permanent pipeline right of way), and permanently adversely affect many more acres adjacent to the

pipeline due to vegetation maintenance by NextEra, the reality and possibility that the pipeline in more than one place will explode, and the infestation of the cleared areas by invasive and exotic plant species such as Cogongrass, Kudzu, Japanese climbing fern and many others. We are fortunate that we are on the Corps of Engineers' notice list and do receive notices such as this Joint Public Notice regarding NextEra's proposal to construct a new natural gas distribution line generally described in the Joint Public Notice. However, there are many other landowners and persons who have concerns who own property where the proposed pipeline may be located or may be rerouted as well as those in close proximity to the pipeline that have not received notice, do not know that they should check the Corps of Engineers' website for notices of this sort, and those that are subject to the constant rerouting of the pipeline but cannot tell whether they are affected since the maps advertised by NextEra are constantly changed. NextEra and Edge did not provide anything more than a small map with a squiggly line that appears to be drawn with a magic marker or Sharpie, and now the Corps in this Public Notice uses the same type of drawing (provided by NextEra), small, unintelligible, not the final, and which does not provide any detail to even generally locate the pipeline or prepare comments.

(b) Your Public Notice recites that the Public Notice was sent to "all known interested persons." Since there are so many other persons who have not received notice who are interested, please send us a copy of your "interested persons" list, mailing list and email list to review.

3. **Request for Public Hearing.** We respectfully request a public hearing to allow affected persons, groups (churches, schools, businesses) and communities an opportunity to ask questions and to receive explanations of the reasons for the permit applications where the pipeline will finally be located, and other details and adverse effects from the pipeline, and to wetlands, endangered and threatened species (i.e., gopher tortoise and eastern indigo snake), cultural resources and properties, historic properties, and their churches and cemeteries.

4. **Request for Permit Application and Attachments.** We request again the **Permit Application and attachments** (we requested this information in the FOIA) so that we may provide the comments you requested to assist you "in developing facts on which a decision" by the Corps can be based. Without the documents, we cannot address the specific issues in detail, such as the final pipeline route, the numerous stream crossings, excavations and clearing of riparian and hardwood bottoms and wetlands, and the lack of specific acreage figures that will be permanently destroyed. The information and acreages described in the Public Notice are very low estimates of NextEra since the final route and the right of ways are still being negotiated and have not been finally determined.

5. **Preliminary Comments; Errors in Public Notice.**

(i) The information and descriptions contained in the July 27, 2020, Joint Public Notice are in error and wrong; and

- (ii) Fail to identify the project with specificity that would allow interested parties to locate the project, the pipeline and pipeline right of ways, the creeks, streams and wetlands; and
- (iii) Fail to allow a review of specifics to provide meaningful comments that the Corps and other agencies can use to determine the need for an Environmental Assessment or an Environmental Impact Statement, pursuant to the National Environmental Policy Act, and to determine what additional information is needed.

(a) Erroneous and Confusing Location of the Pipeline and End Point of the Natural Gas Distribution.

- (i) The Public Notice, and we assume, the Permit Application filed by NextEra or their agent, Edge Engineering & Science (“Edge”), erroneously identifies the location of the pipeline (and in fact, NextEra does not and cannot identify the specific and “final route” since NextEra has not yet finalized the route, and continues to survey and resurvey areas where the pipeline route is changing). NextEra has not yet acquired the right to construct the pipeline on all parcels of real property generally shown on the map of “general location” you attached as part of the Public Notice, and NextEra and Edge cannot describe or show the final pipeline route.

[NOTE: We request a more specific map of the final pipeline locations, the alignment sheets, and effected aquatic resources.]

- (ii) The natural gas distribution point (the PowerSouth Lowman Energy Plant) is erroneously located by NextEra and Edge, and erroneously described by NextEra and Edge as crossing the Tombigbee River from the west side to the east side of the River, and erroneously identifies the PowerSouth Lowman Plant as being in Jackson, Alabama (Clarke County) rather than in Carson, Alabama (Washington County).

[NOTE: These and other errors will affect and discourage “interested persons” from commenting since they will believe the project and environmental impacts are in a different location. For this reason and others, we request the Public Notice be corrected and re-advertised, and a public hearing held.]

(b) Erroneous and Confusing Information Regarding Wetland and Stream Mitigation. Perhaps NextEra and Edge (both out-of-state companies) purposely identified the PowerSouth Lowman Energy Plant location wrong because NextEra and Edge wanted to use and purchase mitigation credits from the **Alabama River Mitigation Bank** (erroneously identified by NextEra and Edge) whose Service Area and watershed are located on the east side of the Tombigbee River in Clarke County, Alabama (where Jackson is located). **[See attached.]** The Service Area of the Alabama River Mitigation Bank does not include any area where the proposed pipeline route and the PowerSouth Lowman Energy Plant are located.

However, the identified watersheds (i) Middle Tombigbee-Chickasaw (HUC 03160201), and (ii) Lower Tombigbee (HUC 03160203) do exist in the Service Area of the **Hells Swamp Mitigation Bank**. [See attached.]

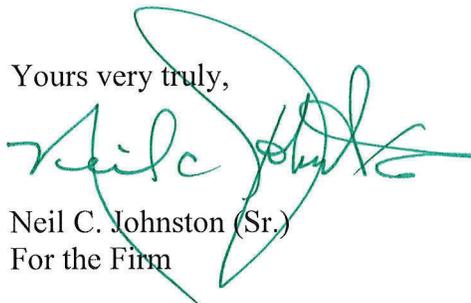
[NOTE: We request that the Public Notice be corrected and re-advertised so that “interested” and affected persons may comment on the correct information and more specific information.]

(c) Failure to Identify Streams and Jurisdictional Aquatic Resources. The maps and alignment sheets overlaid on aerials identifying the aquatic resources (streams, creeks, wetlands, hardwood bottomlands), road crossings, churches, homes, schools, cemeteries and other burial grounds and historic sites are needed to respond with comments to address specific deficiencies and errors. **[NOTE: We request those maps, alignment sheets, and other documents that will be used and have been submitted to the Corps.]**

6. Additional Comments. We will submit additional comments as we discover and are provided additional information and responses to our requests.

Please call me with any questions.

Yours very truly,



Neil C. Johnston (Sr.)
For the Firm

NCJ:lhv

Enclosures

cc: NextEra Energy Pipeline Holdings (Lowman), Inc.
ATTN: Kathy Salvador
700 Universe Boulevard
Juno, Florida 33408

Edge Engineering and Science, LLC (EDGE)
ATTN: Andrew Grammer
16285 Park Ten Place, Suite 400
Houston, Texas 77084

Hells Swamp Mitigation Bank
ATTN: Jock Mizell
P. O. Box 1024
Saraland, Alabama 36571

Ms. Elizabeth Hamilton, Project Manager
August 12, 2020
Page 5

PowerSouth Energy Cooperative
ATTN: Gary Smith, President/CEO
gary.smith@powersouth.com

Alabama Department of Environmental Management (ADEM)
coastal@adem.alabama.gov

U.S. Fish and Wildlife Services (USFWS)
ATTN: William Pearson, Field Supervisor
1208 Main Street
Daphne Alabama 36526

Alabama Department of Conservation and Natural Resources (ADCNR)
ATTN: Patricia McCurdy Director, State Lands Division
patti.mccurdy@dcnr.alabama.gov

Emily Van Haneghan, Esq.
evanhaneghan@handfirm.com

JULY 17, 2020

FOIA REQUEST FOR DOCUMENTS

U. S. ARMY CORPS OF ENGINEERS

HAND ARENDALL HARRISON SALE LLC

104 SAINT FRANCIS STREET, SUITE 300 ■ MOBILE, ALABAMA 36602 ■ (251) 432-5511
Post Office Box 123 ■ Mobile, Alabama 36601 ■ Facsimile: (251) 694-6375

July 17, 2020

FOIA REQUEST FOR DOCUMENTS

VIA ELECTRONIC MAIL

U. S. Army Corps of Engineers

Attn: Ms. Keri Schenter

FOIA Officer

Mobile District Office of Counsel

P. O. Box 2288

Mobile, Alabama 36628

keri.schenter@sam.usace.army.mil

Re: Request for Information Pursuant to Freedom of Information Act
NextEra Energy Pipeline Holdings (Lowman), Inc. Proposed 51 Mile
16" Natural Gas Pipeline – Washington County and Choctaw County,
Alabama, to Supply Gas to the PowerSouth Lowman Energy Center
in Carson, Alabama

Dear Ms. Schenter:

I wish you and your family continued good health and safety.

We represent landowners impacted by NextEra Energy Pipeline Holdings (Lowman), Inc.'s ("NextEra") Proposed 51 Mile Natural Gas Pipeline. During a June 18, 2020 hearing in front of the Alabama Public Service Commission, NextEra represented that they had applied for one or more Clean Water Act Permits for the construction of a proposed 16" Natural Gas Pipeline, which will impact, cross and be excavated through numerous navigable waters, including streams, creeks, wetlands, and other aquatic resources.

For better identification of the project, we have enclosed a copy of (a) the relevant portions of the Alabama Public Service Commission's June 18, 2020 Hearing transcript; (b) the advertised Notice of Hearing describing the proposed natural gas pipeline project; and (c) a map by NextEra showing a proposed pipeline route to the PowerSouth Lowman Energy Center in Carson, Alabama.

Pursuant to the Freedom of Information Act, we respectfully request that you provide us with the following information available related to the Proposed 16" Natural Gas Pipeline and any

associated projects or permitting related to or involving the PowerSouth Lowman Energy Center conversion from coal to natural gas and the NextEra pipeline:

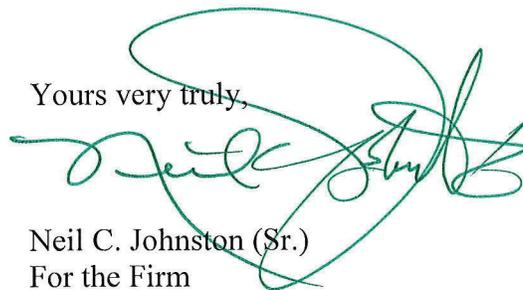
1. All documents and matters in the permit or pre-permit application files (virtual, electronic, paper), including the permit requests, applications and all the attachments (in color), alignment sheets and surveys, the permit and all attachments, the mitigation plan, and all letters, emails, phone records, field notes, aerials, WRAPs, maps, delineations, preliminary and approved jurisdictional determinations and supporting review and inspections and assessments, alternatives analyses, endangered species surveys, cultural reports, water quality evaluations and certifications, and any notices to, letters, emails, texts, and comments from the public and other agencies.
2. With regard to the permits and permits files, all environmental assessments, draft, supplemental and final, environmental impact studies and support information, decisions, FONSI, the determination of minimal adverse impacts, and the determination of loss of wetlands, wetland values, wetland functions, and conversions and mitigation ratios, determination of “single and complete project or projects,” flood and stormwater impact analyses, water quality analyses, and determination of jurisdictional reach.
3. Copies of watershed studies, watershed management plans, watershed maps, watershed information and impacts to watersheds and resources submitted, reviewed, assessed, evaluated and reported in regards to the project, and if none, please state “NONE” in your response to us.

Please provide us copies of all non-exempt portions of the requested documents, and that you justify any redactions or omissions by reference to specific exemptions allowed under FOIA.

We will pay all costs of your searches of records, files, and microfiche, and the reproduction and production of documents and information.

Please call me with any questions.

Yours very truly,



Neil C. Johnston (Sr.)
For the Firm



Deposition of:
Public Hearing

June 18, 2020

In the Matter of:

**Nextera Energy Pipeline Holdings
(Lowman), Inc. / IN RE:**

Veritext Legal Solutions

877.373.3660 | calendar-al@veritext.com | 800.808.4958

BEFORE THE
PUBLIC SERVICE COMMISSION
OF THE STATE ALABAMA

In the Matter of the Application
of NEXTERA ENERGY PIPELINE
HOLDINGS (LOWMAN), INC. Docket No. 32978

In Re: Application of NextEra Energy Pipeline
Holdings, Inc., also known as Lowman Pipeline,
for approval of a certificate of public
convenience and necessity to construct, own, and
operate an intrastate natural gas pipeline.

* * * * *

TESTIMONY AND PROCEEDINGS before the
Honorable John Garner, Administrative Law Judge,
at the Carl L. Evans Chief Administrative Law
Judge Hearing Complex, RSA Union Building,
100 North Union Street, Montgomery, Alabama, on
Thursday, June 18, 2020, commencing at
approximately 10:00 a.m.; and reported by Stacey
L. Johnson, Certified Court Reporter and
Commissioner for the State of Alabama at Large.

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EXAMINATION INDEX

MAX R. MACON

DIRECT BY MR. BROWN 13

CROSS BY MR. BENTLEY 39

EXHIBIT INDEX

MAR ADM

Applicant

S1 prefiled supplemental 16 29
testimony of Max Macon

S2 notice of hearing sent for 22 29
March 2, 2020

S3 notice of hearing scheduled 23 29
for June 18, 2020

S4 composite exhibit consisting 25 29
of certified mail receipts and
process server affidavits

S5 Washington County News 28 29
publication

S6 The Choctaw Sun-Advocate 28 29
publication

S7 map showing route modification 29 32
using abandoned rail corridor

S8 map showing overall route view 29 32
with changes in route

(All exhibits were retained by the Honorable John
Garner, Administrative Law Judge.)

* * * * *

1 Q. I just wanted to confirm that the adjacent
2 landowners received the same notice as the
3 landowners that were on the route.

4 A. Yes, sir. That's correct.

5 Q. And that's S2, Exhibit S2?

6 A. That is correct.

7 Q. And you mentioned there were no changes --
8 or you just answered a question about any
9 changes from your prior testimony to your
10 testimony today. What about changes in the
11 timeline for completion?

12 A. The timeline has not changed for completion.

13 Q. What about the timeline for environmental
14 permitting, any changes?

15 A. Yeah, I can address permitting. So we have
16 filed -- we have filed our air permit with
17 Alabama Department of Environmental
18 Management, we've also filed a clean water
19 permit with the Army Corps of Engineers and
20 ADEM as well. But those -- that permitting
21 schedule is still consistent with what we
22 had articulated previously, as well as the
23 construction schedule.

Notice of Public Hearing

NextEra Energy Pipeline Holdings (Lowman), Inc.

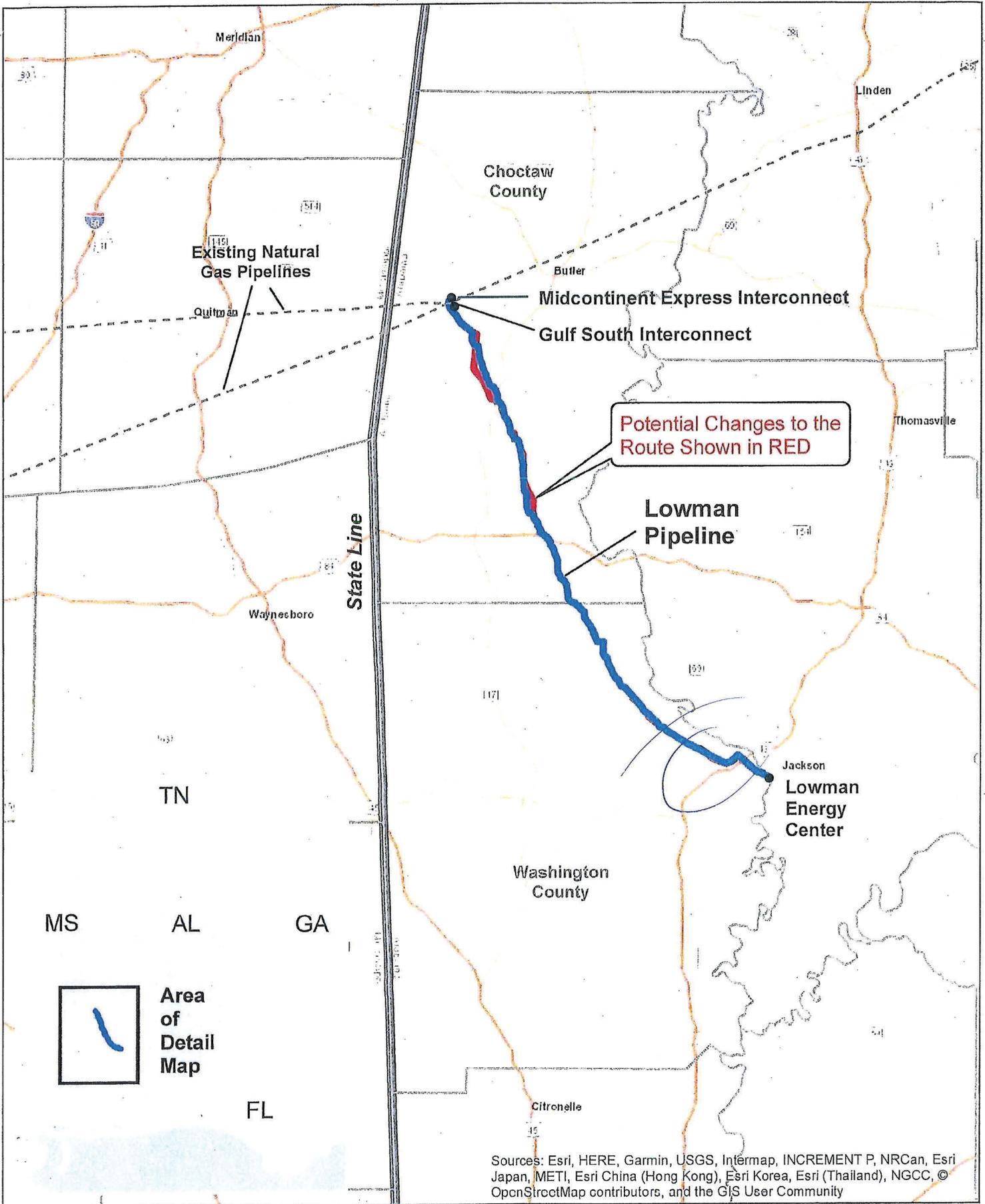
Petitioner

Docket 32978

APPLICATION: FOR APPROVAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT, OWN, AND OPERATE AN INTRASTATE NATURAL GAS PIPELINE

NextEra Energy Pipeline Holdings (Lowman), Inc. will present its petition to the Alabama Public Service Commission for a Certificate of Public Convenience and Necessity to construct, own, and operate an intrastate natural gas pipeline pursuant to Ala. Code § 37-2-4. The proposed project includes approximately 51 miles of 16 inch diameter pipeline, extending from near Butler in Choctaw County, Alabama to the Lowman Energy Center near Leroy in Washington County, Alabama. The natural gas will be used to generate electricity. More information, including a map of the proposed pipeline, can be found at the following URL: <http://www.lowmanpipeline.com>.

A public hearing on the above-styled matter is scheduled for **[INSERT DATE/TIME]** in the Carl L. Evans Chief Administrative Law Judge Hearing Complex, RSA Union Building, 100 North Union Street, Room 900, Montgomery, Alabama. For general inquires relating to the application, please contact Robert E. Poundstone IV, Bradley Arant Boult Cummings, LLP; 445 Dexter Avenue, Suite 9075, Montgomery, Alabama 36104; (334) 956-7645. For general inquires related to the public hearing, please contact Walter L. Thomas, Jr., Commission Secretary, Public Service Commission; RSA Union Building, 100 North Union Street, Room 850, Montgomery Alabama 36104; (334) 242-5218.



Potential Changes to the Route Shown in RED

Area of Detail Map

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



0 3 6 12 ...

Lowman Pipeline and Interconnects



JULY 27, 2020

JOINT PUBLIC NOTICE
No. SAM-2019-00914-ES



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-0001

CESAM-RD-A
PUBLIC NOTICE NO. SAM-2019-00914-ES

July 27, 2020

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS AND
STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**PROPOSED FILLING OF WATERS OF THE UNITED STATES IN CONJUNCTION WITH
THE CONSTRUCTION OF NEW NATURAL GAS TRANSMISSION LINES IN CHOCTAW
COUNTY AND WASHINGTON COUNTY, ALABAMA**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). This public notice is being distributed to all known interested persons to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (USACE) can be based. Please communicate this information to interested parties.

APPLICANT: NextEra Energy Pipeline Holdings (Lowman), Inc.
Attention: Ms. Kathy Salvador
700 Universe Boulevard
Juno, Florida 33408

AGENT: Edge Engineering and Science, LLC (EDGE).
Attention: Mr. Andrew Grammer
16285 Park Ten Place, Suite 400
Houston, Texas 77084

LOCATION/WATERS: The transmission line would start at Compressor Station 85, near Latitude 32.057044° North, Longitude 88.370139° West, located on the east side of County Road 9, near Butler, AL and would extend generally southeast to the Powersouth Plant Lowman near Latitude 31.491754° North, Longitude 87.909896° West, off County Road 34 in Jackson, AL. The 53.75 mile long linear project would be located in the Middle Tombigbee-Chickasaw (HUC 03160201) and Lower Tombigbee (HUC 03160203) Watersheds in the Mobile-Tombigbee Basin.

PROJECT PURPOSE: The basic purpose of the Lowman Pipeline Project will be to provide transmission of natural gas from the interconnects of the Mid-continent Express and GulfSouth pipelines to the PowerSouth Lowman Power Plant. The overall project purpose is to provide resources to the Lowman Power Plant for the conversion of utility

infrastructure from coal-fired to natural gas energy and provide a reliable and resilient electrical grid for the region.

PROPOSED WORK: The applicant proposes to construct, operate, and maintain a new 16-inch-diameter, 53.75-mile-long natural gas pipeline in Choctaw and Washington Counties, Alabama. In addition to the pipeline, the project will include the construction of one new compressor station, three meter stations, and a launcher/receiver facility. The purpose of the Lowman Pipeline Project will be to receive natural gas at interconnects with Mid-continent Express and GulfSouth pipelines and will deliver gas to the PowerSouth Lowman Power Plant. The Project will support the natural gas conversion of the existing coal-fired PowerSouth Lowman Power Plant. The applicant proposes to utilize an 85-foot-wide temporary construction right-of-way (ROW) with some additional temporary workspace (ATWS) at road crossings, stream crossings, and other areas where needed. Within wetland areas the construction ROW will be reduced to 75 feet. Following construction, a 30-foot-wide permanent easement will be maintained except in areas between workspaces associated with horizontal directional drill (HDD) entry and exit points. The proposed project will temporarily impact 44.77 acre of forested, emergent, and scrub shrub wetlands, with an estimated 19.43 acres of wetlands to be permanently modified by maintenance of the utility Right of Way (ROW). Estimated stream impacts will include 23,326 linear feet of intermittent and perennial streams. Following construction, the applicant plans to restore land surface contours as closely as is practicable to pre-construction elevations, restoring site hydrology.

AVOIDANCE & MINIMIZATION: The applicant proposes the use of the HDD crossing method to avoid seven large perennial streams and approximately 5.07 acres of wetland impacts along the proposed route. The construction corridor will be reduced from 85 feet to 75 feet wide through all wetlands to reduce impacts. Following construction, Lowman will restore stream and land surface contours as closely as is practicable to pre-construction conditions, restoring site hydrology. The applicant has indicated that no other natural gas pipeline infrastructure exists near the project area that could be modified to supply the natural gas volumes necessary to meet future PowerSouth Lowman Power Plant. The U.S. Army Corps of Engineers (USACE), Mobile District, has not verified the adequacy of the applicant's avoidance and minimization efforts at this time.

MITIGATION: The applicant proposes to purchase credits from the Alabama River Mitigation Bank (ARMB) for unavoidable impacts to wetlands. The USACE has not verified the adequacy of the applicant's proposed mitigation plan at this time.

WATER QUALITY: It is the understanding of the USACE that the applicant has applied for certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act. Upon completion of the required advertising and public comment review, a determination relative to water quality certification will be made by the Alabama Department of Environmental Management (ADEM).

HISTORIC PROPERTIES: In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR Part 325, the undertaking defined in this notice is being considered for the potential to affect cultural and historic properties within the permit area. In accordance with Appendix C of 33 CFR Part 325, the U.S. Army Corps of Engineers (USACE) has determined that the permit area consists of the proposed fill areas in waters of the United States and portions of the adjacent uplands that would be utilized for construction access and equipment and materials staging. At the time of this notice, the USACE is reviewing the proposed activities for potential effects to cultural resources. The National Register of Historic Places will be consulted for properties listed, or eligible for listing, in the National Register, which are known to exist and would be affected by the proposed work. The Mobile District is seeking comment from the State Historic Preservation Officer regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area.

ENDANGERED SPECIES: The following species listed by the U.S. Fish and Wildlife Service (USFWS) as being threatened or endangered are found within Choctaw and Washington Counties and may be located within the watersheds in which the project would be located: wood stork, black pine snake, gopher tortoise, Alabama heelsplitter, southern clubshell and the Gulf sturgeon. The Endangered Species Act (ESA) action area for this project does not intersect with any federally-designated critical habitat. Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that the proposed activity may affect listed species. This notice and application will be coordinated with the USFWS to assess if the proposed activity will adversely affect listed endangered or threatened species, or their critical habitat.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not adversely affect EFH or federally managed fisheries. Our final determination is subject to review by and coordination with the National Marine Fisheries Service and/or the U.S. Department of Interior, and the U.S. Fish and Wildlife Service (USFWS).

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the USACE can be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion

and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers (USACE) is soliciting comments from the public; federal, state and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

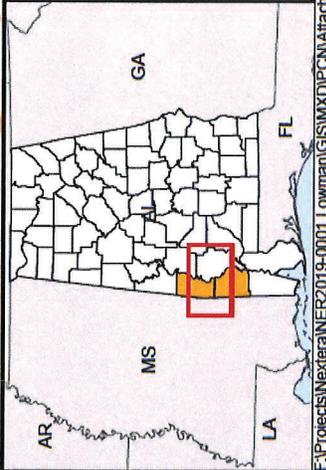
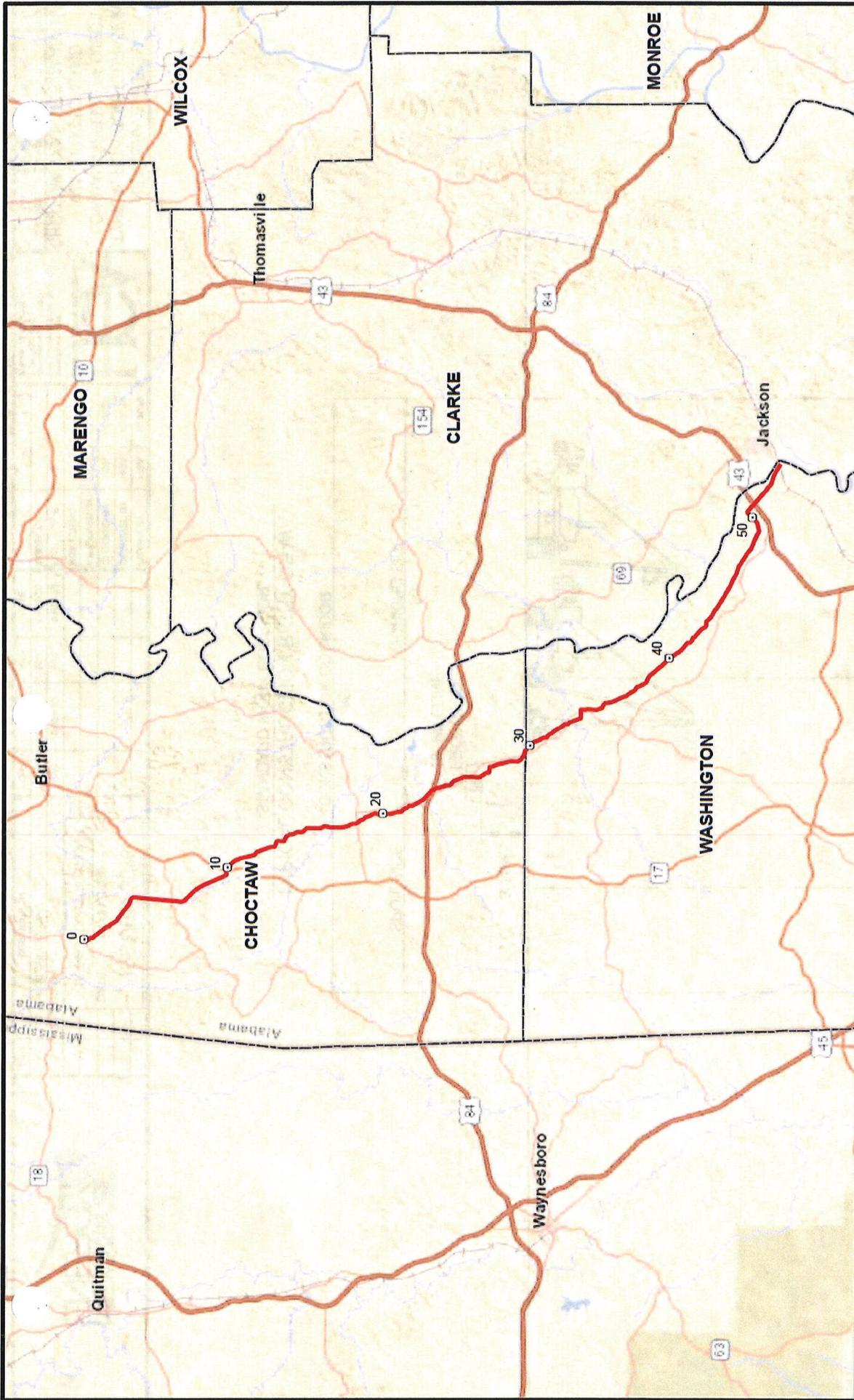
Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

Correspondence concerning this public notice should refer to Public Notice Number **SAM-2019-00914-ES** and should be directed via email to the project manager, Ms. Elizabeth A. Hamilton, at elizabeth.a.seavoy@usace.army.mil, or to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Attention: Ms. Elizabeth A. Hamilton, Post Office Box 2288, Mobile, Alabama 36628-0001. Copies of all comments should be furnished to the Alabama Department of Environmental Management at coastal@adem.alabama.gov, or sent to: Alabama Department of Environmental Management, Mobile Branch / Coastal Section 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.

All Comments should be received no later than 30 days from the date of this Public Notice. If you have any questions concerning this publication, you may contact the project manager, Ms. Elizabeth Hamilton by email at elizabeth.a.seavoy@usace.army.mil, or at (251) 694-3781. Please refer to the Public Notice Number SAM-2020-00353-ES, in any communication concerning this project.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers



Legend

- Milepost
- Proposed Pipeline
- County Boundary

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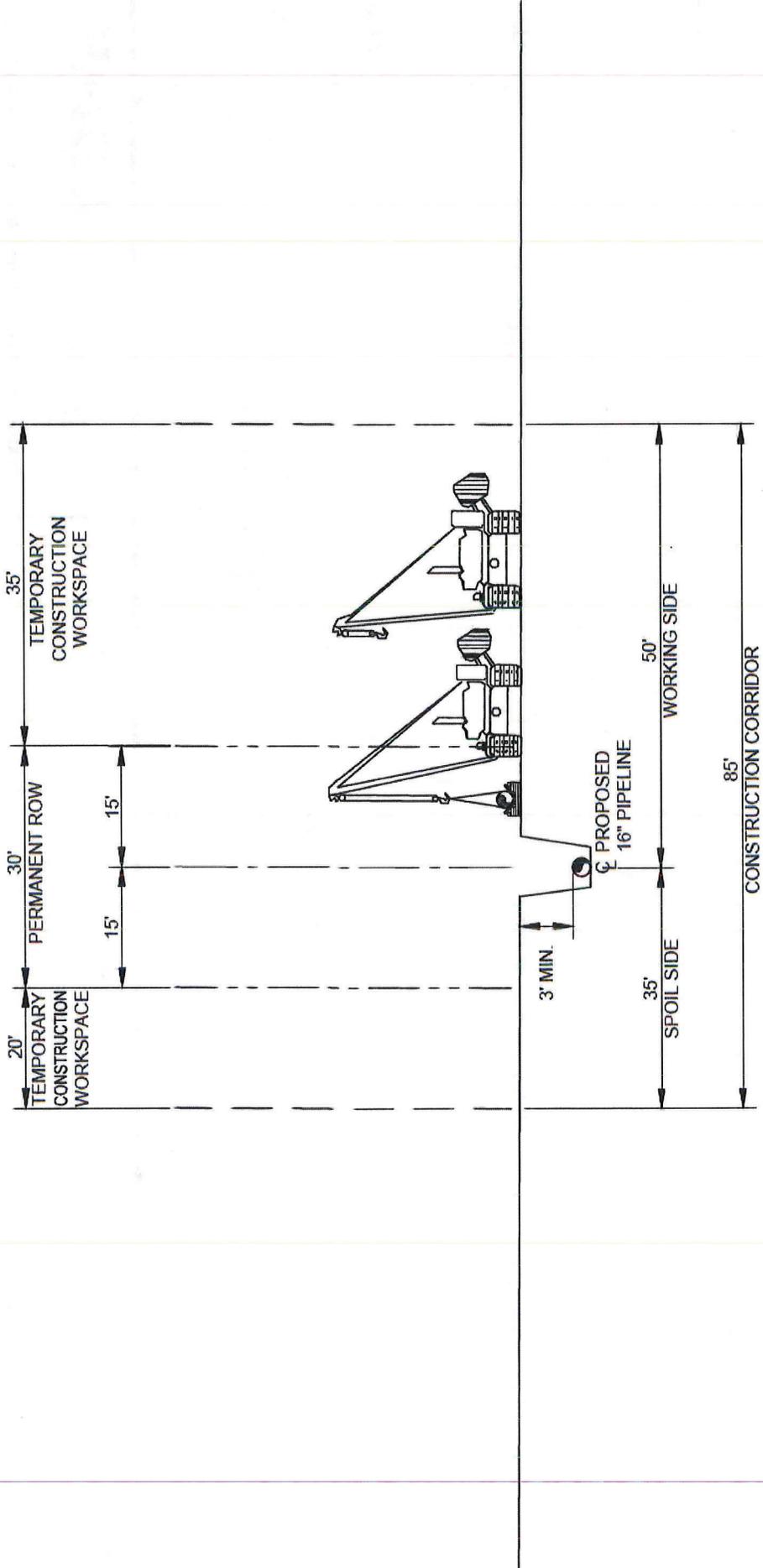
Miles

Scale: 1:500,000

NextEra Energy Pipeline Holdings (Lowman), Inc.
Lowman Pipeline Project

EDGE
ENGINEERING & SCIENCE

Attachment 2
Project Vicinity Map
Choctaw and Washington Counties, Alabama



TYPICAL CONSTRUCTION RIGHT-OF-WAY
STANDARD WORK CORRIDOR

NEXTERA ENERGY
TYPICAL ROW CONFIGURATION
LOWMAN PIPELINE PROJECT
WASHINGTON AND
CHOCTAW COUNTIES, ALABAMA

HGA
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FIRM# AL-CR-034E

DESIGNED BY	HGA	10/31/19
CHECKED BY	HGA	10/31/19
APPROVED BY	HGA	04/03/20
HGA JOB NO.	8.A10015	
PILOT SCALE	1:1	
MODEL ID		

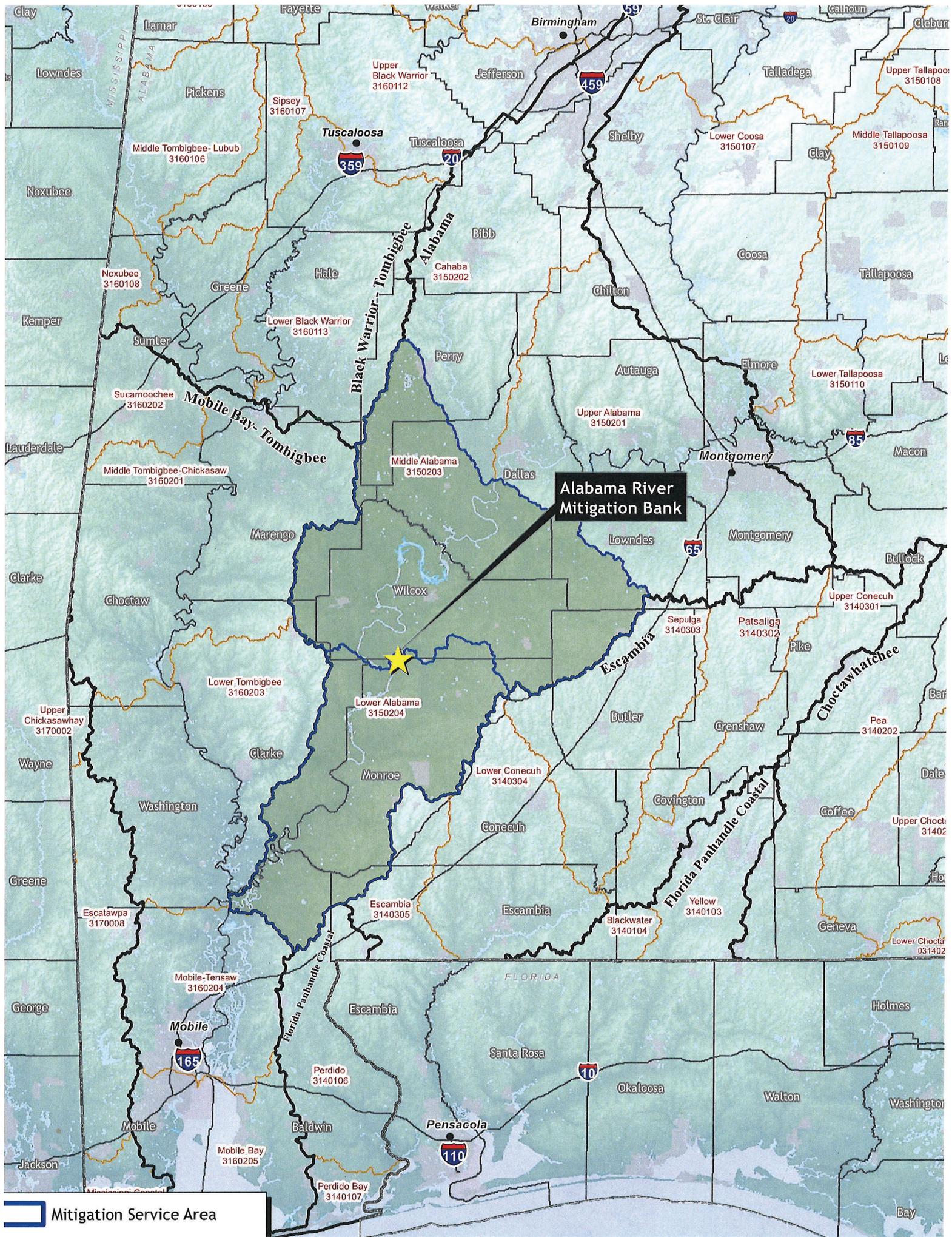
DATE	04/24/20	MAL	DATE
CHK		MAL	DATE
APP		APP	DATE

ISSUED 30%	DATE: 04/24/2020
- NOT FOR CONSTRUCTION -	
ISSUED 30%	
ISSUED FOR 30% REVIEW	
DESCRIPTION	
REV	

NEXTERA ENERGY

SCALE	NTS
DRAWN	4719
SR	WC-1
REV	B

ALABAMA RIVER MITIGATION BANK



**Alabama River
Mitigation Bank**

 Mitigation Service Area

HELL'S SWAMP MITIGATION BANK

RATIO FOR DETERMINING NUMBER OF CREDITS NEEDED FOR PROPOSED IMPACTS

Low Quality: 1:2
 Medium Quality: 1:3
 High Quality: 1:4

