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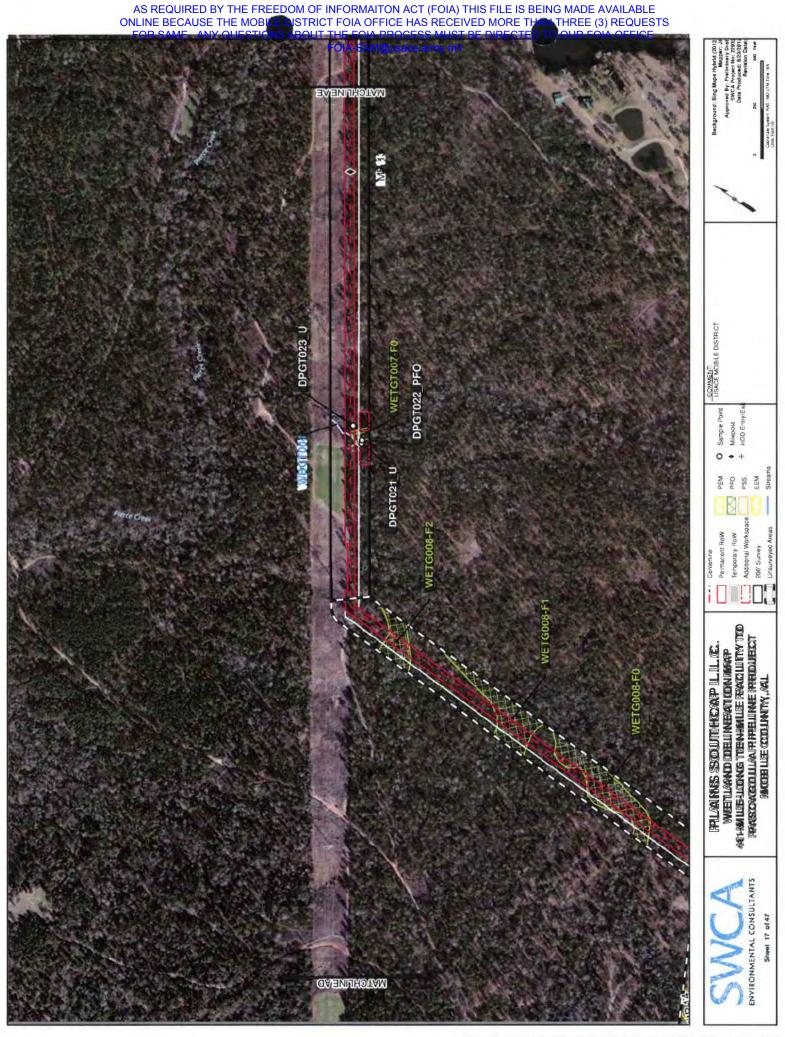
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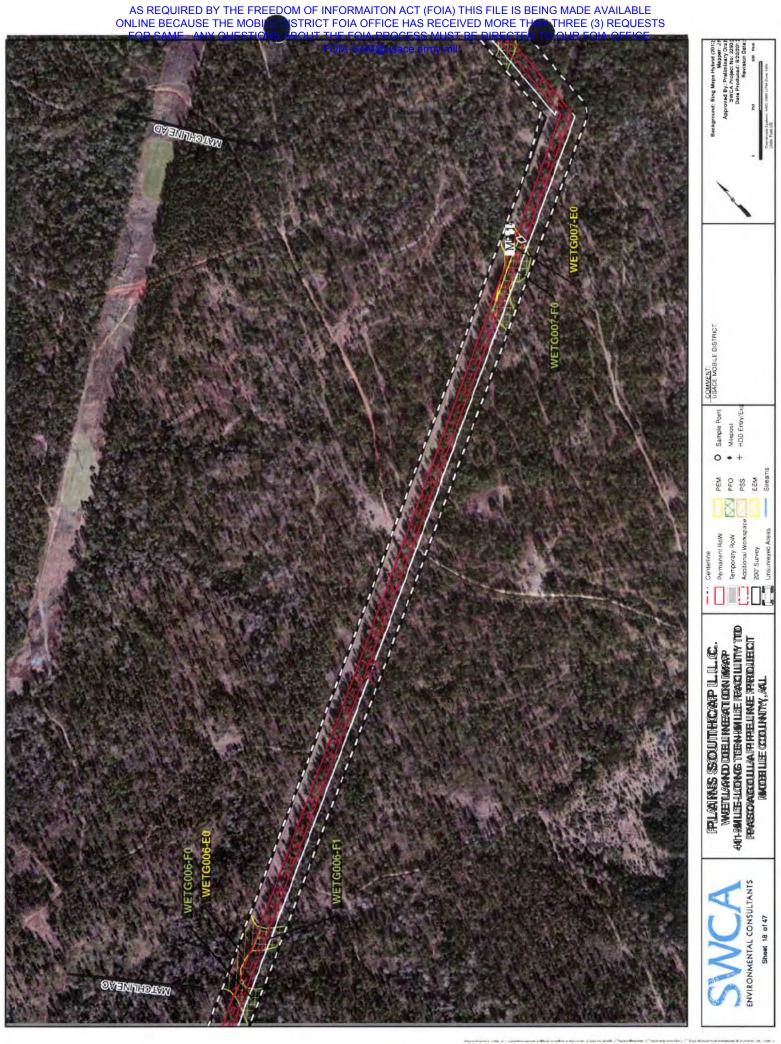


ENVIRONMENTAL CONSULTANTS Sheet 13 of 47 AS REQUIRED BY THE FREEDOM OF INFORMAITON ACT (FOIA) THIS FILE IS BEING MADE AVAILABLE ONLINE BECAUSE THE MOBILE DISTRICT FOIA OFFICE HAS RECEIVED MORE THAN THREE (3) REQUESTS MATCHUNEAN Background: Bing Maps Hy Approved By: Preje SWCA Proje Date Produce COMMENT: USACE MOBILE DISTRICT DPC106 U Eliza Jordan Permanent How FLANKS SOUTHCAP IL.I.C.
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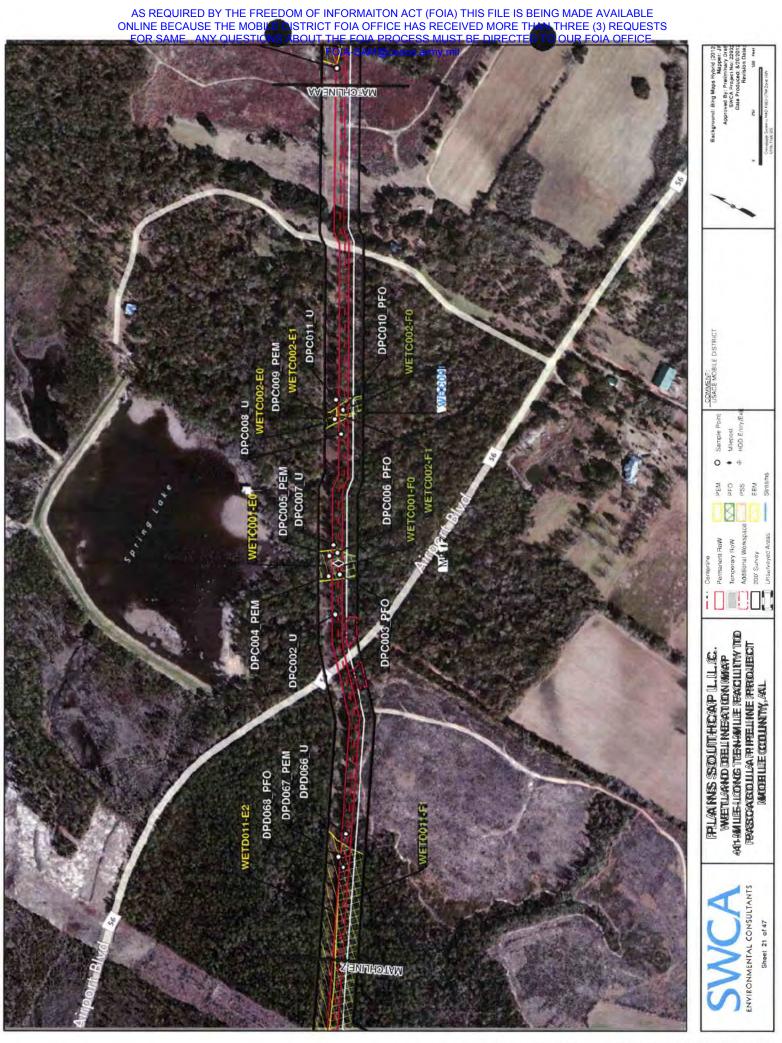
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SOLUTIONS mitigation banks P 228-575-7747

F 228-575-7759

14231 Seaway Road Suite 7007 Gulfport, MS 39503



February 5, 2013

Mr. Michael B. Moxey U.S. Army Corps of Engineers Mobile District P.O. Box 2288 Mobile, AL 36628

RE: SAM-2012-00885-MBM

Dear Mr. Moxey:

Please treat this letter as written confirmation that, in accordance with the above-referenced permit, Plains SouthCap, LLC has purchased 25.92 mitigation credits from Lillian Swamp Mitigation Bank.

Should you have any questions, please feel free to call me at (228) 575-7747.

Very truly yours,

WETLANDS SOLUTIONS ALABAMA, LLC

Jessica Crosby

cc: Mr. Dean Gore

Plains All-American Pipeline, LP

Mr. Eric Munscher SWCA

Mr. Tom Sankey SWCA

Mr. Brandon Pike
Wetlands Solutions, LLC

File 17 2013

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): 01/16/2013

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

AGENT: SWCA Environmental Consultant Attention: R. Thomas Sankey 7255 Langtry, Suite 100 Houston, TX 77040

For

APPLICANT: Plains Southcap, LLC 333 Clay Street, Suite 1600 Houston, Texas 77002

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Mobile District, Plains Southcap, LLC – Alabama, SAM-2012-885-MBM

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

Plains Southcap, LLC (Plains) requested that SWCA Environmental Consultants (SWCA) complete the wetland and waters delineation for the approximately 41 miles of 24-inch crude oil pipeline. The project area begins at the Plains Ten-Mile Crude Oil Facility in Mobile Alabama, located approximately 11 miles northwest of downtown Mobile, and extends southwest towards Pascagoula, Mississippi. The line ends at the Chevron Pascagoula refinery approximately one mile from the Gulf of Mexico (project. site). Construction of the proposed project is slated to begin in March 2013 and end before September 2013. There are no permanent fill impacts to wetlands or streams. The proposed project will consist of the construction and placement of approximately 41 miles of 24-inch diameter pipeline from Ten-Mile Alabama to Pascagoula Mississippi. Construction of the pipeline will be within a 75-foot-wide right-of-way (ROW) in most places and will consist of clearing vegetation, excavating a trench, laying the pipe, replacing the soil, adjusting the topography to match pre-construction contours, and allowing the re-establishment of endemic vegetation. The 50-foot utility corridor over the pipeline will be maintained as emergent vegetation only. There are no permanent impacts to wetlands other than wetland habitat conversion from forested to emergent wetlands within the maintained corridor. All stream impacts consist of temporary ditching and full restoration afterwards. The project will utilize horizontal directional drill (HDD) methods under larger streams and rivers and all Section 10 waters.

State: Alabama County/parish/borough: Mobile County

City: Mobile

Center coordinates of site (lat/long in degree decimal format): Lat.

30.692282 N, Long. -88.297174 W (wetland WETC020B-FO).

Universal Transverse Mercator: 15

Name of nearest waterbody: Big Creek, Double Branch, Hamilton Creek,

Pierce Creek, Red Creek, Wolf Branch, and Seabury Creek.

(SEE THE WATER RESOURCES TABLE ATTACHED TO THIS PACKET THAT DOCUMENTS MULTIPLE WATERBODIES AT DIFFERENT SITES)

Identify (estimate) amount of waters in the review area: STREAMS: The 50-foot wide pipeline corridor will require 22 stream crossings. All impacts to intermittent and perennial streams will be temporary. The average stream crossing is 17 linear feet. The corridor will cross Big Creek (4 times), Double Branch (1), Hamilton Creek (8 times), Pierce Creek (5 times), Red Creek (1), Wolf Branch (2), and Seabury Creek (1) at numerous locations. For the streams, the attached data spreadsheet reflects the uppermost crossing within each creek. These streams are tributaries to the Escatawpa River which is tidally-influenced Section 10 water near the coast. WETLANDS: In Alabama, the pipeline corridor crosses 40.42 acres of jurisdictional wetlands within 107 wetland polygons. The wetland polygons are located adjacent to the streams listed above.

Total linear feet of temporary stream impacts: 22 stream crossings, total of 389 linear feet (ft) and/or 0.447 acres.

Cowardin Class: Riverine

Stream Flow: Perennial and intermittent

Wetlands: Cumulatively 40.42 acres of jurisdictional wetlands within 108 wetland polygons. The polygons are located within larger wetland

systems adjacent to the above listed streams.

Cowardin Class: Palustrine and emergent wetlands

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- ☑ Office (Desk) Determination. Date: 1/7/2013
- Field Determination. Date(s): 1/16/2013.
- 1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to

request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

) L	PPORTING DATA. Data reviewed for preliminary JD (check all that apply
	 checked items should be included in case file and, where checked and requested, appropriately reference sources below):
	Maps, plans, plots or plat submitted by or on behalf of the
	applicant/consultant: SWCA delineation maps.
	Data sheets prepared/submitted by or on behalf of the
	applicant/consultant.
	_
	Data sheets prepared by the Corps:
	☑ Corps navigable waters' study:
	U.S. Geological Survey Hydrologic Atlas:
	USGS NHD data.
	USGS 8 and 12 digit HUC maps.
	U.S. Geological Survey map(s). Cite scale & quad name:
	National wetlands inventory map(s). Cite name:
	State/Local wetland inventory map(s):
	FEMA/FIRM maps: .
	☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum
	of 1929)
	Photographs: Aerial (Name & Date): Google Earth 2012.
	or Other (Name & Date): See Attached. Photographs prepared/submitted by or on behalf of the applicant/consultant.
	<u></u>
	☐ Previous determination(s). File no. and date of response letter: ☐ Other information (please specify): Wetlands are adjacent to RPW
	streams that are tributaries to the Escatawpa River which is a tidal TNW
	closer to the coast.
	PORTANT NOTE: The information recorded on this form has not cessarily been verified by the Corps and should not be relied upon for
	er jurisdictional determinations.
(10340 1/30/2013 R. Mones Jacky 1/23/13
<u>ر</u> درج	inature and date of Signature and date of
•	gulatory Project Manager person requesting prefiminary JD
R	EQUIRED) (REQUIRED, unless obtaining
1	Michael B. Morey the signature is impracticable)