

From: [Hamilton, Elizabeth A CIV USARMY CESAM \(USA\)](#)
To: [Andrew Grammer](#)
Cc: [Loving, Raymond](#)
Subject: Request for Additional Information // SAM-2019-00914-ES // NextEra Energy
Date: Monday, August 31, 2020 6:08:00 PM
Attachments: [2020-08-12.PN.19-914. Johnston Comment.pdf](#)
[2020-08-20.PN.19-914. McCorquodale Comment.pdf](#)
[2020-08-21.PN.19-914. SELC comment.pdf](#)
[2020-08-26.PN.19-914. Enfinger extension request.pdf](#)
[2020-07-28.PN.19-914. NMFS PN Comment.pdf](#)
[2020-07-31.PN.19-914. Stokes comment and 08-05-20 RD response.pdf](#)
[2020-08-07.PN.19-914. Enfinger comment and 08-05-20 RD response.pdf](#)

Mr. Grammer,

Attached you will find all comments received during the public notice and comment period. This project has been assigned file number SAM-2020-0914-ES, which should be referred to in all correspondence. In consideration of these comments and requisite information needed to complete our review, please submit the following items to our office:

- a. Adjacent Property Owners: Should any changes have occurred to the current list of adjacent property owners, please provide a revised list based on finalized project footprint.
- b. Wetland Delineation: Provide the completed wetland delineation report, with maps and data sheets, for all aquatic resources to be located within the finalized footprint of the proposed project area.
- c. Proposed Impacts: Provide revised table for project impacts based on completed wetland delineation. Impact table should include the following information:
 - 1) Impact location (lat/long)
 - 2) Permanent vs. temporary impacts
 - 3) Wetland impacts in acres
 - 4) Stream impacts in linear feet (sorted by stream type)
 - 5) Fill type (temporary matting, dirt, aggregate, etc.)
 - 6) Fill quantity (cubic yards)
 - 7) Post construction actions
- d. Vicinity Map: Provide finalized vicinity maps and .kmz layers for the proposed project locations. Site specific aquatic resource impact maps (topographic) should be revised with consideration to the following:

- 1) Exclude the CR survey boundaries and resources.
 - 2) Indicate names of all adjacent property owners.
 - 3) Includes the locations of permanent fill areas.
 - 4) Streams should be graphically indicated by type.
 - 5) Impacts should be labeled by type (open-cut, fill, matting) and nature (temporary vs. permanent).
- e. Plan View and Cross-Section Drawings: Provide site specific project drawings for all areas with proposed impacts to aquatic resources, with dimensions.
- f. Railway Crossing: Norfolk Southern Railway Company (NS) has provided a comment in concern of a railway crossing at Latitude: 31.493803, Longitude: -87.909542. You will need to provide a response to NS that will satisfy notice requirements and provide plans reflecting safety and operational regulations.

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

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.]

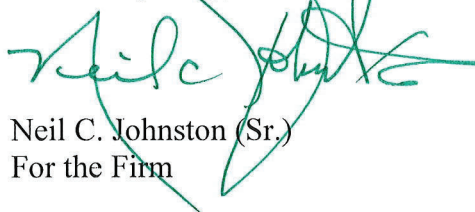
[NOTE: We request that the Public Notice be corrected and re-advertised so that “interested” and affected persons may comment on the correct information and more specific information.]

(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:lhbm

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

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.

* * * * *

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.

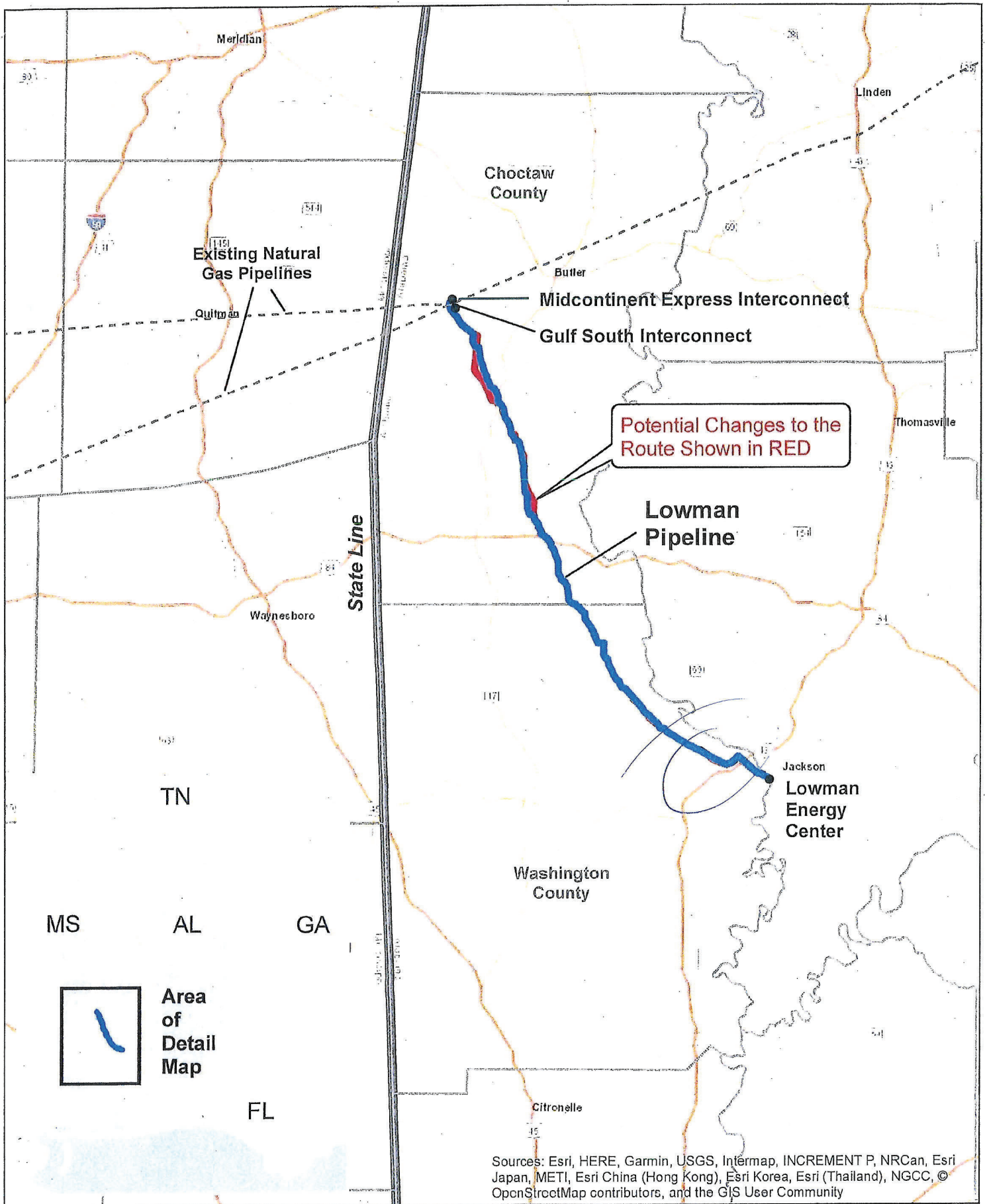
Petitioner

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 inquiries 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 inquiries 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.



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.

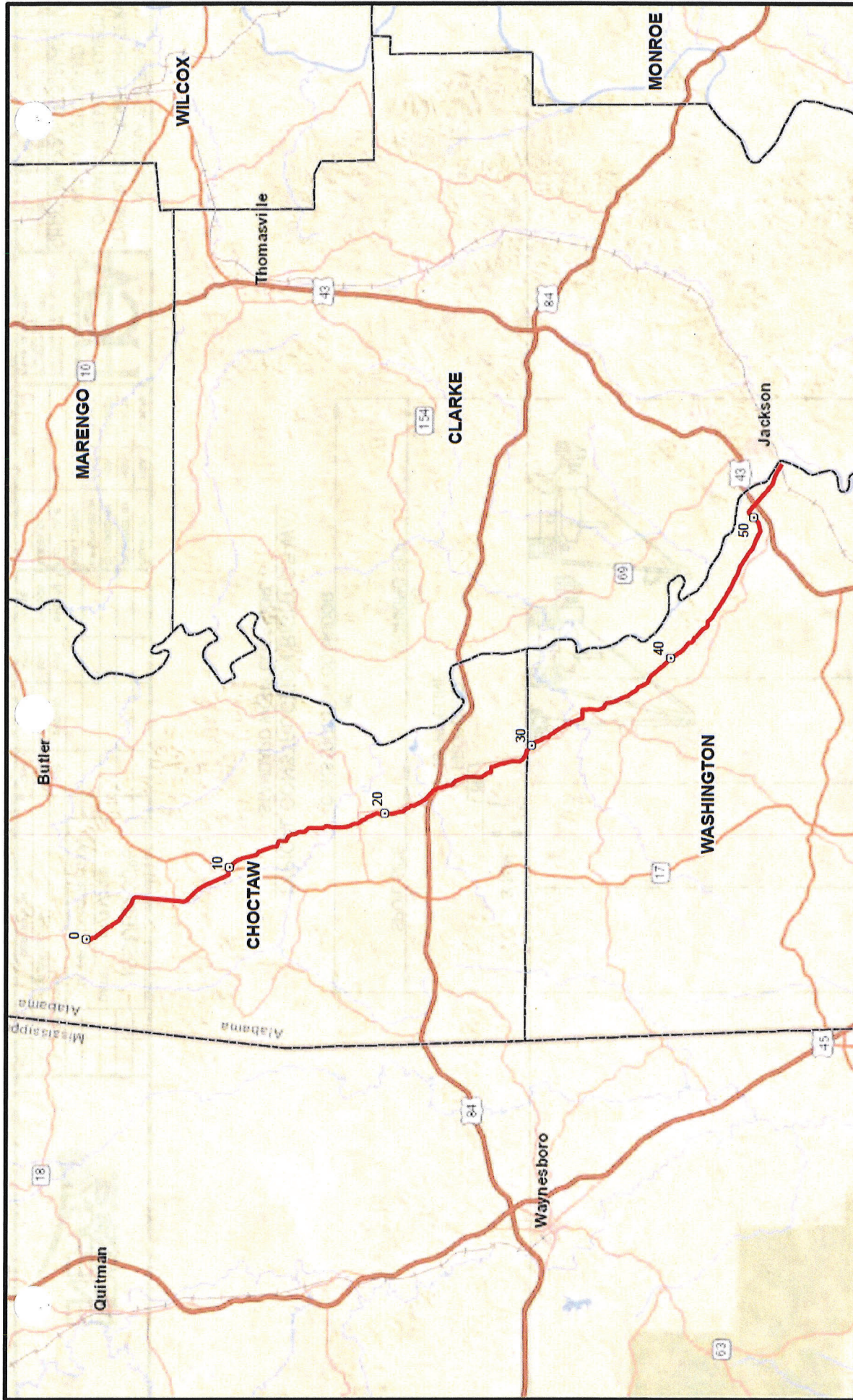
Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.


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





EDGE
ENGINEERING & SCIENCE

NextEra Energy Pipeline Holdings (Lowman), Inc.
Lowman Pipeline Project
Attachment 2
Project Vicinity Map
Choctaw and Washington Counties, Alabama

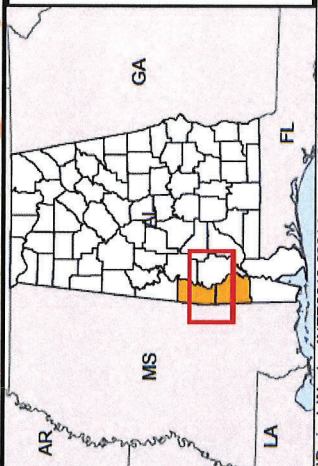
Legend

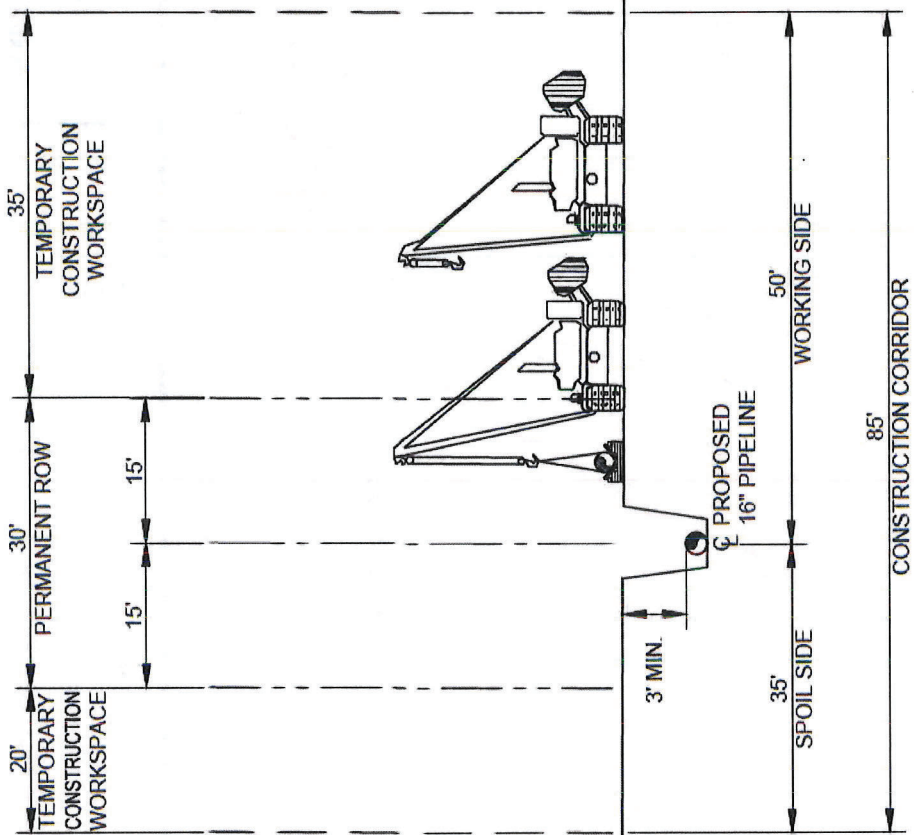
- Milepost
- Proposed Pipeline
- County Boundary

Scale: 1:500,000

0 5 10
Miles

North Arrow





TYPICAL CONSTRUCTION RIGHT-OF-WAY
STANDARD WORK CORRIDOR



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

HGA
www.hga-llc.com
One Microplex Drive, Suite 100
Birmingham, AL 35209
T 205-970-4977
F 205-970-4977

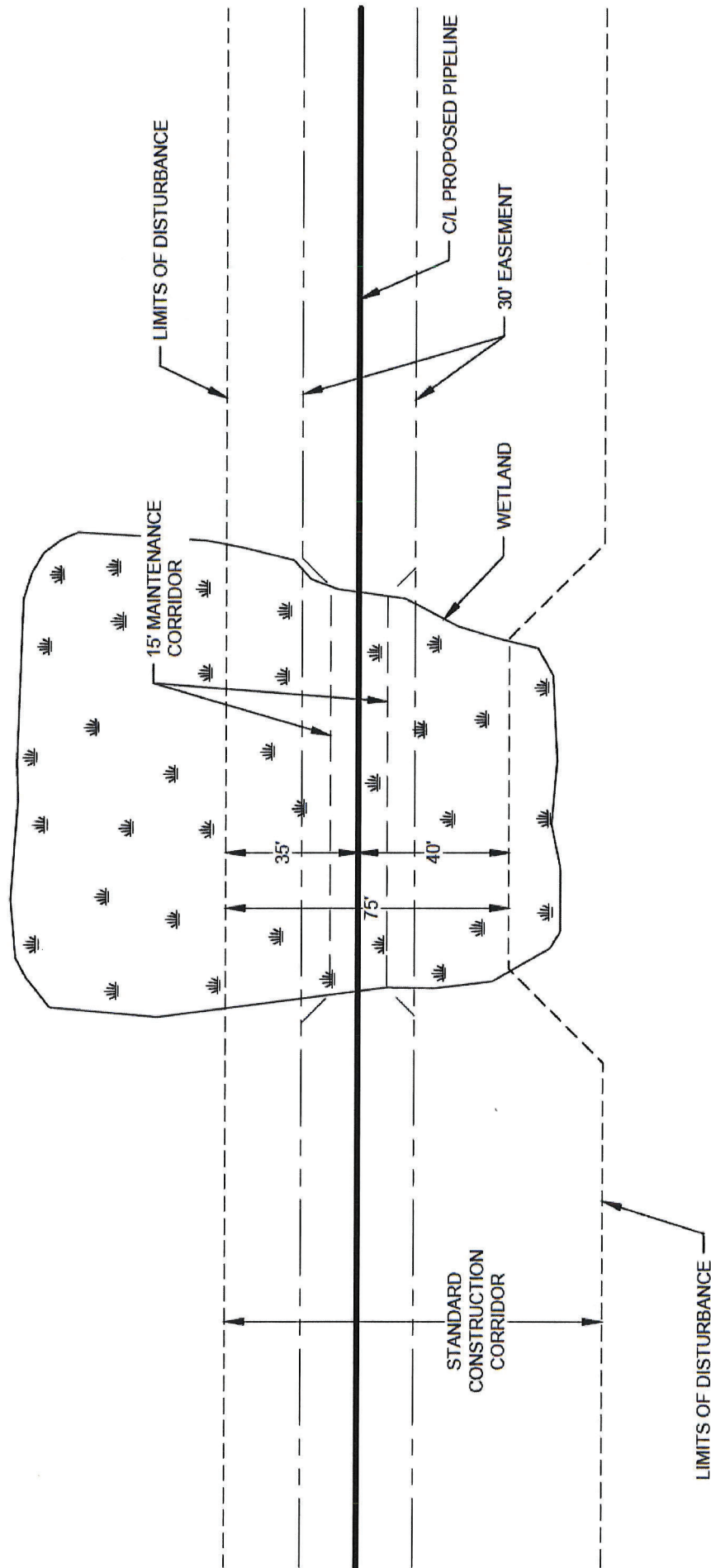
DESIGNED BY	HGA	10/31/19
CHECKED BY	HGA	10/31/19
APPROVED BY	HGA	04/03/20
HGA JOB NO.	8.A/0015	
PLOT SCALE	1:1	
MODEL ID		

DATE	04/24/20	MAL	APF	DATE
	04/08/20	MAL	APF	

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

REV	DESCRIPTION	DATE	BY	APP	DATE
B	ISSUED 30%	04/24/20	RJB		
A	ISSUED FOR 30% REVIEW	04/08/20	RJB		

SCALE 30' = 1" FOR 11' REPT. OF TYP. ARIEV




TYPICAL CONSTRUCTION RIGHT-OF-WAY
STANDARD WORK CORRIDOR
WETLAND CROSSING



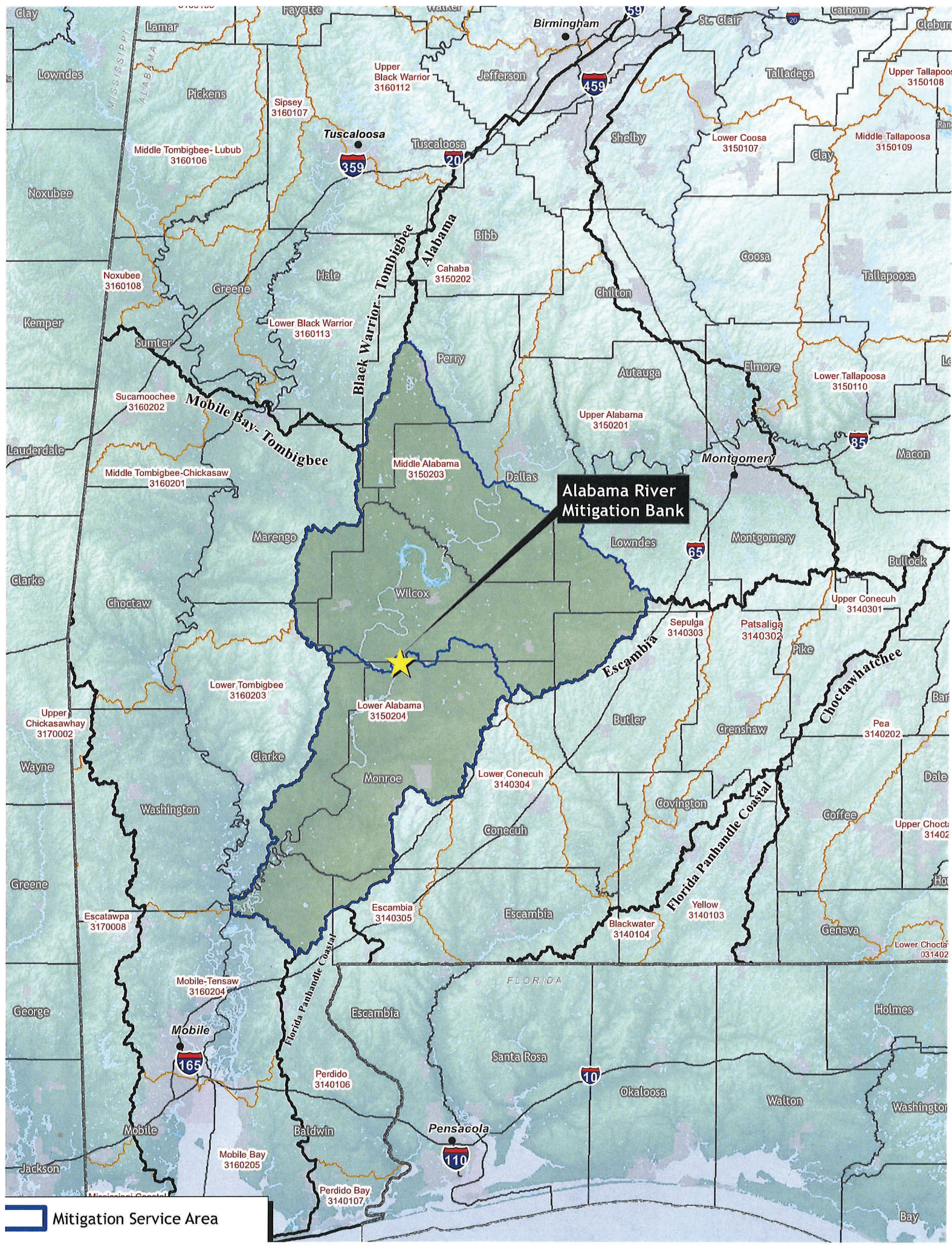
ISSUED 30%
DATE: 04/22/2020
- NOT FOR CONSTRUCTION

[illegible]

							DRAWN BY	HGA	04/22/20
							DESIGNED BY	HGA	04/22/20
							CHECKED BY	HGA	04/22/20
							APPROVED BY	HGA	04/22/20
							HGA JOB NO.	8.A19015	
							PLOT SCALE	1:1	
						RJB	DATE	MAL	04/22/20
						CHK	APP		

		NEXTERA ENERGY TYPICAL ROW CONFIGURATION LOWMAN PIPELINE PROJECT WASHINGTON AND CHOCTAW COUNTIES, ALABAMA	
		SCALE NTS	DRAWING NUMBER 4719-G-TYP-W-5
www.hca-b.com One Metropark Drive, Suite 100 Birmingham, AL 35209 PHONE: 205-974-3324 FAX: 205-974-3324-E		REV A	A

ALABAMA RIVER MITIGATION BANK



Alabama River
Mitigation Bank

Mitigation Service Area

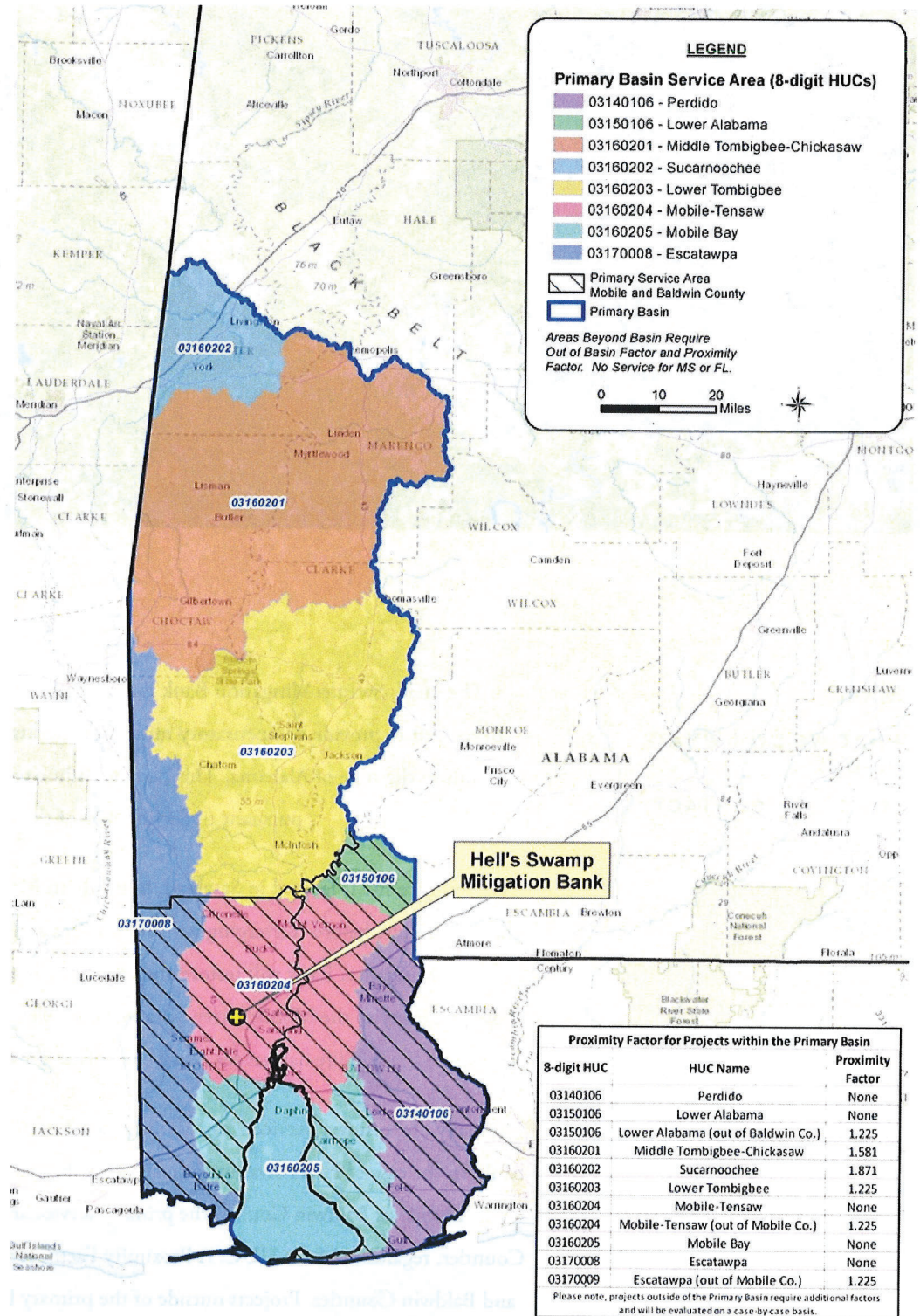
HELL'S SWAMP MITIGATION BANK

RATIO FOR DETERMINING NUMBER OF CREDITS NEEDED FOR PROPOSED IMPACTS

Low Quality: 1:2

Medium Quality: 1:3

High Quality: 1:4



McCORMQUODALE LAW FIRM

JOSEPH C. McCORMQUODALE, III
CHRISTOPHER A. BAILEY

226 COMMERCE STREET
JACKSON, ALABAMA 36545
www.mccormquodalelawfirm.com

TELEPHONE: (251) 246-9015
FACSIMILE: (251) 246-3247
TOLLFREE: (888) 421-9072

August 20, 2020

MAILING ADDRESS
P. O. Drawer 1137
Jackson, AL 36545

VIA EMAIL AND U. S. MAIL

Elizabeth.a.seavoy@usace.arm.mil

Ms. Elizabeth A. Hamilton
U. S. Army corps of Engineers
Mobile District, Regulatory Division
P. O. Box 2288
Mobile, Alabama 36628-0001

coastal@adem.alabama.gov

Alabama Department of Environmental Management
Mobile Branch/Coastal Section
3664 Dauphin Street, Suite B
Mobile, Alabama 36608

Re: SAM-2019-00914-ES

Gentlemen:

I represent Bedsole Moseley, Bruce Arnott and Sarah and David Foster in connection with the NextEra Pipeline project and also with regard to the letter they received from the Corps of Engineers. Obviously, their land is being damaged by the pipeline, not only in the area where the pipeline will exist but in addition, the other property that will be suffering a diminishment in value as a result of the pipeline. I do not know if your letter requires a response or not. If it does, please tell me what you want to know and what, if anything, my clients need to do.

If you're telling me that the Corps of Engineers is going to be drilling holes on their land, please let me know immediately when and where that will take place and what, if anything, you intend to compensate my clients for this apparent damage to their land.

Thanks for your consideration and I look forward to hearing from you.

Very truly yours,



Joseph C. McCormquodale, III

JCMcIII:ebg

SOUTHERN ENVIRONMENTAL LAW CENTER

Telephone 205-745-3060

2829 2ND AVENUE SOUTH, SUITE 282
BIRMINGHAM, AL 35233-2838

Facsimile 205-745-3064

August 21, 2020

Via Electronic Mail

United States Army Corps of Engineers, Mobile District
Attn: Ms. Elizabeth Hamilton, Project Manager
elizabeth.a.seavoy@usace.army.mil

Re: Public Notice SAM-2020-00353-ES, Proposed 53-mile pipeline, request for an extension and public hearing

Dear Ms. Hamilton:

The Southern Environmental Law Center respectfully requests an extension on the public comment deadline as well as a public hearing for **Public Notice SAM-2020-00353-ES**. This is a 53-mile proposed pipeline in Choctaw and Washington counties that will impact over four miles of waterways and will run close if not through a wildlife refuge and two public parks. An extension is necessary so that the public can ascertain the location of the pipeline. The public notice is currently legally insufficient and does not describe this location. Extending the public comment deadline until the public notice is fixed and the location shared will not only benefit the public, but the Corps will learn more information from the public and the specific landowners this pipeline will affect.

The public notice is inadequate. Per the Corps' own regulations, the public notice must describe the "location of the proposed project." 3 C.F.R. § 325.3(a)(4). It must also "include sufficient information to give a clear understanding of the nature and magnitude of the activity to generate meaningful comment." 33 C.F.R. § 325.3(a). Under this regulation, the Corps must "present for public scrutiny the rationale and pivotal data underlying its proposed action before the close of the comment and hearing." *National Wildlife Federation v. Marsh*, 568 F. Supp. 985, 994–96 (D.D.C. 1983). While the map in the public notice names the county the pipeline will cross, the map does not show which wetlands and waterways this 53-mile pipeline will affect – the very resource that the Corps is supposed to be regulating under the Clean Water Act. In fact, "the overall purpose of the § 404 permit evaluation process **and the attendant public notice** is to determine whether a proposed project will result in significant, unacceptable adverse effects to the waters of the United States. *See* 40 C.F.R. §§ 230.1, 230.10, 230.12; 33 C.F.R §§ 320.2(f), 320.4." *Ohio Valley Envtl. Coal. v. U.S. Army Corps of Engineers*, 674 F. Supp. 2d 783, 789 (S.D.W. Va. 2009) (emphasis added). The Corps must disclose the map it is using to determine whether the impacts to waters will be significant.

Importantly, Corps' regulations stipulate that the public notice contain "[a] plan and elevation drawing showing the general and specific site location and character of all proposed activities, including the size relationship of the proposed structures to the size of the impacted waterway and depth of water in the area." 33 C.F.R. § 325.3. This public notice does not have a plan showing the "specific site location" of the proposed activity, nor does it have a plan

showing “the size relationship of the proposed structure to the size of the impacted waterway and depth of water in the area.” The impacted waterways are unknown, including their size and depth. In fact, no waterways are indicated or marked on the entire map.

The location of the pipeline in relationship to the proximate waterways is “pivotal data.” Courts across the country have held that the Corps’ public notice is inadequate if it does not include “pivotal data.” *See, Ohio Valley Envtl. Coal. v. U.S. Army Corps of Eng'rs*, 674 F.Supp.2d 783, 804 (S.D.W. Va. 2009); *Friends of the Earth v. Hall*, 693 F. Supp. 904, 948 (W.D. Wash.1988); *Nat'l Wildlife Fed'n v. Marsh*, 568 F. Supp. 985, 991, 994–95 (D.D.C.1983). A map showing the pipeline’s location over the impacted waterways is pivotal data. It goes to the very heart of determining the pipeline’s impacts under the National Environmental Policy Act as well as determining whether the location of this pipeline sufficiently avoided and minimized impacts to waterways.

Additionally, in order to determine whether this pipeline is in the public interest, the location of the proposed project must be shown. The map provided does not show whether the pipeline will run through or border significant public resources in the area, such as Bladon Springs State Park, Choctaw National Wildlife Refuge, and St. Stephens Historical Park. The Corps’ map does not even name the towns on the map that the pipeline may pass or intersect, such as Needham, St. Stephens, and Leroy. Corps regulations mandate that “[a]ny other available information which may assist interested parties in evaluating the likely impact of the proposed activity, if any, on factors affecting the public interest” must be included. 33 C.F.R. § 325.3 (a)(13). The people of these towns cannot meaningfully comment about the pipeline and its effect on the public interest without knowing whether and where the pipeline will pass through their towns and other special places.

When SELC asked for a plan showing the “specific site location,” and how it affected waterways and wetlands, the Corps responded that the map “contains sensitive information that cannot be released to the public. However, in order to obtain the maps, you may submit a FOIA request.” (Exhibit A). It is capricious to force the public to submit a FOIA request to receive a map, instead of providing it in the public notice as required per the Corps’ regulations. SELC has submitted a FOIA request and asked for the map to be expedited (Exhibit B), yet this information will not be provided in time to meaningfully comment before the expiration of the public comment period, August 26, 2020. Additionally, SELC has asked the Corps to at least provide a map which shows the pipeline’s location in relationship to public resources; however, to date that request has been unanswered. (Exhibit C). An extension of the public comment period is requested so that the public notice can be rectified and the location of the pipeline in relationship to waterways and other public resources can be disclosed.

Additionally, a public hearing is requested in order to allow the hundreds of citizens and communities affected by this pipeline an opportunity to ask questions and receive explanations on the location and impacts of this pipeline.


Elizabeth Hamilton

August 21, 2020

Page 3 of 3

Please feel free to contact me with any questions or concerns at 205-745-3060.

Respectfully,

A handwritten signature in cursive script that reads "Sarah Stokes".

Sarah Stokes

Senior Attorney

cc: Craig Litteken, U.S. Army Corps of Engineers, Mobile District, Regulatory Division Chief, (craig.j.litteken@usace.army.mil)

Lee Anne Wofford, AL Historical Commission, Deputy SHPO, Historic Preservation Division Director, (LeeAnne.Wofford@ahc.alabama.gov)

Eric Sipes, AL Historical Commission, Assistant State Archaeologist and Section 106 Program Head, (Eric.Sipes@ahc.alabama.gov)

Greg Lein, Alabama Department of Conservation and Natural Resources, Director of AL State Parks Division, (Greg.Lein@dcnr.alabama.gov)

Exhibit A

From: [Sarah Stokes](#)
To: [Molly Golski](#)
Subject: FW: PUBLIC NOTICE NO. SAM-2019-00914-ES
Date: Friday, August 14, 2020 2:26:04 PM

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

From: Hamilton, Elizabeth A CIV USARMY CESAM (USA) [<mailto:Elizabeth.A.Seavoy@usace.army.mil>]
Sent: Wednesday, August 05, 2020 7:19 AM
To: Sarah Stokes
Subject: RE: PUBLIC NOTICE NO. SAM-2019-00914-ES

Ms. Stokes,

Thank you for providing a response for the below referenced project. Unfortunately the map submitted for our review contains sensitive information that cannot be released to the public. In order to obtain the maps, you may submit a FOIA request as outlined below:

To obtain copies of our records, you'll need to submit a Freedom of Information Act (FOIA) request. For instructions on how to do that, and where to send your request, please see our online FOIA resources at: <http://www.sam.usace.army.mil/BusinessWithUs/FOIA.aspx>

Your request will be added to the comment record.

Respectfully,

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

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

From: Sarah Stokes [<mailto:ssstokes@selcal.org>]
Sent: Friday, July 31, 2020 1:31 PM
To: Hamilton, Elizabeth A CIV USARMY CESAM (USA) <Elizabeth.A.Seavoy@usace.army.mil>
Subject: [Non-DoD Source] PUBLIC NOTICE NO. SAM-2019-00914-ES

Good afternoon Ms. Seavoy,

Could you please send me a map of where the proposed pipeline in Choctaw and Washington County, SAM-2019-00914-ES, will cross wetlands and waterways? The map attached to the public notice does not indicate which wetlands or waterways will be affected.

Thank you,

Sarah Stokes

Sarah Stokes

Senior Attorney

Southern Environmental Law Center

2829 2nd Ave South, Suite 282

Birmingham, AL 35233

205-745-3060

Exhibit B

From: [Sarah Stokes](#)
To: [Molly Golski](#)
Subject: FW: Request for documents regarding proposed pipeline, SAM-2019-00914-ES
Date: Friday, August 14, 2020 2:42:52 PM
Attachments: [2020.08.05 SELC request for documents regarding pipeline.PDF](#)

From: Sarah Stokes
Sent: Wednesday, August 05, 2020 2:44 PM
To: 'FOIA-SAM@usace.army.mil'; 'Keri.Schenter@usace.army.mil'
Subject: Request for documents regarding proposed pipeline, SAM-2019-00914-ES

Good afternoon Keri,
Attached please find a FOIA request for information regarding a proposed pipeline in Washington and Choctaw Counties, SAM-2019-00914-ES. The public comment deadline is August 26th. Is there anyway you could get us the maps by then?
Thank you,
Sarah

Sarah Stokes
Senior Attorney
Southern Environmental Law Center
2829 2nd Ave South, Suite 282
Birmingham, AL 35233
205-745-3060

SOUTHERN ENVIRONMENTAL LAW CENTER

Telephone 205-745-3060

2829 2ND AVENUE SOUTH, SUITE 282
BIRMINGHAM, AL 35233-2838

Facsimile 205-745-3064

August 5, 2020

VIA ELECTRONIC MAIL

USACE Mobile District
Attn: CESAM-OC (FOIA)
PO Box 2288
Mobile, Alabama 36628
FOIA-SAM@usace.army.mil
Keri.Schenter@usace.army.mil

Re: FOIA Request – Proposed Lowman Pipeline, SAM-2019-00914-ES

Dear Ms. Schenter:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and 7 C.F.R. §§ 1.1-1.25, the Southern Environmental Law Center (“SEL”) respectfully requests copies of the following documents in the possession or control of the United States Army Corps of Engineers (“USACE”), dated January 1, 2010 to present:

- All documents regarding the proposed Lowman Pipeline Project, **SAM-2019-00914-ES**, which will result in the construction of new natural gas transmission lines in Choctaw County and Washington County (the “Project”).

These documents are to include, but are not limited to:

- 1) Any documents related to the listed species in the vicinity, environmental impact, funding, right-of-way acquisition, site preparation, construction, licensing, traffic counts, or planning of the Project;
- 2) Any environmental, economic, traffic, and all other reports, studies and/or draft studies concerning the Project;
- 3) Any written comments made regarding the Project;
- 4) Any public comments made after or during any public meetings regarding the Project;
- 5) Any statements written, recorded, or in electronic format relating to the Project;
- 6) Any written or electronic minutes from meetings or phone conversations relating to the Project;
- 7) Any emails relating to the Project;
- 8) Any maps of the Project.

Because releasing these records is in the public interest, we request a fee waiver for costs associated with conducting this search.

For the purposes of this request, the term “documents” includes all written, printed, recorded, or electronic materials, communications, correspondence, memoranda, notations, copies, diagrams, charts, books, papers, maps, photographs, data, tables, spreadsheets, formulas, directives, observations, impressions, contracts, letters, messages, and mail in the possession, custody, or control of USACE. Please provide any electronic records in native file format.

In addition, we request access to each and every version of a record or document, whether it is a draft, has been electronically deleted, has attachments, bears annotations, etc. Please also include all responsive records generated up to the date of the agency’s search for records responsive to this request.

FOIA directs a responding agency to make a “determination” on any request within twenty working days of receipt. 5 U.S.C. § 552(a)(6)(A); 7 C.F.R. § 1.7(a). Pursuant to 7 C.F.R. § 1.15, in addition to making responsive documents available for request, should you determine that certain documents are responsive to this request and choose not to produce them on the basis of any claimed privilege or exemption from disclosure, we request that you produce a detailed list of those documents, including: the date of the document; the authors and recipients; the subject matter of the document; and the basis for the claimed privilege or exemption for disclosure. Further, where a document contains specific information that you claim is exempt or privileged, we request that you simply redact the information so claimed and produce the document in redacted form. The redacted information should be included in the list of privileged or exempt information just described.

The disclosure of the requested records would be in the public interest because it is likely to contribute significantly to public understanding of the proposed pipeline in Choctaw County and Washington County which might traverse both public and private property and USACE’s review of the Project. This disclosure is not in the commercial interest of SELC. SELC is a 501(c)(3) non-profit organization working to protect the natural resources of the Southeast and, in particular, to gather, analyze, and disseminate public information about matters of conservation and environmental protection. As part of its work, SELC has been actively engaged in protecting the environment of the Southeast for three decades. SELC has been actively engaged in monitoring and participating in projects which may impact water quality and other natural areas, with the goal of preserving the natural places of the Southeast for future generations. The proposed Project may directly impede the ability of future generations to enjoy this natural area. SELC intends to disseminate the information gathered through this request to the general public through press releases, social media, public comment letters, and its website, southernenvironment.org, which is updated regularly.

We request that you waive any search and duplication fees and provide the requested records without charge, or at a reduced charge, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). A fee waiver is appropriate because SELC does not have a commercial interest that would be furthered by the requested disclosure. SELC is a 501(c)(3) non-profit organization that provides legal representation to other 501(c)(3) non-profits and public advocacy free of charge. Our intended use of the requested materials is to glean a greater understanding of USACE’s plans for the Project for the reasons discussed above and to continue to disseminate information about federal conservation policy to the public through the many channels described above. All of the activities described above have been, and will continue to be, provided to the public by SELC and our clients for no payment. Courts have recognized that Congress intended FOIA’s fee

waiver to be “liberally construed in favor of waivers for noncommercial requesters.” *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987).

Should our request for reduced or waived fees be denied, we are prepared to bear the reasonable costs necessary to fulfill this request, although we request that you contact us before processing this request to discuss fees. We reserve our right to appeal a denial of our request for a fee waiver or reduction.

Thank you for your prompt attention to this matter. In the event you deny our request, we ask that you inform us of the grounds for denial and the specific administrative appeal rights that are available.

Please contact me at (205) 745-3060 or ssokes@selcal.org with any questions regarding this request.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Stokes".

Sarah Stokes
Senior Attorney

Exhibit C

From: [Sarah Stokes](#)
To: [Molly Golski](#)
Subject: FW: PUBLIC NOTICE NO. SAM-2019-00914-ES
Date: Friday, August 14, 2020 2:28:16 PM

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

From: Sarah Stokes
Sent: Tuesday, August 11, 2020 8:52 AM
To: 'Hamilton, Elizabeth A CIV USARMY CESAM (USA)'
Subject: RE: PUBLIC NOTICE NO. SAM-2019-00914-ES

Ms. Hamilton,

I have FOIAed these maps, but am concerned that I will not receive them in time for the public comment deadline. Can you please provide the maps that show where the pipeline crosses or affects Bladon Springs State Park, Choctaw National Wildlife Refuge and St. Stephens Archeological Park? These are all parks of public interest, and the public deserves to understand how the pipeline will affect its resources.

Thank you,
Sarah Stokes

Sarah Stokes
Senior Attorney
Southern Environmental Law Center
2829 2nd Ave South, Suite 282
Birmingham, AL 35233
205-745-3060

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

From: Hamilton, Elizabeth A CIV USARMY CESAM (USA) [<mailto:Elizabeth.A.Seavoy@usace.army.mil>]
Sent: Wednesday, August 05, 2020 7:19 AM
To: Sarah Stokes
Subject: RE: PUBLIC NOTICE NO. SAM-2019-00914-ES

Ms. Stokes,

Thank you for providing a response for the below referenced project. Unfortunately the map submitted for our review contains sensitive information that cannot be released to the public. In order to obtain the maps, you may submit a FOIA request as outlined below:

To obtain copies of our records, you'll need to submit a Freedom of Information Act (FOIA) request. For instructions on how to do that, and where to send your request, please see our online FOIA resources at: <http://www.sam.usace.army.mil/BusinessWithUs/FOIA.aspx>

Your request will be added to the comment record.

Respectfully,

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

South Alabama Branch

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

From: Sarah Stokes [<mailto:ssstokes@selcal.org>]

Sent: Friday, July 31, 2020 1:31 PM

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

Subject: [Non-DoD Source] PUBLIC NOTICE NO. SAM-2019-00914-ES

Good afternoon Ms. Seavoy,

Could you please send me a map of where the proposed pipeline in Choctaw and Washington County, SAM-2019-00914-ES, will cross wetlands and waterways? The map attached to the public notice does not indicate which wetlands or waterways will be affected.

Thank you,

Sarah Stokes

Sarah Stokes

Senior Attorney

Southern Environmental Law Center

2829 2nd Ave South, Suite 282

Birmingham, AL 35233

205-745-3060

From: [margaret enfinger](#)
To: [Hamilton, Elizabeth A CIV USARMY CESAM \(USA\)](#)
Subject: [Non-DoD Source] comments re: Public Notice Number SAM-2019-00914-ES
Date: Wednesday, August 26, 2020 5:57:07 PM

Ms. Hamilton,

We request the time period to submit comments for Public Notice Number SAM-2019-00914-ES be extended for at least 90 days after releasing detailed maps showing the proposed pipeline route and which properties and property owners would be included in the 1 mile study corridor.

We request a public hearing to allow communities and affected persons-- especially persons with properties in or near the 1 mile study corridor which have not been notified--an opportunity to ask questions and receive explanations of the reasons for the location of the pipeline, the details of it, and possible adverse effects.

We are extremely worried about the adverse effects of the pipeline being located close to homes and schools. The route seems to directly go through two close-knit communities in Washington County.

We are extremely worried about the adverse effects of the pipeline to the beloved but threatened gopher tortoises. It is important that any survey take particular care to know about their burrows and habits and locations.

We request an explanation as to the reason why the proposed pipeline route is confidential.

We request an explanation as to the route placement of the pipeline. The pipeline would have a more direct route to connect to the existing pipeline easements to the west of the plant.

Thank you for your assistance,
Margaret

Margaret Enfinger Pace
attorney at law / abogada
P.O. Box 400
Montrose, AL 36559
(251) 928-0344
baldwincountylaw.com <Blockedhttp://baldwincountylaw.com>
Se habla español.

From: January.Murray@noaa.gov
To: [Hamilton, Elizabeth A CIV USARMY CESAM \(USA\)](#)
Cc: [NMFS ser HCDconsultations](#)
Subject: [Non-DoD Source] Re: Public Notice SAM-2019-00914-ES - Choctaw and Washington Counties, Alabama
Date: Tuesday, July 28, 2020 10:45:39 AM

Hello Elizabeth,

The NMFS - HCD will not be commenting on the permit application SAM-2019-00914-ES since we do not have trust resources in this area.

Thank you for your coordination,
January Murray

On Mon, Jul 27, 2020 at 8:55 PM Moxey, Michael B CIV USARMY CESAM (US)
<michael.b.moxey@usace.army.mil> <<mailto:michael.b.moxey@usace.army.mil>> wrote:

Blocked<http://www.sam.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>

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

SAM-2019-00914-ES 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

Comment Closing Date: August 26, 2020
Publication Date: July 27, 2020

****Please provide all comments to the Corps Project Manager, Ms. Elizabeth Hamilton.**

Posted by:
Michael Moxey
USACE, Regulatory Division
Special Projects Manager
109 St. Joseph Street
Mobile, Alabama 36602
(251) 694-3771
Fax: (251) 690-2660

Please visit [Blockedhttp://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey) and take a moment to complete our customer satisfaction survey. Your responses are appreciated and will allow us to improve our services.

--

January Murray
Fishery Biologist
Habitat Conservation Division
NOAA Fisheries | U.S. Department of Commerce
5757 Corporate Blvd, Suite 375
Baton Rouge, LA 70808
Office: (225) 380-0089
Blockedwww.fisheries.noaa.gov <Blockedhttp://www.fisheries.noaa.gov>

From: [Hamilton, Elizabeth A CIV USARMY CESAM \(USA\)](#)
To: [Sarah Stokes](#)
Subject: RE: PUBLIC NOTICE NO. SAM-2019-00914-ES
Date: Wednesday, August 05, 2020 7:19:00 AM

Ms. Stokes,

Thank you for providing a response for the below referenced project. Unfortunately the map submitted for our review contains sensitive information that cannot be released to the public. In order to obtain the maps, you may submit a FOIA request as outlined below:

To obtain copies of our records, you'll need to submit a Freedom of Information Act (FOIA) request. For instructions on how to do that, and where to send your request, please see our online FOIA resources at: <http://www.sam.usace.army.mil/BusinessWithUs/FOIA.aspx>

Your request will be added to the comment record.

Respectfully,

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

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

From: Sarah Stokes [<mailto:ssstokes@selcal.org>]
Sent: Friday, July 31, 2020 1:31 PM
To: Hamilton, Elizabeth A CIV USARMY CESAM (USA) <Elizabeth.A.Seavoy@usace.army.mil>
Subject: [Non-DoD Source] PUBLIC NOTICE NO. SAM-2019-00914-ES

Good afternoon Ms. Seavoy,

Could you please send me a map of where the proposed pipeline in Choctaw and Washington County, SAM-2019-00914-ES, will cross wetlands and waterways? The map attached to the public notice does not indicate which wetlands or waterways will be affected.

Thank you,

Sarah Stokes

Sarah Stokes

Senior Attorney

Southern Environmental Law Center

2829 2nd Ave South, Suite 282

Birmingham, AL 35233

205-745-3060

From: [Hamilton, Elizabeth A CIV USARMY CESAM \(USA\)](#)
To: [margaret enfinger](#)
Subject: RE: [Non-DoD Source] detailed map request- Public Notice Number SAM-2019-00914-ES
Date: Wednesday, August 05, 2020 7:23:00 AM

Ms. Enfinger,

Thank you for providing a response for the below referenced project. All property owners whose property would be affected by the proposed project have been provided a paper copy of the notice. If Mr. and Mrs. Pace received a paper copy, then their property may fall within or adjacent to the proposed project footprint.

Unfortunately the detailed maps submitted for our review contains sensitive information that cannot be released to the public. In order to obtain the maps, you may submit a FOIA request as outlined below:

To obtain copies of our records, you'll need to submit a Freedom of Information Act (FOIA) request. For instructions on how to do that, and where to send your request, please see our online FOIA resources at: <http://www.sam.usace.army.mil/BusinessWithUs/FOIA.aspx>

Your request will be added to the comment record.

Respectfully,

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

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

From: margaret enfinger [<mailto:margaret@baldwincountylaw.com>]
Sent: Tuesday, August 04, 2020 2:36 PM
To: Hamilton, Elizabeth A CIV USARMY CESAM (USA) <Elizabeth.A.Seavoy@usace.army.mil>
Subject: [Non-DoD Source] detailed map request- Public Notice Number SAM-2019-00914-ES

Ms. Hamilton,

I represent property owners Matt & Kay Pace of Leroy, Alabama. They request a detailed map of the proposed pipeline location described in Public Notice Number SAM-2019-00914-ES in order to know which properties and property owners in Washington and Choctaw Counties would be possibly affected. Where might this information be found?

Thank you for your assistance,
Margaret

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