

# ALABAMA POWER COMPANY

## COOSA RIVER PROJECT

### SHORELINE MANAGEMENT PLAN

*July 2005*

Prepared by:  
ALABAMA POWER COMPANY

ALABAMA POWER COMPANY

COOSA RIVER PROJECT

SHORELINE MANAGEMENT PLAN

*July 2005*

Prepared by:  
ALABAMA POWER COMPANY

**ALABAMA POWER COMPANY**  
**COOSA RIVER PROJECT**  
**SHORELINE MANAGEMENT PLAN**

**TABLE OF CONTENTS**

GLOSSARY OF SHORELINE TERMS AND DEFINITIONS .....	G-1
EXECUTIVE SUMMARY .....	E-1
1.0 INTRODUCTION .....	1-1
2.0 PURPOSE AND GOALS OF THE SHORELINE MANAGEMENT PLAN.....	2-1
3.0 SHORELINE MANAGEMENT POLICIES .....	3-1
3.1 Shoreline Conservation Policy.....	3-1
3.2 Shoreline Management Policies.....	3-2
4.0 SHORELINE MANAGEMENT .....	4-1
4.1 Shoreline Classification System .....	4-1
4.1.1 Shoreline Classification Percentages .....	4-3
4.2 Shoreline Best Management Practices.....	4-4
4.2.1 Buffer Zones and Vegetation Management .....	4-5
4.2.2 Water Quality.....	4-6
4.2.3 Property Development and Management.....	4-7
4.3 APC’s Lake Shore Use Permitting Program.....	4-11
4.3.1 Levels of Permitting and Review.....	4-12
4.3.2 Permit Process.....	4-13
4.3.3 General Guidelines for Shoreline Permitting.....	4-15
4.3.4 Required Supporting Documents .....	4-16
4.3.5 Permit Fees.....	4-16
4.3.6 Permit Enforcement .....	4-17
4.3.7 Permit Transferability .....	4-18
4.3.8 Permit Revocation.....	4-18
4.3.9 Substandard and Non-conforming Structures.....	4-19
5.0 IMPLEMENTATION AND REVIEW.....	5-1
5.1 Public Education and Outreach.....	5-1
5.2 SMP Review and Modifications.....	5-3

**LIST OF APPENDICES**

Appendix A	Meeting Dates, Participants and Stakeholder Comments
Appendix B	Best Management Practices References and Resources
Appendix C	Standard Land Use Article
Appendix D	General Permit Guidelines with Applications and the Standard Land Use Form
Appendix E	Exotic Species and Aquatic Plant Management Program

## ***GLOSSARY OF SHORELINE TERMS AND DEFINITIONS***

APC	Alabama Power Company
APC Fee title	Lands owned wholly by the Alabama Power Company.
Bank / Shoreline stabilization	Any activity intended to reduce the amount of erosion on the reservoir boundary (e.g., sea walls, rip-rap, vegetation).
BMP	Best Management Practice(s) – On site actions generally taken by property owners to lessen impacts to a particular resource resulting from the direct or indirect use of that resource.
Boat dock	A facility for storing or mooring watercraft.
Boathouse	A fixed or floating roofed structure on project lands with open sides designed for permanent or temporary watercraft storage.
Boat ramp	A boat launch used to back a trailer into the water in order to float a vessel.
Boat slip	A fixed or floating unroofed structure confined by three sides used for temporary or permanent storage and/or mooring of a watercraft.
Buffer zones	An area of land specifically designed to separate one zoning use from another, such as separating a residential neighborhood from an industrial area.
Causeways	An artificial connection between the reservoir shoreline and an island.
CCRT	Coosa Cooperative Relicensing Team
Channelization	The process of diverting project waters to create an artificial waterway.
Commercial facilities	Shoreline facilities operated on a for-profit basis (e.g., marinas, boat ramps/launches).
Cultural resources	Includes items, structures, etc. of historical, archaeological, or architectural significance.
Dredging	The process of removing soil or other rock material from the project boundary.
Ecosystem	A system of interrelated organisms and their physical-chemical environment.

Erosion	The wearing away of land or soil by the action of wind, water, or ice.
FERC	Federal Energy Regulatory Commission – The governing federal agency responsible for overseeing the licensing/relicensing and operation of hydroelectric projects in the United States.
Filling	The process of depositing soil or other materials into the project boundary.
Fishing pier	A facility for providing fishing access to the reservoir
Flood easement	Lands not owned by the Alabama Power Company, but which they have specific flood rights in conjunction with the operation of their hydroelectric projects.
Gabion	Wire mesh containers filled with rock which are used as materials around water for construction of water permeable foundations, walls, or support structures.
Habitat	The locality or external environment in which a plant or animal normally lives and grows.
Non-conforming structure	A structure that does not meet Alabama Power Company’s current permit guidelines.
Non-point source pollution	Pollution arising from an ill-defined and diffuse source rather than a single identifiable source or conveyance. Examples include runoff from agriculture, mining, logging, construction, the urban environment, oil and gas leaks, or faulty septic tanks.
Operating license	The terms and conditions in which the Alabama Power Company is granted permission by the FERC to operate their hydroelectric projects.
Permit	The written authorization from the Alabama Power Company to an individual or entity for the performance of a specific activity, placement or use of a structure and/or facility on project lands.
Permitted facilities	Structures and/or facilities that have been issued an approved permit by the Alabama Power Company.
Permittee	The holder of an Alabama Power approved issued permit.
Pier	A facility for providing recreational access to the reservoir.
Project boundary	A line established by the FERC to enclose the lands, waters, and structures needed to operate a licensed hydroelectric project.

Project lands	All lands within the FERC designated project boundaries.
Rain garden	A perennial garden planted with locally-adapted plants and flowers that is positioned between storm water runoff sources (roofs, driveways, parking lots) and runoff destinations (storm drains, streets, creeks). Rain gardens are designed to capture storm water runoff and allow it to soak back into the ground naturally, while plants and flowers remove pollutants from the runoff.
Reservoir	An artificial lake into which water flows and is stored for future use.
Relicensing	The administrative proceeding in which the FERC, in consultation with other federal and state agencies, decides whether and on what terms to issue a new license for an existing hydroelectric project at the expiration of the original license.
Rip-rap	Layer of large, durable materials (usually rocks) used to protect the reservoir boundary from erosion; may also refer to the materials used.
Runoff	Water from rain, melted snow, or landscaping irrigation that flows over land and into local creeks, streams, and waterways.
Seawall	A wall of stone, concrete, wood, or other sturdy material, built along the shoreline to prevent erosion.
Security lands	Project lands that are not available for use to the general public.
SMP	Shoreline Management Plan
Shoreline classification	A system of land use categories used as a planning tool and based on existing land use, ownership, and resource value, to help provide an overall framework for long-term shoreline management activities.
Shoreline development	A general reference to the many structures and/or facilities and uses including, homes, commercial, industrial, and recreational developments on reservoir boundaries.
Standard Land Use Article (SLU)	A provision in Alabama Power's existing operating license(s) guiding APC's authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain other types of use and occupancy.
Stakeholders	Private citizens, community groups, non-governmental organizations, and State and Federal agency representatives that participated in the development of this shoreline management plan.

Substandard structures	Structures and/or facilities that are not in compliance with Alabama Power approved issued permits and/or are no longer serviceable.
USACE	United States Army Corps of Engineers
Unmanaged	Refers to the buffer zone vegetation management, and is aimed at keeping clearing of native trees and vegetation to a minimum; limits cutting or clearing within the buffer zone of significant trees (over 3 inches in diameter) or shrubs ( over 4 feet above ground level); prevents any improvements in any portion of the buffer zone without the express written consent of APC
Wet slip	Uncovered boat storage attached to a pier or walkway.

## ***EXECUTIVE SUMMARY***

The Alabama Power Company (APC), along with a diverse group of stakeholders, developed a Shoreline Management Plan (SMP) in conjunction with its relicensing activities for the Coosa Hydroelectric projects (Weiss, Neely Henry, Logan Martin, Lay, Mitchell, and Jordan/Bouldin). This SMP covers approximately 1,600 miles of shoreline and 142,000 acres of project land (both inundated and non-inundated).

This comprehensive SMP contains many purposes including the following:

- 1) provide guidance for existing and future management actions within the Project's FERC boundary, including specifying long term shoreline management goals for the Coosa River Hydroelectric Projects;
- 2) state APC's policies relative to activities that may affect shoreline management (e.g., dredging, bank stabilization, channelization, etc.);
- 3) establish a shoreline classification system to protect natural resources and guide future shoreline management actions;
- 4) describe, promote and recommend property owner shoreline best management practices in three key areas: buffer zones and vegetation management, water quality, and property development and management;
- 5) summarize APC's enhanced shoreline permitting guidelines; and
- 6) describe an implementation plan and review cycle for the SMP.

Specific to the shoreline permitting system, APC proposes the following enhancements to strengthen the effect of this SMP to provide for the protection of shoreline resources. Where physically and economically practical, APC will require through its permitting system that rip-rap be placed in front of all newly constructed seawalls. On APC owned lands within the project boundary, APC will also require that permittees maintain a minimum of 15-ft of unmanaged vegetation that will serve as a shoreline buffer zone. Additionally, APC will encourage the use of Best Management Practices (BMPs) by all land owners through a combination of public education and outreach efforts as well as lake shore use permits. To assist and educate stakeholders on the permitting process and the BMPs, APC is planning stakeholder workshops, a website, and educational materials. Finally, APC is implementing a fee structure for new permits and modifications to existing permits to partially recover its administrative costs of the shoreline use permitting program.

# **ALABAMA POWER COMPANY**

## **COOSA RIVER PROJECT**

### **SHORELINE MANAGEMENT PLAN**

#### ***1.0 INTRODUCTION***

The Alabama Power Company (APC) manages its hydroelectric reservoir shorelines and project lands to comply with its Federal Energy Regulatory Commission (FERC) operating licenses and to serve the greater public interest by providing recreational access, protecting wildlife habitat, producing low cost electricity, and preserving cultural as well as aesthetic resources. In an effort to guide existing and future management actions within the Project's FERC boundary, APC has developed this Shoreline Management Plan (SMP) for the Coosa River Project (comprised of the Weiss, Neely Henry, Logan Martin, Lay, Mitchell, Jordan and Bouldin developments; hereinafter collectively referred to as "the Coosa River Project" or "the Project"). This SMP was developed in accordance with established FERC guidelines for developing Shoreline Management Plans and in cooperation with relicensing stakeholders, including federal and state regulatory agencies, interested non-governmental organizations, and concerned citizens. The SMP is submitted as a part of APC's Coosa River Project Application for a New License, to be filed with FERC in 2005.

The Coosa River Project includes seven developments located in the Coosa River basin in northeast Alabama. Beginning just across the Georgia state-line and extending slightly less than 300 miles southwest to its confluence with the Tallapoosa River, the Project reservoirs account for approximately 1,600 miles of shoreline and 142,000 acres of land. The management guidelines set forth in this SMP are applicable to all project lands within the FERC Coosa River Project boundary including all six Project reservoirs: the Weiss, Neely Henry, and Logan Martin storage reservoirs and the Lay, Mitchell, and Jordan/Bouldin run-of-the-river reservoirs. Project lands are those lands within the FERC project boundary owned by APC in fee title and those lands for which APC has acquired or retained an easement. Descriptions of each development and operation details can be found in the Applicant Prepared Environmental Assessment for the Coosa River Projects, July 2005.

The SMP was cooperatively developed over the course of a year and half in consultation with the Coosa Cooperative Relicensing Team (CCRT) as well as other relicensing stakeholders. The CCRT, composed of staff from APC, federal and state regulatory agency representatives, non-governmental organizations, local homeowner interests, resource users, and other concerned citizens, met numerous times through several workshops to create and refine this shoreline management plan. A detailed listing of those individuals, their affiliation, and meeting dates, along with a list of their comments on the draft SMP, is provided in Appendix A.

The SMP was developed through a two-tiered approach that utilized existing stakeholders, processes, and protocols established in the Coosa River Project Relicensing. The larger overarching components of the SMP, including general background information, a shoreline conservation policy, best management practices, a shoreline classification system, a revised lake shore use permitting program, and an implementation schedule, were developed by a large SMP-oriented plenary group that included ecological and recreational stakeholders. Reservoir specific details such as shoreline designations and resource specific considerations were developed by smaller groups with knowledge of particular reservoirs.

In addition to providing APC with a strategy for managing the Project shorelines for the license term, this document is also intended for “day to day” use by APC field personnel in their decision making process. This document provides a common reference so that management decisions can be made with the knowledge that they are consistent with APC guidelines. As the SMP is intended to guide management activities for an extended period, the effort is also made to ensure that future APC employees will be able to rely on the SMP in management decisions with the knowledge that their choices are based on stakeholder concerns identified during the relicensing process.

In many ways, the general relicensing process of the Coosa River Projects has had a significant beneficial effect on the development of this SMP. Significant stakeholder concerns for ecological and recreational resources surfaced during CCRT meetings that may not have emerged in a group solely concentrating on the SMP. These concerns, and their subsequent solutions, helped shape the specific actions outlined in the SMP, which are related to the general goals of the relicensing process. These general goals are outlined in Section 2.0 below.

## **2.0 PURPOSE AND GOALS OF THE SHORELINE MANAGEMENT PLAN**

The purpose of the SMP is to serve as a comprehensive guide for managing project shoreline lands in a manner consistent with license requirements and project purposes. The overarching goal of the SMP is to ensure that shoreline development is consistent with the protection and enhancement of environmental, scenic, cultural, and recreational values, while ensuring the continued safe and reliable production of hydroelectric power at the project.

General goals relative to Alabama Power's relicensing process that are discussed under this SMP include the following.

1. Provide for reasonable public access
2. Protect fish and wildlife habitat
3. Protect cultural resources
4. Protect operational needs
5. Facilitate compliance with license articles
6. Minimize adverse impacts to water quality
7. Minimize erosion
8. Minimize adverse scenic impacts
9. Guide shoreline development

The above goals are achieved through the implementation of this shoreline management plan as well as through the implementation of several related relicensing management plans. A variety of protection, mitigation, and enhancement measures agreed to by Alabama Power and the Coosa Cooperative Relicensing Team as well as the enforcement of federal, state, and local laws and regulations also serve to achieve the goals outlined in this plan.<sup>1</sup>

---

<sup>1</sup> The SMP itself, along with its proposed BMPs, land classifications, and changes to the permitting program, all encompass protection, mitigation, and enhancement measures. There are also many proposals being put forth in the Applicant Prepared Environmental Assessment and the License Application that protect, mitigate, and enhance, directly or indirectly, shoreline resources.

### **3.0 SHORELINE MANAGEMENT POLICIES**

The overarching Shoreline Conservation Policy and the following shoreline management policies are designed to guide existing and future shoreline management actions.

#### **3.1 Shoreline Conservation Policy**

In developing this SMP, Coosa River project stakeholders and APC created the following policy to help guide future shoreline management actions. This policy provides a general statement affirming APC's position on shoreline resources. The policy reads:

*Alabama Power Company actively promotes the conservation and protection of project shoreline lands and their associated scenic, cultural, recreational, and environmental values.*

Working cooperatively with other interested parties, APC will implement this policy through a combination of regulatory and voluntary actions. Regulatory actions include the enforcement of existing state and federal regulations including, but not limited to, the Clean Water Act, Endangered Species Act, Rivers and Harbors Act, Wetlands Protection Act, and the Federal Power Act. Regulations under these statutes are enforced by the appropriate state and federal resource agencies working in cooperation with APC and APC's Lake Shore Use Permitting Program. In addition to resources specifically protected by existing laws and regulations, APC will work with other parties, including private property owners, to promote a set of shoreline Best Management Practices (BMPs) designed to protect and enhance valuable shoreline resources.

In addition to the overall policy to guide shoreline management actions, several other key policies have been incorporated to support and uphold management decisions on the Project.

### 3.2 Shoreline Management Policies

**Bank Stabilization:** Considerable concern has been expressed regarding the use of seawalls for bank stabilization. Such structures typically result in a loss of riparian habitat (and provide little aquatic habitat value), often increase non-point run-off (particularly if all woody vegetation is removed), and are not sustainable without continued, long-term maintenance. In many cases, such structures can lead to greater bank instability over time, either at the site of construction or adjacent to it.

*Alabama Power Company encourages the use of alternative bank stabilization techniques other than seawalls. Such alternatives include, but are not limited to, rip-rap, bioengineering techniques, natural vegetation with rip-rap, and gabions. Furthermore, APC will require, as a condition of a permit, that any future seawall proposals include the placement of rip-rap, for fish habitat and increased stability, in front of the seawall. Only in very limited cases where the APC regional coordinator is convinced that rip-rap would not be an effective source of bank stabilization, or would be economically unfeasible, would seawalls without rip-rap be permitted.*

**Dredging:** APC manages proposed dredging projects consistent with the USACE's guidelines for navigable waters.

*Dredging may be allowed, consistent with the USACE's guidelines for navigable waters, except that dredging will be restricted in and around sensitive resource areas (Class 4, as defined in Section 4.1) in order to protect those sensitive resources. Requests for dredging will be considered on a case by case basis and must be approved by APC prior to the initiation of any dredging operations.*

**Channelization:** APC receives numerous inquiries from property owners adjacent to its reservoirs concerning the excavation of channels and sloughs to create additional shoreline. Typically, these proposals involve digging back into property adjacent to the reservoir in order to divert project waters onto this non-project land for developmental purposes. Any such changes to the shoreline constitute a deviation from APC's FERC-approved maps, and can have significant impacts on fish and wildlife

habitat. In addition, allowing channelization can lead to uncontrolled development of project lands and waters, and create conflict between adjoining property owners.

*It is the policy of APC to prohibit channelization on its reservoirs. This general prohibition includes channelization proposals by both private and commercial interests. APC's channelization policy is an important element of APC's efforts to best manage project lands and waters consistent with its FERC-issued licenses, to control shoreline development, and to protect habitat and other natural resource features of these projects.*

**Water Withdrawals:** APC impounds a substantial amount of water in its project reservoirs and, as a result, various entities seek permission to utilize these reservoirs to meet municipal, industrial, and agricultural water supply needs. Since these withdrawals require the use of APC's project lands and waters, FERC has jurisdiction over these "joint uses." For this reason, FERC has included provisions in APC's licenses that require APC to have FERC authorization before permitting a water withdrawal from a project reservoir. Further, the licenses state that APC may receive reasonable compensation to make APC whole for the impacts caused by the withdrawal of water from the project. Consistent with these license provisions, APC has approved numerous water withdrawals from its project reservoirs and has charged withdrawers reasonable compensation for the impacts to APC's hydroelectric operations caused by the withdrawal. The compensation policy should have the effect of encouraging water use conservation and highlighting the impending need for additional water storage facilities in Alabama.

*It is the policy of APC to evaluate each application for permission to withdraw water from its project reservoirs, and, in appropriate circumstances, seek FERC authorization to permit water withdrawals on project lands. In accordance with the provisions of its licenses, APC will charge reasonable compensation for water withdrawals. This reasonable compensation is based on the replacement cost of the energy lost as a result of the withdrawal and the replacement cost of the storage in the reservoir allocated to the withdrawer. Adjacent single family home uses, such as lawn/garden watering or other similar de minimus non-commercial uses, are excluded from this policy.*

**Causeways:** On many of APC's reservoirs, there are islands that are relatively close to the shore of the mainland or other islands. From time to time, APC receives requests from the owner of an island seeking permission to construct a causeway to connect the island to the mainland or other islands in order to facilitate development or some other use. In most cases, the creation of a causeway involves placing fill material within APC's reservoir. This filling of project lands and waters has the effect of destroying fish habitat, impairing navigability of those waters, and reducing the available storage in the reservoir needed for power generation and flood control. In addition, changes to the shoreline caused by the construction of a causeway constitute a deviation from FERC-approved project maps and exhibits.

*It is the policy of APC to prohibit the creation of causeways on its reservoirs to connect islands to the mainland or to other islands. This policy is intended to protect the integrity of the existing project features and shoreline, as well as fish habitat, navigation, and project operations. When APC receives an inquiry concerning the construction of a causeway, APC will work with the property owner to investigate potential alternatives that may be acceptable to APC and FERC.*

**Styrofoam:** APC is pleased with the impact that the “Renew our Rivers” program has had on reducing the amount of styrofoam and other trash accumulating on the shoreline, yet understands that the problem continues. That being the case, APC adopts the following policy to assist in further reducing the amount of beaded foam flotation along the Project shoreline:

*1) Establish January 1, 2010 as a deadline by which all unencapsulated beaded foam flotation must be removed from all permitted structures.*

*2) Permitting of Floating Structures:*

*a) Permits for construction of new floating structures will require flotation be of materials which will not become water-logged or sink when punctured. Closed cell (extruded) expanded polystyrene of good quality and manufactured for marine use will be required. Lesser quality foam bead flotation may be used if it is encased (encapsulated) in a protective coating, and manufactured for marine use, to prevent deterioration with resultant loss of beads*

*b) Permits for modifications to existing floating structures will require signed certification from the permittee that beaded foam materials have been removed from the project and disposed of in an appropriate manner. These permits will also require that all beaded foam flotation is replaced with approved flotation materials as described in 2) a) above*

*c) Existing floating structures with deteriorated beaded foam flotation or losing beaded foam flotation (creating aesthetic or possible navigation issues) will be addressed on a case by case basis by APC.*

#### **4.0 SHORELINE MANAGEMENT**

The three primary components of APC's shoreline management strategy are collectively designed to fulfill the purposes and goals outlined in Section 2.0 of this plan; these three components are:

1. The designation and implementation of a Shoreline Classification System;
2. A commitment to educate and encourage property owners to use BMPs; and
3. Modifications to the implementation and enforcement of APC's Lake Shore Use Permitting Program.

Each of these three components is briefly described below.

##### **4.1 Shoreline Classification System**

APC in consultation with stakeholders developed a shoreline classification system to help guide "on-the-ground" management and permitting activities within the Coosa River Project boundaries. The shoreline classifications are based on an evaluation of existing land use, land ownership, and knowledge regarding shoreline resource values.

Existing land use evaluations were performed for lands within 500 feet of the project boundary. This information was used as a baseline to determine the most appropriate designations for the shoreline property within the project boundary. Existing land uses, abutting but outside of the project, shoreline resource values, and land ownership generally determine how project lands were classified. As an example, project lands may be undeveloped. However, a residential area immediately outside of that undeveloped strip of land within project boundary would generally preclude classifying those project lands as natural undeveloped.

The shoreline classification system is intended as a planning tool that provides an overall framework for long-term management of shoreline lands. The shoreline classifications and associated maps will be used by APC staff to assist in future

permitting activities and decisions. Two sets of maps for each reservoir are provided in a separate volume of this document (Volume II). The first set of maps depicts the existing land uses within 500 feet of the project boundary. The second set of maps depicts the shoreline designations developed for the Shoreline Management Plan.

The classifications for Coosa River Project lands are defined as follows:

**Class 1) APC Project Operations:** Project lands reserved for current and potential future operational activities. This includes all Project lands used for hydroelectric generation, switchyards, transmission facilities, right-of-way areas, security lands, and other operational uses. These lands are owned by Alabama Power in fee title.

**Class 2) Recreation:** Project lands managed by Alabama Power for existing and/or potential future concentrated recreational activities. This includes land that is developed for commercial recreation with provisions for adequate public access, public recreation, open space, water access, and future recreational development. These lands typically are owned by Alabama Power in fee title, but may be operated under a lease agreement with APC.

**Class 3) Multiple Use Lands:** Project lands managed for multiple uses including, but not limited to: existing or potential future private residential waterfront development such as residential docks, piers, ramps, boathouses, private water intakes, paths, steps, utility lines, and areas with shoreline stabilization; commercial recreation facilities such as marinas; industrial facilities, business parks and industrial water access (intakes, discharges, barge terminals, etc.); wildlife management; and agriculture. These lands will be managed to accommodate reasonable demands for public and private uses within the guidelines of Alabama Power's Lake Shore Use Permitting Program. These lands are privately owned and/or owned by APC, with Alabama Power maintaining a flood easement on such lands for the purposes of operating the Project.

**Class 4) Sensitive Resources Lands:** Project lands managed for protection and enhancement of sensitive resources. Sensitive resources include resources protected by state and/or federal law, executive order, and other natural features considered important

to the area or natural environment. This includes archaeological resources, sites/structures listed on or eligible for listing on the National Register of Historic Places, wetlands, floodplains, Rare, Threatened and Endangered (RTE) habitat protection areas, significant scenic areas, and other sensitive ecological areas. Permitted activities, if applicable, in these areas will be highly restrictive to avoid potential impacts to sensitive resources and will trigger an environmental review by APC's environmental department prior to permitting. Sensitive Resource Lands typically are privately owned, with Alabama Power maintaining a flood easement on such lands for the purposes of operating the project.

**Class 5) Natural / Undeveloped Lands:** Project lands to remain in an undeveloped state for specific project purposes including: to protect environmentally sensitive areas; to maintain natural aesthetic qualities; to serve as buffer zones around public recreation areas; and to provide a means for preventing overcrowding of partially developed shoreline areas. This classification allows for public hiking trails, nature studies, primitive camping, wildlife management (excluding hunting), and normal forestry management practices. These project lands are typically owned in fee by APC and are managed for effective protection of associated resource values.

**Mitchell Wildlife Management Area:** The Mitchell Wildlife Management Area (WMA), located on Mitchell Reservoir, is leased by Alabama Power to the Alabama Department of Conservation and Natural Resources and is a special use area managed under a joint-agreement, separate from this shoreline management plan. The WMA, including shoreline lands, will be managed in accordance with lease provisions and applicable wildlife management plans.

#### 4.1.1 Shoreline Classification Percentages

Upon finalization of the SMP maps, percentages of each classification were calculated. Results are presented in Table 4.1.1.1. The percentages were approximated from the SMP Maps produced in 2005 and are subject to change.

**Table 4.1.1.1: Percentages of Shoreline Classification by Project**

<b>PROJECT</b>	<b>APC Project Operations</b>	<b>Recreation</b>	<b>Multiple Use Lands</b>	<b>Sensitive Resource Lands</b>	<b>Natural/Undeveloped Lands</b>
Weiss	2%	1%	82%	11%	5%
Neely Henry	< 1%	< 1%	70%	14%	15%
Logan Martin	< 1%	< 1%	92%	5%	2%
Lay	< 1%	< 1%	89%	10%	1%
Mitchell	< 1%	13%	23%	25%	39%
Jordan/Bouldin	16%	3%	59%	1%	19%

Rows may add up to more than 100% due to rounding.

#### 4.2 Shoreline Best Management Practices

Best Management Practices (BMPs) are on-site actions implemented by an individual or group to lessen potential impacts to a particular resource resulting from the direct or indirect use of that resource. For example, if a property owner chooses to cut vegetation from his/her property to improve access or to improve the view-shed, the landowner may choose to conduct selective clearings and/or to replant low-lying vegetation that will help maintain the bank stabilization; the selective clearing or replanting would be considered a best management practice because it is an on-site action that works to lessen the potential impacts of the specific use. BMPs are actively promoted on natural resources projects throughout the State as well as on projects throughout the country. The goal of promoting shoreline BMPs is to assist in the conservation and protection of valuable shoreline resources, and to help reduce potential impacts to shoreline resources.

Understanding that these shoreline BMPs are not regulations, Alabama Power with assistance from relicensing stakeholders and other interested parties, supports public education efforts to encourage the adoption of these shoreline BMPs as well as any other BMPs promoted by state and/or regulatory authorities. Section 5.0 outlines in greater detail a public education strategy and plan as well as local reservoir property owner involvement efforts as they relate to the implementation of these shoreline BMPs.

Shoreline BMPs are also promoted through APC's Lake Shoreline Use Permitting Program (Section 4.3). In addition, APC commits to implementation of applicable BMPs on Shoreline Classes 2, 3(APC-owned), and 5.

#### 4.2.1 Buffer Zones and Vegetation Management

Vegetated shorelines are an important component of a healthy reservoir ecosystem. Naturally vegetated shorelines can act as natural filters, facilitating the absorption and processing of runoff pollutants. This filtering ultimately reduces the amount of potentially harmful contaminants that enter a particular reservoir and contribute to water quality degradation. In addition to filtering potentially harmful pollutants, shorelines vegetated with native species also work to preserve the physical integrity of the shoreline, preventing excessive erosion. The root systems of naturally vegetated shorelines provide a structure that helps to maintain shoreline integrity and reduce excessive erosion that can lower water quality and in some cases adversely affect aquatic habitat. Naturally vegetated shorelines also improve the aesthetic integrity of the reservoir as well as the amount of habitat available to aquatic and terrestrial species.

Alabama Power recommends that property owners adopt the following shoreline BMPs to maintain and preserve those qualities associated with naturally vegetated shorelines, including water quality protection, shoreline stabilization, aesthetics, and wildlife habitat.

1. Plant native trees, shrubs, and flowers for landscaping and gardens in order to reduce watering as well as chemical and pesticide use. Reference information can be found in Appendix B.
2. Preserve or establish an unmanaged filter strip of natural vegetation along the shoreline and keep clearing of native trees and vegetation to a minimum. APC recommends a buffer measuring a minimum of 15 feet horizontally from the top of the normal pool elevation.

3. Plant a low maintenance, slow growing grass that is recommended for your soil conditions and climate. Reference information can be found in Appendix B.
4. Maintain the grass as high as possible to shade out weeds and improve rooting so less fertilizing and watering are required.
5. Avoid dumping leaves or yard debris on or near the shoreline.

#### 4.2.2 Water Quality

Water quality is an important indicator of the overall health of these reservoirs. Water quality not only affects aquatic and terrestrial wildlife, but also the health and well-being of individuals and communities that surround these reservoirs.

Water quality can be impaired in several ways, one of which is through the introduction of pollutants from non-point sources. Non-point source pollution is introduced into these reservoirs by water runoff and is impacted by agriculture, forestry, construction, and various other land use activities. As water runs off surrounding lands, it picks up sediment, bacteria, oil, grease, and other various pollutants as well as nutrients such as nitrogen and phosphorus. Excessive levels of non-point source pollution can overwhelm a reservoir's natural filtering abilities and can lead to a decrease in water quality levels. For a complete technical reference concerning water quality on the Coosa River reservoirs, please see the water quality reports on the Alabama Department of Environmental Management's website.

APC recommends that that the following BMPs be adopted to preserve and improve the water quality of the Project's reservoirs.

1. Use permeable paving materials and reduce the amount of impervious surfaces, particularly driveways, sideways, walkways, and parking areas.
2. Avoid or minimize the use of pesticides, insecticides, and herbicides whenever possible.

3. Dispose of vehicle fluids, paints, or household chemicals as indicated on their respective labels and do not deposit these products into storm drains, project waters, or onto the ground.
4. Use soap sparingly when washing your car and wash your car on a grassy area so the ground can filter the water naturally. Use a hose nozzle with a trigger to save water and pour your bucket of used soapy water down the sink and not in the street.
5. Avoid applying excessive fertilizer. Apply fertilizers and pesticides according to the label and never just before a precipitation event. Fertilizer use can also be minimized by using native vegetation in a landscape.
6. Maintain septic tanks and drain fields according to the guidelines and/or regulations established by the appropriate regulatory authority.
7. Discourage livestock from entering project waters or tributaries.
8. Create and maintain a rain garden in the landscape to naturally filter runoff.

#### 4.2.3 Property Development and Management

Alabama Power's Coosa River Hydroelectric Project includes over 1,600 miles of shoreline. Private residential property occupies a considerable amount of that shoreline and has a significant effect on the shoreline as well as the reservoir itself. Individually, one property does not normally have a large effect upon the shoreline or the reservoir. Cumulatively however, residential activities can have a pronounced effect on reservoirs and their shorelines.

APC's existing Lake Shore Use Permitting Program includes guidelines to follow when considering a shoreline use permit request. These guidelines are specifically designed to minimize impacts to shoreline resources associated with property development. In addition to the existing permit guidelines, Alabama Power recommends that residential property owners adopt the following shoreline BMPs to help conserve and protect valuable shoreline resources.

1. Deposit excavated materials in an upland area and properly contain them to prevent them from entering the waterway, adjacent wetlands, or bottomland hardwoods through erosion and sedimentation.
2. Place rip-rap along the base of existing seawalls.
3. Maintain natural drainage to the maximum extent possible and do not direct concentrated runoff directly into the reservoir.
4. Divert rain gutters/drain pipes and other sources of household runoff, including driveways, to unpaved areas where water can soak into the ground and be naturally filtered before reaching the reservoir.
5. Put yard debris and other biological waste in a compost pile located away from the shoreline.
6. Avoid excessive watering of lawns and water either in the morning and/or in evening.

In addition to the preceding shoreline BMPs, Alabama Power recommends that all activities on lands adjacent to each reservoir follow existing state BMPs (e.g., Alabama's Best Management Practices for Forestry, Alabama Clean Water Partnership BMPs, Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas). For a list of references regarding these BMPs, as well as additional sources of information, see Appendix B.

Table 4.2.3.1 presents the entire list of BMPs in order to facilitate understanding of where BMPs will be required according to the land classification. Information is also provided to assist shoreline property owners on the permit requirements of implementing certain BMPs. Although applicable BMPs are required on APC owned project lands (Shoreline Classes 2, 3, and 5), not all BMPs will be practicable on specific sites. These sites will be judged on a case by case basis.

**Table 4.2.3.1: Shoreline BMPs By Whether The BMP Will Be Required Or Voluntary According The SMP Land Classification (Class 1—APC Project Operations, Class 2—Recreation, Class 3—Multiple Use Lands, Class 4—Sensitive Resource Lands, Class 5—Natural/Undeveloped)**

	<b>Class 1</b>	<b>Class 2</b>	<b>Class 3</b>	<b>Class 4</b>	<b>Class 5</b>	<b>Permit Required</b>
<b>Shoreline BMP</b>	<b>N/A = Not Applicable</b> <b>V = Voluntary</b> <b>R = Required</b>					
Plant native trees, shrubs, and flowers for landscaping and gardens in order to reduce watering as well as chemical and pesticide use.	N/A	R	V	V	N/A	No
Preserve or establish an unmanaged filter strip of natural vegetation along the shoreline. APC recommends a buffer measuring a minimum of 15 feet from the top of the normal pool elevation.	N/A	R	V*	V	R	*
Plant a low maintenance, slow growing grass that is recommended for your soil conditions and climate.	N/A	R	V	V	N/A	No
Maintain the grass as high as possible to shade out weeds and improve rooting so less fertilizing and watering are required.	N/A	R	V	V	N/A	No
Avoid dumping leaves or yard debris on or near the shoreline.	N/A	N/A	V	V	N/A	No
Use permeable paving materials and reduce the amount of impervious surfaces, particularly driveways, sidewalks, walkways, and parking areas.	N/A	R	V	V	N/A	No
Avoid or minimize the use of pesticides, insecticides, and herbicides whenever possible.	N/A	R	V	V	N/A	No
Dispose of vehicle fluids, paints, or household chemicals as indicated on their respective labels and do not deposit these products into storm drains, project waters, or onto the ground.	N/A	N/A	V	V	N/A	No
Use soap sparingly when washing your car and wash your car on a grassy area so the ground can filter the water naturally. Use a hose nozzle with a trigger to save water and pour your bucket of used soapy water down the sink and not in the street.	N/A	N/A	V	V	N/A	No

	<b>Class 1</b>	<b>Class 2</b>	<b>Class 3</b>	<b>Class 4</b>	<b>Class 5</b>	<b>Permit Required</b>
Avoid applying excessive fertilizer. Apply fertilizers and pesticides according to the label and never just before a precipitation event. Fertilizer use can also be minimized by using native vegetation in a landscape.	N/A	R	V	V	N/A	No
Maintain septic tanks and drain fields according to the guidelines and/or regulations established by the appropriate regulatory authority.	N/A	R	V	V	N/A	No
Discourage livestock from entering project waters or tributaries.	N/A	R	V	V	R	No
Create and maintain a rain garden in the landscape to naturally filter runoff.	N/A	N/A	V**	V**	N/A	**
Deposit excavated materials in an upland area and properly contain them to prevent them from entering the waterway, adjacent wetlands, or bottomland hardwoods through erosion and sedimentation.	N/A	R	V***	V***	R	**
Place rip-rap along the base of existing seawalls.	N/A	N/A	V	V	N/A	Yes
Maintain natural drainage to the maximum extent possible and do not direct concentrated runoff directly into the reservoir.	N/A	R	V	V	R	No
Divert rain gutters and other sources of household runoff, including driveways, to unpaved areas where water can soak into the ground and be naturally filtered before reaching the reservoir.	N/A	N/A	V	V	N/A	No
Put yard debris and other biological waste in a compost pile located away from the shoreline.	N/A	N/A	V	V	N/A	No
Avoid excessive watering of lawns and water either in the morning and/or in evening.	N/A	R	V	V	N/A	No

\* The implementation of a shoreline buffer zone is recommended on all properties along the Warrior and Coosa reservoirs. The implementation of a shoreline buffer zone will be required as a condition of all new residential lake shore use permits issued on lands owned in fee by Alabama Power.

\*\* Excavation occurring within project boundaries requires a lake shore use permit.

\*\*\* Materials excavated **from within** project boundaries must be disposed of as required in its respective residential lake shore use permit.

#### 4.3 APC's Lake Shore Use Permitting Program

The FERC is responsible for issuing licenses for the construction, operation, and maintenance of non-federal hydropower projects. Alabama Power, as the licensee, is responsible for operating and maintaining its FERC-licensed projects in accordance with the license requirements and project purposes (i.e., power generation, public recreation, environmental protection, aesthetic values, etc.). Consistent with these license responsibilities, a licensee may authorize specific uses and occupancies of the project reservoir shoreline that are not related to hydroelectric power production or other project purposes. These land and water uses are typically referred to as "non-project uses."

In 1992, APC initiated a formal permitting program to include all 12 Alabama Power hydroelectric reservoirs. As part of this formal permitting program, the U.S. Army Corps of Engineers (USACE) granted APC permission to issue permits under the auspices of its Mobile District Office. APC adopted a set of "General Guidelines," following closely those general guidelines set forth by the USACE. Because every reservoir and every lot is unique, adjustments may be necessary for various situations; thus, the general nature of the guidelines.

Any development or construction along reservoir shorelines and within Project boundaries must be permitted before work can begin. Depending on the nature, size, and location of the planned activity, APC may implement a phased permitting approach where appropriate. Permits will be issued for sequential components of larger projects. Compliance with initial conditions will be required before subsequent permits can be issued. For example, if a proposed project involves bank stabilization and a dock, the permit for the dock will not be issued until the permittee has complied with any stipulations placed on the bank stabilization component (such as revegetation). Development and or uses on lots with less than 100 linear feet of shoreline may be restricted or may not be eligible for certain shoreline permits. Typical development and construction activities requiring permits include, but are not limited to: land disturbance work (vegetation removal may require a permit, please check with the local APC representative), dredging, and placement of recreation structures. No habitable structures, satellite dishes, fences, wells, gardens, garbage, or foreign materials are to be

placed within the project boundary. APC strongly encourages the implementation of shoreline best management practices when conducting any development or construction within the reservoir's project boundary.

#### 4.3.1 Levels of Permitting and Review

There are three distinct levels of use of project lands that necessitate different degrees of permit review and processing. These different levels of use are defined by Standard Land Use Article, contained in Alabama Power's FERC license, in paragraphs (b), (c) and (d) (see Appendix C). Paragraph (b) uses typically involve relatively routine types of activity by individuals, such as non-commercial piers, boat docks, and retaining walls. FERC has delegated to APC the authority to review and approve these types of uses. Paragraph (c) uses involve the conveyance of easements, right-of-ways, or leases and include such uses as the replacement or maintenance of bridges and roads, storm drains and water mains, telephone, gas and electric distribution lines, minor access roads, and other similar activities. These requests require consultation with the appropriate State and Federal agencies, and can ultimately be approved by Alabama Power after its review is complete. Paragraph (d) uses involve the conveyance of fee title, easements or right-of-ways, and leases, and typically include more substantial activities such as the construction of new roads and bridges, sewer lines that discharge into project waters, marinas, and other similar uses. These requests also require review by Alabama Power and consultation with the appropriate local, State, and Federal agencies, but also must be submitted to the FERC for their review. For any requests that do not meet the specific criteria in the Standard Land Use article, Alabama Power must obtain prior FERC approval before permitting the activity. Whether the non-project use is approved under the Standard Land Use article or through prior FERC approval, APC is responsible for ensuring that the use is consistent with the purposes of protecting or enhancing the scenic, recreational, and other environmental values of the project. Alabama Power has a continuing responsibility under the license articles to supervise and control the use and occupancies for which it seeks or grants

permission and to ensure compliance with the permits and instruments of conveyance that are executed.

In addition to these federally mandated review processes, the shoreline lands classifications outlined in Section 4.1 will be considered prior to permitting a requested activity; this will ensure that the requested land use can be permitted within the description of the classification. For example, permits requested on Class 4 lands will automatically trigger a review by Alabama Power who will make the decision if the proposed activity will significantly affect these lands.

#### 4.3.2 Permit Process

A permit is needed when a proposed activity by an entity, oftentimes a shoreline property owner, enters or affects areas controlled by Alabama Power under their license from the Federal Energy Regulatory Commission. Activities requiring permits include, but are not limited to, construction of or modifications to boat docks, boathouses, piers, shoreline stabilization materials (e.g., sea walls, rip rap), as well as any activity that requires conveying an interest in, on, or across project lands.

The permit process is generally initiated by a shoreline property owner who typically telephones Alabama Power requesting information on how to obtain a permit. During this initial contact, an Alabama Power representative explains the general permitting process and reviews the development guidelines. Following this initial contact, an appointment is usually made for an on site visit between the property owner and an Alabama Power representative. At this site meeting, the drawings of the proposed activity/facility are requested and a shoreline inspection is conducted. After answering any questions and reviewing in greater detail the development guidelines, the permit application is completed and signed by the property owner. A copy of the owner's deed is requested and the GPS coordinates for the location are recorded.

A complete application with all supporting documents (as described in Section 4.3.4) is submitted to Alabama Power's Regional Coordinator for review. If the application is approved, a permit is issued. A copy of the approved permit is returned to the applicant and a copy is forwarded to the USACE. Upon approval of the permit application, the permittee will complete all facility construction within 1 year. If construction is not completed within the time allotted the permit will become null and void.

If the permit application is not approved or found insufficient, APC's representative will explain the deficiencies to the property owner. Insufficient applications generally require an additional on site inspection to review and discuss possible adjustments necessary to obtain approval. Final permit decisions are made by Alabama Power's Regional Coordinator, in consultation with the FERC if necessary, and not by the local surveillance contractor.

Permit approval and acceptance by the applicant releases Alabama Power, its officers, agents and employees harmless from any and all causes of action, suits at law or equity, or claims or demands, or from any liability of any nature whatsoever for or on account of any damages to persons or property, including the permitted facility, arising out of the ownership, construction, operation or maintenance by the Permittee of the permitted facilities.

Commercial Permit Applications, corresponding to the appropriate paragraphs in the Standard Land Use article, are processed by the regional coordinator and other representatives from APC. The process is explained in detail to the applicant and they are asked to complete the appropriate parts of APC's Standard Land Use form, which serves as the guidance document for commercial permit applications (see Appendix D). APC representatives will then determine if the application can be approved internally or if it requires FERC approval.

### 4.3.3 General Guidelines for Shoreline Permitting

Alabama Power has developed a set of general guidelines (see Appendix D) for shoreline permitting which are applicable to all development and construction activities within the project boundaries. These guidelines do not attempt to address every specific situation that may exist on Alabama Power reservoirs, but are provided as a general guide to assist property owners and their contractors with development and construction actions.

Recognizing that site specific circumstances may exist that warrant special consideration, Alabama Power may make exceptions and modifications to these guidelines at its discretion.

The existing guidelines provided in Appendix D may vary from year to year, and may become more restrictive as development on Project reservoirs increases. As guidelines change and the SMP is updated, the most current guidelines will be attached to this document over the term of the new license.

On project lands owned in-fee by Alabama Power, the permittee, in order to comply with their permit, must demonstrate that they have implemented the following BMP:

- Preserve or establish an unmanaged filter strip of natural vegetation set back a minimum of 15 feet measured horizontal from the top of the normal pool elevation.

APC does not intend to approve design, engineering, etc. of structures, but instead approves their size, location, and use. This gives the owner more freedom of choice. APC will continue to monitor its reservoirs to identify those structures that are clearly substandard and address those with the individual owners.

The ownership, construction, operation, and maintenance of any permitted facility are subject to all applicable Federal, State, and local laws and regulations. The applicant is also responsible for all expenses related to the obtainment of any Federal, State and local permits, and/or approvals.

#### 4.3.4 Required Supporting Documents

Every permit application involving new construction (and including renovations) must be accompanied by clearly marked drawings displaying the proposed facilities, their dimensions and locations, as well as their proximity to the shoreline, adjacent property lines, and existing facilities. A list of materials to be used must also be included with the permit application. Seawall construction drawings must also clearly indicate the distance from full pool shorelines. All drawings must be signed and submitted on 8 ½ x 11 standard paper. Permit applications must also be accompanied by a copy of the deed, a signed copy of the General Guidelines for Shoreline Permitting, and a styrofoam disposal certification form, where applicable.

Alabama Power's review and approval of proposed design drawings/plans are no guarantee or assurance that the plans are safe, proper, or adequate for the purpose intended. The applicant is responsible for proper design, engineering, construction, and maintenance of the proposed shoreline facility.

#### 4.3.5 Permit Fees

The FERC allows Alabama Power to collect reasonable fees to cover the costs of administering its lake shore use permitting program. Currently, APC does not assess residential permit applicants any fees for administering this program; however, some commercial applications are currently, and will continue to be, subject to a fee. Upon FERC approval of the Coosa SMP, APC will assume significant additional management responsibilities and as a result, will incur additional management costs. APC evaluated and will adopt a fee structure for

recovering a portion of the costs of administering the shoreline management program.

This permit fee will be assessed as part of completion and approval of all application materials for a lake shore use permit. All existing lake shore use permits will be “grandfathered”, with a fee assessed for new permits or major changes to the permitted area or structures, as determined by APC’s Corporate Real Estate staff.

APC will give adequate public notice through appropriate communication avenues before initiating the fee structure.

#### 4.3.6 Permit Enforcement

Alabama Power closely monitors activities along the shoreline to ensure that those activities being performed are permitted and are being done in a manner consistent with conditions outlined in the permit. Unauthorized activities are treated as encroachments or violations. APC works with the responsible property owner to bring the activity into compliance with its license. This may involve modification to or removal of the non-conforming structures and restoration of disturbed shoreline at the owner's expense, post-construction permitting after corrective actions are completed, removal and/or remediation, mitigation, litigation, or a combination of these. When unauthorized work is discovered, APC may seek a stop work order, which can result in unwanted construction delays and additional expense for the owner.

Surveillance is carried out by surveillance contractors that are hired by APC with the responsibility of monitoring the shorelines of APC projects for unauthorized work and meeting with property owners and construction contractors to review proposed work. Recently, APC has added more personnel to support surveillance work on Project reservoirs and will continually evaluate personnel to support surveillance work at these reservoirs.

Permit tags are issued with each approved permit. These tags aid in the monitoring and surveillance of the reservoirs. Permit tags are to be posted on the permitted facility or on the land areas covered by the permit so that they can be visually checked with ease from the water.

The assistance of reservoir stakeholders in shoreline surveillance should not be overlooked. Stakeholders are encouraged to report possible permitting violations/issues by calling your local reservoir land management office or by calling 1-800-LAKES11 and following the prompts for the appropriate reservoir.

#### 4.3.7 Permit Transferability

A permit is nontransferable by the permittee. When a property is sold or ownership is transferred, the new owner must contact APC to receive a new permit issued in their name. APC is available to consult with permittees prior to sale or transfer of property to determine whether the permitted facilities are in compliance with APC permitting guidelines and if a new permit would be issued as a result of the sale or transfer of the property.

#### 4.3.8 Permit Revocation

If the permittee has failed to comply with any of the conditions of the permit, or with any additional conditions imposed by Alabama Power, and/or any Federal, State or local agency, the permittee shall take appropriate action to correct the violation. If the violation is not corrected within 60 days after written notification, Alabama Power may cancel the permit and require the removal of any facilities that were formerly permitted. Alabama Power may revoke a permit whenever it determines that the public interest necessitates such revocation or when it determines that the permittee has failed to comply with the conditions of the permit. The revocation notice mailed by registered or certified letter shall specify the reasons for such action. Additionally, if in the opinion of APC, emergency circumstances exist, the permit may be summarily revoked. On a case-by-case basis APC will consider extensions of the above noted time frames.

#### 4.3.9 Substandard and Non-conforming Structures

Because the reservoirs have developed at different rates due to such factors as locality, population densities, and age of project, there are varying degrees of structure design and integrity on the reservoirs. A number of these structures do not meet current permit requirements; some structures are in a state of disrepair. APC performed a survey of the reservoirs currently being relicensed to inventory substandard structures.

A substandard structure is one that does not meet current permitting guidelines or, due to a poor state of repair, can no longer be considered serviceable. This term can also apply to a vacated structure. A number of structures on our reservoirs are considered substandard because of inadequate flotation and/or structural integrity.

The current permitting program addresses substandard structures; however, there have been no specific efforts to have substandard structures removed unless they are causing a hindrance to navigation or are causing a safety concern as determined by the Alabama Marine Police. In these obvious instances, a notice is issued to the property owner, asking the owner to contact APC. APC explains the issue and requests cooperative action/resolution on behalf of the owner.

APC also addresses these substandard structures when ownership changes and the new owner seeks a permit from APC. At that time, the owner is instructed that the structure must be brought into compliance with current permit guidelines in order for a permit to be issued. A non-conforming structure permitted or approved under previous guidelines can remain in its current condition until such time that the structure becomes in a bad state of repair and/or does not conform with the previous guidelines. Any new or replacement structures must conform with current guidelines.

## **5.0 IMPLEMENTATION AND REVIEW**

As a result of the collaboration between APC and stakeholders in developing this SMP, numerous enhancements to shoreline management will occur over the course of the new license term. However, if the SMP is to be effective in maintaining and improving the conditions at the reservoirs, these changes will have to be implemented, monitored, and reviewed in the coming years to ensure that the changes are successful in “on the ground” management activities. This section outlines various programs APC will implement to execute this SMP.

The majority of this plan is implemented through the permitting program outlined in Section 4.3 and Appendix D. The permitting program helps achieve the general relicensing goals as well as support the Shoreline Conservation Policy and other APC policies listed in Section 3.1 and 3.2. By monitoring the permit applications and enforcing the subsequent requirements of these new permits, Alabama Power is able to examine the effects of continued development on Project shorelines. The implementation of this monitoring program is outlined below.

### **5.1 Public Education and Outreach**

Alabama Power has an active public education and outreach program. The Shorelines newsletter currently has a circulation of 20,000 and continues to grow. Alabama Power participates in the annual Birmingham Sport and Boat Show, distributes educational materials, and talks one on one with interested parties. Alabama Power also educates stakeholders by advertising in local lakeside magazines, newspapers, on the internet and through the distribution of information to establishments around the lakes. Alabama Power holds annual information meetings with local contractors to ensure they are aware of the notification and permit requirements prior to starting work and makes presentations to local organizations on an as-requested basis. The Reservoir Information System (1-800-LAKES11) also provides a source of information about APC’s Lake Shore Use Permitting Program.

Despite the existing program however, many stakeholders and property owners are not aware of the requirements associated with the Lake Shore Use Permitting

Program. APC continually seeks new avenues for educating the public about its shoreline permitting requirements and depends on concerned stakeholders and stakeholder organizations to help distribute important information about the Lake Shore Use Permitting Program. The target audience for the SMP education program is property owners, contractors, realtors, and state and federal resource agencies. The Internet offers an excellent opportunity for disseminating information and improving awareness. APC has developed (insert web address) a web page that focuses specifically on the shoreline management plan and the shoreline permitting program. It includes features such as:

- contact information
- permit guidelines
- best management practices
- alternative and example designs (particularly for bank stabilization)
- useful links and other related information
- sample permit applications

In addition to the website noted above, there are several other outreach mechanisms that aid in implementation of the SMP. APC will pursue, or continue to pursue, the following outreach activities:

- Conduct a SMP Implementation Workshop
- Conduct annual training workshops at each reservoir for construction contractors, realtors, and property owners.
- Continue to speak at homeowner and other organizations' meetings when invited.
- Continue to provide information to realtors and encourage that this information be provided to all potential lake shore property buyers.
- Develop and distribute a new "user friendly" brochure that will include general lake information, shoreline best management practices, and other relevant contact information.

## 5.2 SMP Review and Modifications

In order for the SMP to be viable in the coming years, APC intends to review this document and the permitting program every six years with continued input from interested parties. Due to the pace at which conditions around the reservoirs will change over the foreseeable future, the six year time frame allows for APC to assess new issues that may arise as a result of development around the reservoirs. A shorter time frame would not let any meaningful cumulative affects be analyzed; however, APC is always willing to listen to concerned stakeholders if unforeseeable circumstances warrant a review of particular sections of the SMP. This review process will provide the means for the permitting program to change, if necessary, or for additional BMPs to be adopted or replaced as their effectiveness is tested. The review process will be advertised in various media formats (e.g., web site, Shorelines, contact with homeowner associations) one month before it begins.

As a result of the revision of the land classification system and associated mapping, APC will monitor new applications (and existing permits) through a geographic information system (GIS). With the data already in place for the land classifications, APC will use the GPS coordinates of any new permit applications to analyze the exact location on a particular reservoir and any permit stipulations that may be required as a result of the land classification. Every six years APC will issue a report through various media outlets (e.g., the SMP website, the Shorelines newsletter, etc.) with the number of permits it has processed on each land classification type on each reservoir. Any request for this information in the intervening time will be considered on a case by case basis.

## APPENDIX A

MEETING PARTICIPANTS, MEETING DATES, AND STAKEHOLDER COMMENTS

The following provides a listing of the stakeholders who participated in the development of the Shoreline Management Plan and the date of meetings and workshops that were held as part of the Plan development process. A summary table of stakeholder comments received during the process is also provided. The summary table includes a comment tracking number, a summary of the comment received, the date the comment was received, and a brief description of the comment's disposition (i.e., what was done in response to the comment). It should be noted that the comment tracking numbers were established to correspond with specific sections of the original SMP draft. As the draft evolved the section numbers and headings were revised in some cases such that the original tracking number does not always correspond to the current section numbers. In these cases, a reference to the current applicable section has been provided in the comment disposition column. It should also be noted that in some cases abbreviations are shown under the commenter column, such as "BG1". These abbreviations refer to various breakout groups that identified comments during some of the SMP workshops. A key for these abbreviations is located at the top of the table.

## Meeting Participants

<b>Name</b>	<b>Organization</b>	<b>Name</b>	<b>Organization</b>
Joe Addison	ADCNR	Tom Counts	USFS
Mike Akridge	APC	Jim Crew	APC
Bob Allen	USACE	Tony Crump	USFS
Gene Allison	APC	Dave Cunningham	Lay Lake HOBO
Rick Allums	APC	Lynn Cunningham	Lay Lake HOBO
J. Duncan Austin	Lake Mitchell HOBO	Darrin DeLoach	Logan Martin Lake Protection Association
Harlom Baker	APC	Pat DeMotte	Logan Martin Lake Protection Association
Jim Beason	Smith Lake Civic Association	Elrand D. Denson	US Forest Service
Deb Berry	Smith Lake EPC	Jessica Dent	ADECA
Jack Blackburn	Neely Henry Lake Association	Shannon Dewberry	APC
Shane Boring	Kleinschmidt	Bruce DiGennaro	Kleinschmidt
Willard Bowers	APC	Charles Dixon	Neely Henry Lake Association
Hap Bryant	Neely Henry Lake Association	Jeff Duncan	NPS
Keith Bryant	APC	Leslie Durham	ADECA
Bill Campbell	E/Pro Consulting	John Eisenbarth	Trout Unlimited
Lonnie Carden	American Whitewater/ Coosa River Paddling Club/ Southern Trails, Inc.	Charles Farrell	Lay Lake
Dan Catchings	ADCNR	Keith Floyd	ADCNR
Sarah Chubb	USFWS	Tim George	APC
Rick Claybrook	ADCNR	Stephen Gidiere	Balch & Bingham LLP
Ray Cline	Trout Unlimited	Mike Godfrey	APC
Allison Cochran	USFS	Don Greer	Logan Martin Lake Protection Association
Stan Cook	ADCNR	Keith Guyse	ADCNR
Tom Cooper	APC	April Hall	Alabama Rivers Alliance
Jim Copeland	Neely Henry Lake Association	Jim Hancock	Balch & Bingham LLP

<b>Name</b>	<b>Organization</b>	<b>Name</b>	<b>Organization</b>
Darryl Harley	US Forest Service	Alan Peeples	APC
Patric Harper	USFWS	Malcolm Pierson	APC
Jon Hornsby	ADCNR	Jeff Powell	USFWS
Amber Houston	USACE	Walter Ramey	APC
Jim Howard	AL BASS Federation	Bob Ransom	Lay Lake HOBO
Jerry Howell	Neely Henry Lake Association	Al Read	Logan Martin Lake Protection Association
Bob Huffaker	AL Marine Police	Jason Redmond	APC
George Jackins	Lake Mitchell HOBO	Sandi G. Robinson	APC
Marci Jackson	USACE	Kelly Schaeffer	Kleinschmidt
Viki Jenkins	APC	Heather Seiders	E/Pro Consulting
Chuck Jensen	Lay Lake HOBO	Andy Sheppard	APC
Bert Jones	Smith Lake	Chuck Shirah	APC
Patti Leppert	FERC	Bill Sim	APC
Jim Lochamy	APC	Len Simmons	APC
Barry Lovett	APC	Sheila Smith	APC
Larry Martens	Logan Martin Lake Protection Association	Adam Snyder	Alabama Rivers Alliance
Charles Mauldin	APC	Bert Thaxton	Lay Lake HOBO
Pam McDaniel	APC	Mack Thomas	APC
Jim McHugh	ADCNR	Dan Thompson	ADCNR
Ron McKitrick	FERC	Ralph Thompson	USFWS
Brad McLane	Alabama Rivers Alliance	Bill Thrasher	NHLA
Ashley McVicar	APC	Connie Thrasher	NHLA
Henry Mealing	Kleinschmidt	Danny Tignor	APC
Jason Moak	Kleinschmidt	Isabella Trussell	Logan Martin Lake Protection Association
Jim Moore	ADEM	Dick Whatley	Logan Martin Lake Protection Association
Jerry Moss	ADCNR	Gala Wheat	APC
Dan Murchison	Lake Mitchell HOBO	Stephanie White	APC
Jeff Nield	Kleinschmidt	Roger Yeargan	APC
John Peconom	Kleinschmidt	Joe Young	Lake Jordan HOBO

## **Meeting Dates**

November 13, 2002 WCRT and CCRT Meeting

January 22, 2003 WCRT and CCRT Meeting

June 19, 2003 WCRT and CCRT Meeting

September 17, 2003 SMP Public Workshop

November 13, 2003 SMP Public Workshop

April 14, 2004 SMP Public Workshop

### Stakeholder Comments

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
1.0.1	Improve description/definition of project lands with attention to flood easement.	Isabella Trussell	07/30/03	Clarified definition of project lands; <a href="#">see Section 1.0</a> .
1.0.2	Do we need reservoir specific descriptions?	Jim Howard	07/23/03	Reservoir specific descriptions are available in APC's Warrior and Coosa Environmental Assessments. <a href="#">A reference to these assessments has been added to Section 1.0</a> .
1.0.3	Is "residential development" in the greater public interest? Need to clarify this term.	Jim Howard	07/23/03	Statement rephrased.
1.0.4	"Reasonable" should be inserted in front of "public" in the last sentence of paragraph 2.	Jim Howard	07/23/03	Text of the plan rewritten in subsequent drafts ( <a href="#">section 2.0</a> ), but intent of comment maintained.
1.0.5	Make sure definition of project lands is consistent throughout the document.	Isabella Trussell	07/30/03	Quality control reviews of the plan focused on making sure that all definitions were consistent throughout the document.
1.0.6	Better define APC fee lands, need a clear reference to fee lands and how they might be managed more strictly.	Jim Howard	07/23/03	The definition of project lands applicable under this plan was further defined in <a href="#">Section 1.0</a> and <a href="#">Section 4.1</a> .
1.0.7	There is a question on the proposed license period of 50 yrs.; not all stakeholders support the 50 yr. license.	WRBG; Dan Murchison	04/14/04	This reference was removed from the SMP.
1.0.8	Although most of the involved stakeholders know, there needs to be an explanation of why Bankhead is not included in the SMP.	WRBG	04/14/04	A description of the Bankhead development will be included in the final version of the SMP.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
1.0.9	SMP indicates that Neely Henry is a storage reservoir and really it acts more like a run of the river lake because every time it floods the storage level at the dam is dropped not raised. This is necessary because of the restriction in the river at or near Minnesota Bend and will some day have to be dredged or parts of Gadsden will flood. Water level normally increases at the dam on Storage Reservoirs.	Neely Henry Lake Assoc.	05/05/04	The Neely Henry reservoir is a unique storage project; however it is still officially a storage project.
1.0.10	Please revise the introduction and remove references to a 50-year license term.	AL Rivers Alliance	05/10/04	All references to a 50-year license have been removed; please see comment 1.0.7
1.0.11	In previous drafts, a description of each reservoir was included in the SMP and this section should be included in future versions of the Plan.	AL Rivers Alliance	05/10/04	These descriptions were removed to help make the document more manageable in terms of physical size. For a description of project reservoirs see the Initial Information Packages and/or the Applicant Prepared Environmental Assessments.
2.0.1	The entire section needs to be better defined.	April Hall	07/25/03	Section further defined in subsequent drafts of the plan.
2.0.2	Objectives read more like goals.	Isabella Trussell	07/30/03	<a href="#">Section rewritten to emphasize the goals of the plan.</a>
2.0.3	Objectives should include protection of buffer vegetation and erosion prevention.	April Hall	07/25/03	Buffer vegetation and erosion prevention emphasized throughout the plan, especially in <a href="#">Section 4.2</a> .
2.0.4	Goal should include language that the SMP should minimize aesthetic or scenic impacts or prohibit them where they are too severe.	Jim Howard	07/23/03	<a href="#">Added goal addressing scenic impacts; see Section 2.0.</a>

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
2.0.5	Lake aesthetics need to be emphasized.	BG2	06/19/03	<a href="#">A goal addressing scenic impacts was added to subsequent drafts and retained in the final plan.</a>
2.0.6	Clarify language suggestion: "ensure that shoreline development and recreation use are consistent with protection and enhancement".	Jim Howard	07/23/03	<a href="#">Text revised.</a>
2.0.7	Add "protect water quality" to list of goals.	Isabella Trussell	07/30/03	<a href="#">Added goal addressing water quality; see Section 2.0.</a>
2.0.8	Goals need to include "protection of natural and ecological resources", "protection of water quality", "protection of buffer vegetation and prevention of erosion".	April Hall	07/25/03	<a href="#">Section 2.0 revised to address these resource issues.</a>
2.0.9	Objectives should include all of the items listed under section 1.2, similar to what's done in section 4.4.	Deb Berry	07/01/03	<a href="#">Text revised.</a>
2.0.10	Preferred the original goals statement.	BG1	09/17/03	Revised goals statement to be more consistent with stakeholder comments and concerns.
2.0.11	Add a mission statement on top of list of goals.	BG1	09/17/03	<a href="#">A "mission statement" was added to Section 2.0.</a>
2.0.12	Consider adding an objective controlling/addressing residential development.	BG1	09/17/03	<a href="#">Added goal regarding shoreline development.</a>
2.0.13	Revise goal 5, remove the word appropriate.	BG2	09/17/03	<a href="#">The word "appropriate" was removed from the goal statement.</a>
2.0.14	Change language to "minimize" adverse scenic impacts.	BG2	09/17/03	<a href="#">The word "minimize" was added to the scenic impacts goal statement.</a>

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
2.0.15	Add text "provide safe reservoir for activities".	BG2	09/17/03	APC will continue to work with the AL Marine Police to protect public safety.
2.0.16	Listed goals should be expanded upon later in the document.	BG3	09/17/03	The policies and practices presented in the SMP are specifically designed to address the plan's stated goals.
2.0.17	Reconsider instances where the word "minimize" occurs.	BG3	09/17/03	Subsequent revisions to this plan reconsidered the use of the word "minimize". In some cases the word was removed and in other cases it was left unchanged.
2.0.18	Emphasize water quality and scenic values.	BG3	09/17/03	Both of these resource issues were emphasized throughout the plan especially in <a href="#">Section 4.2</a> .
2.0.19	"Minimize scenic impacts"; revise so that it reads "Minimize adverse scenic impacts".	Deb Berry	10/15/03	<a href="#">This revision was made.</a>
2.0.20	Clarify language suggestion: "protect, mitigate and enhance other resource values" into the paragraph.	Isabella Trussell	07/30/03	<a href="#">Text revised in subsequent drafts. See also footnote 1.</a>
2.0.21	Although the overarching goal mentions recreation, it is not listed in the "general goals" list.	WRBG	04/14/04	Even though there are recreational goals for a specific project, this is a SMP, not a recreational plan.
2.0.22	General goals need to have the following goal added: "Improve safe and wholesome recreational activities on our lakes." This SMP says little about recreation and safety.	Neely Henry Lake Assoc.	05/05/04	APC provides "public access" for recreation activities, please see comment 2.0.21. This is a Shoreline Management Plan, not a recreational plan

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
2.0.23	In addition to minimizing adverse impacts to water quality, Alabama Power should strive to improve water quality in their reservoirs and restore shoreline areas that have been adversely impacted by development.	AL Rivers Alliance	05/10/04	The implementation of the SMP and the promotion of shoreline BMPs is one of many ways in which APC is promoting improved water quality and responsible shoreline use. Other APC supported efforts include the "Renew our Rivers" Campaign and its participation in the Clean Water Partnership, to name a couple.
2.0.24	A “variety of protection, mitigation, and enhancement measures” that will be used to achieve the goals. However, there are no further discussions about mitigation or enhancement measures. We like the idea of mitigation and enhancement and the plans for these measures should be discussed further in the Plan.	AL Rivers Alliance	05/10/04	<a href="#">A clarifying foot note has also been added to the SMP.</a>
2.0.25	Land conservation and protection should be added as a goal of the Plan.	AL Rivers Alliance	05/10/04	Goal #9 "Guide shoreline development" was written to conserve and protect shoreline lands. This is being accomplished, in part, through the land use classifications.
3.0.1	Improve writing to better describe the purpose of the SMP: <ul style="list-style-type: none"> <li>- Encouraging voluntary actions.</li> <li>- More active role in regulatory enforcement.</li> <li>- Include references to other parts of the plan (Permitting program, BMPs, Land classifications).</li> </ul>	April Hall	07/25/03	Comments incorporated. <a href="#">See section 3.0</a>
3.0.2	Conservation policy was ok.	BG1	06/19/03	Comment noted.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
3.0.3	A policy regarding the amount of seawalls allowed should be instituted.	Jim Howard	11/13/03	<a href="#">A policy regarding the use of seawalls was developed as part of the SMP.</a>
3.0.4	Several stakeholders were concerned with the Dredging Policy and would like the policy to be reevaluated and clarified in the final version of the SMP.	UCBG	04/14/04	<a href="#">The policy was reviewed and clarified.</a>
3.0.5	Who's responsible for dredging and how will dredging activities be regulated on sensitive lands (e.g., where there are contaminants)?	UCBG	04/14/04	APC has been given the authority to regulate some dredging in accordance with USACE guidelines at the projects; APC will analyze dredging requests on a case by case basis, <a href="#">taking into consideration land classifications.</a>
3.0.6	Who is responsible for keeping sloughs open and is there an adequate assessment?	UCBG	04/14/04	Sloughs are not assessed or maintained by APC or by any local, state, or federal agency.
3.0.7	Clarify if “sensitive resource areas” is the same thing as the classification (Class 4), which would include environmental, cultural, and scenic resources.	WRBG	04/14/04	Sensitive resource areas are the same as Shoreline Class 4 (Sensitive Resources Lands).
3.0.8	The Causeway Policy should be reevaluated to incorporate bridges and other crossings; want to know if they are allowed if they are reconnecting, need to reference FERC.	UCBG	04/14/04	The shoreline policy was reevaluated and found to be sufficient.
3.0.9	The Water Withdrawal Policy should be clarified and a statement should be added addressing residential uses.	UCBG; WRBG	04/14/04	<a href="#">Water withdrawal policy was clarified and appropriate changes made.</a>

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
3.0.10	For the Bank Stabilization Policy, the words “as determined by APC” should be included in the section of the SMP that discusses rip-rap requirements; this entire section should also be rewritten to clearly represent APC’s intentions.	UCBG	04/14/04	<a href="#">The words "as determined by the APC Regional Coordinator" were added and the policy was reviewed for clarity.</a>
3.0.11	Concerning rip-rap, clarify who makes the decision, how the decision is made, and what is “feasible and/or economically practicable”.	UCBG	04/14/04	<a href="#">APC's Corporate Real Estate Regional Coordinator makes the final decision on rip-rap permitting requests.</a>
3.0.12	The rip-rap requirement should be flexible enough so that property owners could provide an access path (i.e., swimming access) when rip-rap is placed.	UCBG	04/14/04	This flexibility is allowed under APC's permitting program.
3.0.13	It was recommended that on page 3-2, we include combination of rip-rap and natural vegetation as stabilization technique.	April Hall	04/14/04	<a href="#">This term was added to the policy.</a>
3.0.14	Channelization should not be allowed when it will alter riparian resources/fish habitat.	Jim Howard	04/14/04	Channelization will not be allowed as described in APC's shoreline policies.
3.0.15	"To promote a set of voluntary shoreline Best Management Practices (BMPs): The Neely Henry Lake Association fully supports the word "VOLUNTARY" but this document later makes many conditions mandatory and in some cases this mandatory requirement is on private land not project land.	Neely Henry Lake Assoc.	05/05/04	The use of the word "voluntary" has been reviewed and changed in some instances; please see <a href="#">comment 4.2.24</a> . A <a href="#">table</a> has also been added to distinguish between voluntary and required BMPs.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
3.0.16	<p>Dredging: Following USAGE guidelines for dredging is supported but who is going to accomplish the essential dredging necessary to keep the river flowing when sediment builds up? When sloughs become impassable for boats due to sediment buildup, who is going to clear out the sediment? In my opinion dredging to preclude flooding should be accomplished by USAGE. However routine dredging to keep the sloughs and creeks open for normal boat access, if boat access previously existing in last 40 years, should be accomplished by APC. This is part of being a lake operator. Where evidence exists that the sediment may contain hazardous materials proper environmental standards should be followed. However if we test and find hazardous materials do in fact exist then an EA or ES should be accomplished to determine if it is safer to leave the material or remove it and carefully consider the cons from flooding, etc. if it is not removed. Please clear up what APC is planning to accomplish regarding dredging. If nothing then who will handle this problem?</p>	Neely Henry Lake Assoc.	05/05/04	<p>APC will not take responsibility for dredging sloughs and creek mouths. Individuals and organizations may apply for dredging permits which will be considered for approval using USACE guidelines. Note: Winter flood events help to flush sediments out of sloughs and creek mouths. Reservoirs having reduced winter drawdowns may experience additional silt build up in the sloughs. A periodic greater winter drawdown may be necessary to encourage greater flushing of silt from sloughs and creek mouths.</p>

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
3.0.17	Channelization: Stating the policy in general avoids channelization resulting in added shore line is fine, but this document indicates it will not even be considered! Unless APC or FERC has a valid Environmental Statement supporting no channelization anywhere for any reason I recommend you reconsider. Again the Neely Henry Lake Association has no plans for Channelization but does respect the rights of those who may have a requirement.	Neely Henry Lake Assoc.	05/05/04	Channelization results in a deviation from APC's FERC-approved maps, and can have significant impacts on fish and wildlife habitat. Channelization can also lead to uncontrolled development of project lands and waters, and create conflict between adjoining property owners. Generally, FERC disapproves of channelization on project reservoirs except in unusual circumstances. APC stands by it's stated policy.
3.0.18	Water Withdrawals: Does APC plan to charge small lakeshore homeowners for water? Clearly say what you mean.	Neely Henry Lake Assoc.	05/05/04	This <a href="#">policy</a> was modified to address withdrawals from adjacent property owners; please see comment 3.0.9
3.0.19	Causeways: See comment 3.0.17.	Neely Henry Lake Assoc.	05/05/04	This policy is intended to protect the integrity of the existing project features and shoreline, as well as fish habitat, navigation, and project operations. When APC receives an inquiry concerning the construction of a causeway, APC will work with the property owner to investigate potential alternatives that may be acceptable to APC and FERC.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
3.0.20	We request that Alabama Power recommend natural vegetation and buffer zones as the preferred method for bank stabilization. The next preferred alternative would be to use rip-rap in combination with natural vegetation. Other alternatives should be labeled as “less desirable”.	AL Rivers Alliance	05/10/04	The first sentence of the <a href="#">bank stabilization policy</a> explicitly encourages the use of "alternative bank stabilization techniques". The policy ends with the statement that "only in very limited cases where APC is convinced that rip-rap would not be an effective source of bank stabilization, or would be economically unfeasible, would seawalls without rip-rap be permitted".
3.0.21	It should be Alabama Power’s policy to deny requests for installation of a seawall unless all other, more desirable alternatives have been considered and deemed insufficient.	AL Rivers Alliance	05/10/04	APC through its <a href="#">bank stabilization policy</a> encourages the use of "alternative bank stabilization techniques".
3.0.22	Please change “in sensitive resource areas” to “in and around sensitive resource areas”, or some other similar language.	AL Rivers Alliance	05/10/04	<a href="#">Text changed.</a>
3.0.23	ARA strongly disagrees with the statement on page 3-3 about recognizing the potential need for additional water storage facilities in Alabama. This statement is completely outside the scope of the Plan and the relicensing of Alabama Power dams. In addition, Alabama Power is not in the position to determine if there are additional water needs throughout the state. Please strike the statement about water storage facilities from the Plan.	AL Rivers Alliance	05/10/04	This statement supports a policy and is consistent with other APC policies, reports, and relicensing efforts specifically, the E4 IAG Water Withdrawals Report. APC is definitely in a position to support the determination that there are additional water storage needs in Alabama; statement will stand.
4.0.1	The structure/format of section 4.0 is good.	BG1	06/19/03	Comment noted.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.0.2	Habitat enhancements should be evaluated for incorporation into this plan.	BG1	06/19/03	Numerous habitat enhancement practices have been incorporated into the SMP particularly in the policies and best management practices. See Sections 4.1 and 4.2.
4.0.3	Development restrictions might be a good tool.	BG1; BG3	06/19/03	Lands have been set aside under the Natural/Undeveloped shoreline classifications which serve to protect shoreline lands from future development.
4.0.4	Lack of legal authority held by APC is an issue.	BG2	09/17/03	Consideration of legal rights was factored into the land classification system.
4.0.5	Explore moving disputes from local to federal courts.	BG2	09/17/03	Comment noted.
4.0.6	There is some confusion about regulations v. guidelines.	Charles Farrell	07/27/03	This text was rewritten in subsequent drafts of the plan to clarify terms.
4.0.7	The entire section needs to be better defined.	April Hall	07/25/03	Section further defined in subsequent drafts.
4.1.1	Need to better define SMP boundaries specifically at Smith Lake.	BG2	06/19/03	The SMP affects lands within the established FERC project boundary as shown on project maps contained in Volume II.
4.1.2	Are these classifications legally binding? Defensible?	Charles Farrell	07/27/03	Shoreline classifications will serve as a tool for guiding future management decisions.
4.1.3	Make connection to permitting program.	April Hall	07/25/03	Plan revised to clarify the role of the permitting program.
4.1.4	Define “highly restrictive” under class 4 and further explain restrictions and how they are determined.	Numerous	07/25/03	Appropriate restrictions will be determined on a case-by-case basis.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.1.5	Further explain decision process for classifying lands.	Numerous		<a href="#">Lands classified</a> based on ownership, existing use, and the presence or absence of sensitive resource values.
4.1.6	Ecological values should be assigned to potentially modified shorelines.	Joe Addison	08/11/03	Sensitive ecological resources have been identified and classified as either sensitive or natural/undeveloped lands.
4.1.7	"Wetlands" should be added to the list of sensitive resource lands.	Jim Howard	07/23/03	<a href="#">Wetlands were added</a> to the list of resources highlighted in this shoreline classification.
4.1.8	Clarify language: "accommodate reasonable demands" (Class 3).	April Hall	07/25/03	"Reasonable requests" will be determined on a case-by-case basis depending on the nature of the request and the potential impacts of the action.
4.1.9	Make "sensitive/undeveloped" the default lands classification.	Numerous	09/17/03	All shoreline lands were classified in this plan, there are no remaining lands to be classified or defaulted to a specific classification.
4.1.10	Further define/split multiple use lands.	BG1; BG2	09/17/03	This classification was refined and split.
4.1.11	Develop a process for changing land classifications.	BG1	09/17/03	The SMP will be updated every 12 years. <a href="#">See section 5.2.</a>
4.1.12	Consider splitting/redefining the "sensitive/undeveloped" lands classification.	BG1; BG2	09/17/03	This classification was refined and split.
4.1.13	Default land classification should be more restrictive.	BG3	09/17/03	All shoreline lands were classified in this plan, there are no remaining lands to be classified or defaulted to a specific classification.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.1.14	Potentially contaminated soils should be classified as sensitive resources.	Isabella Trussell	11/13/03	Sensitive resource lands are reserved for protection of natural resource values. Consideration of contaminated soils will be made during routine permitting process.
4.1.15	Islands should be reviewed to see how they can be managed.	Numerous	11/13/03	All islands located within the project boundary were classified based on ownership, existing use, and presence/absence of known sensitive resources.
4.1.16	Clarify Class 5 -natural/undeveloped; substantial piece of land / “sufficient size”.	April Hall	04/14/04	<a href="#">The term "sufficient size" was removed from the description of this class.</a>
4.1.17	Where will hunting be allowed; will it be on class 3a and not Class 5?	Deb Berry	04/14/04	Wildlife management which includes hunting will be permitted on Class 3 (Multiple Use Lands owned by APC).
4.1.18	Mitchell Wild Life Area: Why do they not have to meet the same standards as all others?	Neely Henry Lake Assoc.	05/05/04	The Mitchell Wildlife Area is a special use area managed jointly by APC and the AL Department of Conservation and Natural Resources. This unique wildlife management area is more intensely managed so as to benefit wildlife.
4.1.19	We request that Alabama Power include all undeveloped lands owned by APC in Class 5 – Natural/Undeveloped lands.	AL Rivers Alliance	05/10/04	Many factors were considered in the classification of project lands. The classification system was developed to improve the management of these lands and many stakeholders have expressed satisfaction in how these lands have been classified.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.1.20	Although APC has explained how their process for determining which classification to use for project lands included consideration of land uses 500 feet from the shoreline, it would be helpful for APC to further document this decision process in the SMP.	AL Rivers Alliance	05/10/04	<a href="#">This</a> process is documented in <a href="#">Section 4.2</a> .
4.1.21	ARA requests that all privately-owned undeveloped land be classified as sensitive resource lands.	AL Rivers Alliance	05/10/04	Please see comment 4.1.19.
4.1.22	We request that APC conduct a cumulative impact assessment for development in each watershed before the first post-license review of the SMP.	AL Rivers Alliance	05/10/04	A cumulative impact assessment of each watershed is well beyond the scope and purpose of this shoreline management plan and this relicensing process.
4.1.23	The language describing the Class 4 lands needs to be revised. Currently the language limits lands in this classification to those “managed” for protection and enhancement of sensitive resources. “Unmanaged” lands, such as natural wetlands, and other areas known to be sensitive resources should also be included in this classification. Furthermore, we suggest that all lands that are suspected or likely to be habitat for threatened or endangered species should be included in this classification.	AL Rivers Alliance	05/10/04	APC staff in cooperation with relicensing stakeholders reviewed these classifications exhaustively and feel that the best possible job has been done. Changes and recommendations on specific land parcels or areas are welcome and will be considered.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.1.24	APC mentions RTE “habitat protection areas” in the Class 4 land uses. Are these areas that have been designated by the U.S. Fish and Wildlife Service or by the Alabama Department of Conservation and Natural Resources? Further explanation of these areas should be included in the SMP.	AL Rivers Alliance	05/10/04	Class 4 lands are areas where RT&E species are known to be located or have been "detected" but may have not necessarily been designated as "critical habitat" by the USFWS or by ADCNR. APC uses RT&E location data in making decisions on land classification and on permitting requirements that may potentially impact RT&E species.
4.1.25	A summary of the percentages of each land use classification for each reservoir should be provided.	AL Rivers Alliance	05/10/04	This will be incorporated into the final version of the SMP.
4.1.26	We suggest that APC develop a system for notifying private land owners that their lands have been classified as Class 4 lands.	AL Rivers Alliance	05/10/04	The SMP and the lands classification maps have been distributed to relicensing stakeholders and will be made available on the internet.
4.2.1	Any funds collected in association with BMPs should be earmarked for use in developed lake areas.	Joe Addison	08/11/03	No funds will be collected in association with best management practices.
4.2.2	BMPs should be the responsibility of the permittee	Joe Addison	08/11/03	BMPs are specific on site actions implemented by individual landowners either voluntarily or through the permit application process.
4.2.3	A BMP to keep shoreline free of trash.	Jim Copeland	07/16/03	APC as well as several other resource agencies provide public education materials extolling the benefits of not littering.
4.2.4	BMPs should be performed on-site.	Joe Addison	08/11/03	BMPs are described in the plan as on site actions.
4.2.5	Is there a BMP encouraging materials other than pressure treated wood for seawalls?	Jim Copeland	07/16/03	See <a href="#">Bank Stabilization Policy</a> .

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.2.6	Can BMPs be more aggressively implemented or required on flood easement lands?	Jim Howard	07/23/03	The SMP was modified to include incorporation of certain BMPs as a part of the permitting process
4.2.7	Consider a larger property development set back (>30ft).	Numerous		See <a href="#">buffer zone BMP</a> ; recommended a minimum of 15 feet, but can be greater than that if property owner so desires.
4.2.8	Provide links for more information on BMPs.	April Hall	07/25/03	Appendix B provides several references for finding additional information regarding all of the BMPs.
4.2.9	In general add more detail to the BMPs section.	Numerous		Text revised to provide more detail on BMPs.
4.2.10	Better describe the need and purpose for each BMP category.	April Hall	07/25/03	Text revised to provide more detail on BMPs.
4.2.11	Describe specifics of how BMPs will be encouraged.	April Hall	07/25/03	Section 5.0 describes how BMPs will be encouraged; primarily through education.
4.2.12	Is there a BMP to reduce erosion caused by personal watercraft?	Bert Jones	07/23/03	There are several BMPs intended to address erosion issues.
4.2.13	Modify BMPs to create compliance incentives.	BG1	06/19/03	This option is being explored and may be added in the future.
4.2.14	Work with Clean Water Partnership on BMPs.	BG2	06/19/03	The larger relicensing process is working to incorporate several APC efforts with those of the Clean Water Partnership Program.
4.2.15	Explore bonding developers so they adhere to SMP guidelines.	BG3	06/19/03	This was considered, but recommended by the majority that it not be incorporated.
4.2.16	Establish commercial and residential BMPs.	BG2	06/19/03	The BMPs outlined in this plan are applicable to both residential and commercial developments.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.2.17	Emphasize the importance of BMPs.	BG2	06/19/03	BMPs are emphasized throughout this plan especially in <a href="#">Section 4.2</a> .
4.2.18	Solicit more resource agency input on BMPs.	BG2	06/19/03	Several resource agencies have participated in the development of the Shoreline Management Plan.
4.2.19	Need construction BMPs.	BG3	06/19/03	Several construction oriented BMPs are included in the SMP. See <a href="#">Section 4.2.3</a> .
4.2.20	Conditional BMPs should be included with any permit.	Joe Addison	08/11/03	Permit guidelines have been revised so that in certain cases BMPs may be required as a permitting condition.
4.2.21	Add "fish" to the list of habitats.	Jim Howard	07/23/03	<a href="#">Text revised to address comment.</a>
4.2.22	Add "bacteria, oil and grease" to water quality description.	April Hall	07/25/03	<a href="#">Text revised to address comment.</a>
4.2.23	Reword "naturally vegetated shoreline" suggestion: "shorelines vegetated with native species".	Deb Berry	07/01/03	<a href="#">Text revised to address comment.</a>
4.2.24	In reference to the best management practices the term "voluntary" should be examined so that it does not mislead the reader because in some instances BMPs are not voluntary.	UCBG	04/14/04	The SMPs were reviewed to ensure that no terms were misleading.
4.2.25	A BMP concerning seawalls should be added.	Numerous	11/13/03	A BMP addressing seawalls was added to <a href="#">Section 4.2.3</a> .
4.2.26	Some BMPs should be made enforceable, others voluntary.	LCBG; Dan Murchison	04/14/04	BMPs are required on APC owned lands.
4.2.27	There should be a BMP concerning lawn watering.	Dan Murchison	11/13/03	<a href="#">Text revised to address comment.</a> See Section 4.2.3.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.2.28	Additional detail should be added to the BMPs section of the SMP, stakeholders would like to see this section better explain the reasoning for implementation.	UCBG	04/14/04	The background text of the BMP section was reviewed and some additional detail was provided.
4.2.29	There should be a BMP concerning septic systems.	Numerous	11/13/03	<a href="#">A BMP addressing septic systems was added to Section 4.2.2.</a>
4.2.30	It was suggested that the SMP contain information on impaired reservoirs – i.e., what the reservoir is impaired for (TMDLs, 303d, nutrients, etc.).	LCBG	04/14/04	An internet web link to ADEM will be added to the proposed shoreline management website. <a href="#">See section 4.2.2</a>
4.2.31	Emphasize that BMPs work better when one uses more of them.	LCBG	11/13/03	Comment noted.
4.2.32	Need to clarify what is acceptable for BMP concerning dumping leaves; is burning leaves okay?	UCBG	04/14/04	<a href="#">Dumping leaves</a> into the reservoir is not permitted under the SMP.
4.2.33	Identify specific vegetative species that can be used in conjunction with the vegetation management BMPs.	LCBG	11/13/03	Appendix B provides several references for finding additional information regarding all of the BMPs.
4.2.34	Several stakeholders would like to see APC establish a 25 or 30 foot minimum buffer.	LCBG; WRBG; Dan Murchison	04/14/04	The 15-ft shoreline buffer zone is consistent with other management efforts. <a href="#">See comment 4.2.7</a>
4.2.35	Add a BMP addressing treated lumber.	Numerous	11/13/03	<a href="#">Comment noted. See comment 4.2.48</a>
4.2.36	It was suggested that the buffer zone BMP read “15 ft. or more where available.”	WRBG	04/14/04	The existing description of "a minimum of 15-ft" is essentially the same as describing it as "15 ft. or more where available".
4.2.37	Attach a target number to the BMP about impervious surfaces.	LCBG	11/13/03	Specific amounts of impervious surface will vary depending on site specific circumstances and the nature of the development.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.2.38	There was a suggestion that it should be determined what buffer zone width is best for a particular land use classification.	LCBG	04/14/04	Variability in shorelines would make this impractical to determine and enforce.
4.2.39	Change “rain gutters” to “drain pipe” in the property development section.	LCBG	11/13/03	<a href="#">Text revised to address comment.</a>
4.2.40	The term “unmanaged” used with the 15-foot minimum buffer zone should be reevaluated and possibly changed to “suitable.”	UCBG	04/14/04	The term unmanaged is appropriate to meet the goals of the shoreline buffer zone BMP.
4.2.41	Seawalls and other "hard" engineering techniques should be discouraged.	April Hall	12/10/03	<a href="#">Text revised to address comment.</a> See Section 3.2.
4.2.42	The section of the SMP that discusses the 15-foot minimum buffer zone should be revised so that it more clearly represents Alabama Power’s intentions.	UCBG	04/14/04	<a href="#">The description of the shoreline buffer zone was reviewed and edited.</a>
4.2.43	Vegetated buffer zones should be promoted to reduce erosion.	April Hall	12/10/03	Vegetated buffer zones are promoted as a best management practice. <a href="#">See Section 4.2.1.</a>

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.2.44	It is recommended that APC provide incentives for property owners for instituting BMPs, e.g., no fees, beautification/stewardship awards.	LCBG; WRBG	04/14/04	APC fully supports other stakeholder groups offering incentives. The purpose for implementing a permit fee, however, was to allow APC the opportunity to recoup a portion of the increasing cost of administering the permit program. The introduction of exceptions, incentives, and/or waivers to the fees would add an additional administrative burden on the program and drive up the fees unfairly for others. This would be an excellent way for homeowner groups and NGOs to encourage use of BMPs.
4.2.45	Buffer zone BMP 3 should be changed to add "or establish" after the word preserve.	April Hall	12/10/03	<a href="#">Text revised to address comment.</a>
4.2.46	There is a need to emphasize that treated wood debris from pier construction or old piers should be disposed of properly, not within the lake.	LCBG; Dan Murchison	04/14/04	Existing permitting guidelines describe how facilities should be removed. Future public education efforts may also focus on this issue. <a href="#">See General Permit Guidelines</a>
4.2.47	Buffer zone BMP 2 should be changed to add "and keep clearing of native trees and vegetation to a minimum" to the end of the item.	April Hall	12/10/03	<a href="#">Text revised to address comment.</a> Also, see <a href="#">comment 4.2.58</a>
4.2.48	Several stakeholders would like to see a statement on the limited use of wood for seawalls.	LCBG; Dan Murchison	04/14/04	The EPA has approved new copper based preservatives. Arsenic treated wood is being phased out by the EPA and no new creosote products are allowed in the project boundaries.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.2.49	Buffer zone BMP 1 should be reworded and "use native trees, shrubs, and flowers for landscaping" to the statement, replacing "low maintenance native landscapes".	April Hall	12/10/03	<a href="#">Text revised to address comment.</a>
4.2.50	There needs to be language to discourage/enforce destruction of native vegetation beds.	LCBG; Dan Murchison	04/14/04	APC is concerned that the public will not be able to identify native vegetation versus aquatic nuisance species; wetlands are protected by their shoreline classification.
4.2.51	Water quality BMP 1 should include text that developers consider the use of permeable pavements.	April Hall	12/10/03	<a href="#">Text revised to address comment.</a>
4.2.52	There needs to be a reference to what types of native vegetation are appropriate for bank stabilization (NCRS, EPA, etc.).	LCBG	04/14/04	An internet web link will be added to the proposed shoreline management website.
4.2.53	Add storms drains to the list under water quality BMP 3.	April Hall		<a href="#">Text revised to address comment.</a>
4.2.54	Pg 4-8—Add Class 1 to section on APC owned lands.	WRBG	04/14/04	Operational and security needs on Class 1 lands supercede other management programs.
4.2.55	Add text suggesting that chemicals be disposed of according to labels.	April Hall	12/10/03	<a href="#">Text revised to address comment.</a>
4.2.56	Pg. 4-10—add “drain fields” after septic tanks.	WRBG	04/14/04	<a href="#">Text revised to address comment.</a>
4.2.57	Add a BMP encouraging rain gardens to capture and filter runoff.	April Hall	12/10/03	<a href="#">Comment considered. BMP added to section 4.2.2</a>

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.2.58	Revise the wording to discourage the planting of grass in the 25 foot filter strip zone. Also discourage the removal of trees in the 25 foot filter strip larger than 3 inches in diameter.	Dan Murchison	04/16/04	"Unmanaged" shoreline buffer zones prevent the planting of grass and the removal of trees.
4.2.59	Provide examples of non point source pollution in the water quality description.	April Hall	12/10/03	<a href="#">Comment considered. Text revised</a> to address comment. <a href="#">Glossary revised</a> to address this too.
4.2.60	Amend Water Quality BMP 1 by describing and suggesting alternative remedies using pervious surfaces such as gravel and rock. Also, using retention ponds and constructive wetlands as filters for handling runoff before it enters the reservoir.	Dan Murchison	04/16/04	<a href="#">Text revised to address comment.</a>
4.2.61	Revise buffer zone description to include "restored" vegetation.	Deb Berry	07/01/03	Comment considered.
4.2.62	Include wording which suggests that property owners and/or their contractors have a written plan to keep siltation out of the reservoir BEFORE any construction begins.	Dan Murchison	04/16/04	Conditions and provisions of the approved permit will be enforced; however, no written plan will be required. <a href="#">See General Permit Guidelines</a> . As well, <a href="#">statement encouraging the implementation of construction BMPs</a> has been added to the SMP.
4.2.63	Change the wording to state: Place rip-rap along the base of existing wooden seawalls. Replace treated wood seawalls wherever feasible with rip-rap, rock or cement, and use native aquatic vegetation where possible for habitat enhancement.	Dan Murchison	04/16/04	<a href="#">See comment 4.2.48</a> on wood. Rip-rap is preferred for all seawalls; not just wooden ones. Existing seawalls will be reexamined when a new permit is requested.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.2.64	Change wording to read: Divert rain gutters, drain pipes, and other sources of household runoff, including driveways, to unpaved areas where water can soak into the ground before reaching the reservoir.	Dan Murchison	04/16/04	Existing text is sufficient to address this comment.
4.2.65	Shoreline Best Management Practices: Again you are mixing voluntary with the word required for BMPs! Again only if APC does own the land or have it leased should the BMPs be mandatory! Nothing should be mandatory when it is to be located on private property. Education and encourage is the only way to go and anything else will result in broad non-acceptance of this shoreline management plan.	Neely Henry Lake Assoc.	05/05/04	The use of the word "voluntary" has been reviewed and changed in some instances, please <a href="#">see comment 4.2.24</a> . A <a href="#">table</a> has also been added to distinguish between voluntary and required BMPs.
4.2.66	Promoting BMPs using APC's Lake Shoreline Use Permitting Program is fine but using it to blackmail people into doing something on their private land as a condition to receiving the permit is unacceptable.	Neely Henry Lake Assoc.	05/05/04	BMPs are voluntary on all lands not <u>owned</u> by APC; however on lands owned by APC, the 15-ft minimum buffer zone will be required as a condition of permit.
4.2.67	Buffer Zones and Vegetation Management: There are runoff coefficients that prove runoff is less with a good lawn. Your statement that an unmanaged buffer zone is the only way to go is fatally flawed as proven by USAGE Engineering Manual data.	Neely Henry Lake Assoc.	05/05/04	Runoff reduction is only one aspect of an unmanaged buffer zone. Shoreline integrity, erosion reduction, terrestrial and aquatic habitat as well as aesthetic improvements are all desirable aspects of an unmanaged shoreline buffer zone.
4.2.68	Remove the word unmanaged.	Neely Henry Lake Assoc.	05/05/04	The term unmanaged is appropriate to meet the goals of the shoreline buffer zone BMP.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.2.69	APC should recommend permeable paving materials be considered if positive drainage of the open graded base aggregate can be assured! If the water does not drain from the open graded aggregate and the pavement freezes it will frost heave and fail.	Neely Henry Lake Assoc.	05/05/04	Permeable materials should be used if local conditions are conducive to their application.
4.2.70	When feasible, Alabama Power should provide financial assistance to implement BMPs targeted to the reduction of non-point sources of pollution, such as nutrients, that are causing water quality impairments.	AL Rivers Alliance	05/10/04	<a href="#">See comment 4.2.44.</a>
4.2.71	The Plan indicates that BMPs will be implemented on APC-owned lands classified as Class 2, 3b, and 5, but Class 1 lands were not mentioned. Please clarify whether APC intends to implement BMPs on their Class 1 lands.	AL Rivers Alliance	05/10/04	<a href="#">See comment 4.2.54.</a>
4.2.72	We suggest that APC add a section outlining an incentive program for property owners, businesses, and developers. The incentive program should encourage everyone to implement BMPs and should provide recognition and awards for outstanding volunteer BMP efforts.	AL Rivers Alliance	05/10/04	<a href="#">See comment 4.2.44.</a>
4.2.73	A list of developers, posted on the website and in local community areas, who actively implement the recommended BMPs would provide a reference to citizens who wish to hire environmentally responsible contractors.	AL Rivers Alliance	05/10/04	APC can not effectively recommend or monitor private developers. This may be a good recommendation for the HOBOS to consider in their newsletters or websites.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.2.74	APC should waive applicable permit fees for those who are voluntarily implementing BMPs in restoration activities such as planting native vegetation.	AL Rivers Alliance	05/10/04	<a href="#">See comment 4.2.44.</a>
4.2.75	Information regarding the construction and use of compost piles should be provided in the BMP reference list. I suggest that a non-internet reference be added, although I don't have one to suggest at this time.	AL Rivers Alliance	05/10/04	These additions will be made to the BMP reference list.
4.2.76	APC should strongly encourage property owners to maintain a buffer zone as large as possible. APC should use large buffer zones (at least 25-30 feet wide) on their lands. Earlier versions of the SMP included recommendations for a 25-foot zone.	AL Rivers Alliance	05/10/04	Please see comments <a href="#">4.2.7</a> , <a href="#">4.2.34</a> , and <a href="#">4.2.36</a> .
4.2.77	A discussion of current water quality impairments should be added to this section (BMP-Water Quality).	AL Rivers Alliance	05/10/04	Water quality information is available from the Alabama Department of Environmental Management as well as from APC through its E3 IAG Water Quality Reports. APC will add a reference to the ADEM website in the Appendix. Text added - <a href="#">See section 4.2.2</a>
4.2.78	The ADEM's 303(d) list of impaired waterbodies, ADEM's 305(b) report, and TMDLs should be discussed and referenced in this section (BMP-Water Quality).	AL Rivers Alliance	05/10/04	Water quality information is available from the Alabama Department of Environmental Management as well as from APC through its E3 IAG Water Quality Reports. APC will add a reference to the ADEM website in the Appendix. Text added - <a href="#">See section 4.2.2</a>

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.2.79	In previous comments to APC, I requested that general sources of non-point source pollution, such as agriculture, forestry, construction, etc, be discussed in this section (BMP-Water Quality).	AL Rivers Alliance	05/10/04	A brief discussion of these non-point pollution sources will be incorporated into the SMP.
4.2.80	Please add the following BMP in this section (BMP-Water Quality): Do not allow livestock access to project waters or tributaries.	AL Rivers Alliance	05/10/04	<a href="#">This BMP has been added.</a>
4.2.81	To further strengthen BMP #5 in this section (BMP-Water Quality), mention that the use of native vegetation requires less fertilizer.	AL Rivers Alliance	05/10/04	<a href="#">BMP #5 has been amended to mention that the use of native vegetation requires less fertilizer.</a>
4.2.82	In previous comments, I suggested the addition of rain gardens as a BMP. The use of rain gardens is a simple way to reduce the quantity of runoff due to impervious surfaces.	AL Rivers Alliance	05/10/04	<a href="#">This BMP has been added</a>
4.2.83	Please include the use of construction BMPs in this section (BMP-Property Development and Management) for the purpose of reducing sediment loading to the reservoirs and tributaries.	AL Rivers Alliance	05/10/04	<a href="#">A statement encouraging the implementation of construction BMPs has been added to the SMP.</a>
4.2.84	For commercial and industrial facilities, APC should encourage the use of stormwater treatment methods and should encourage the analysis of alternatives for waste water discharges.	AL Rivers Alliance	05/10/04	Appropriate regulatory agencies are consulted in the Commercial Application process.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.2.85	The set-back recommendation included in previous drafts should be added to this section (BMP-Property Development and Management). APC should consider recommending more than 30 feet as the set back.	AL Rivers Alliance	05/10/04	The "set-back" was replaced with the 15-ft minimum unmanaged shoreline buffer zone.
4.2.86	Why would people with existing structures voluntarily comply with new BMP's when the permit to do so costs \$250.00?	Lay Lake HOBO	05/14/04	Most BMPs do not require a lake shore use permit and those that may require a permit will be evaluated to minimize the cost of implementing the specific BMP.
4.2.87	The Best Management Practices (BMP's) that have been developed to help educate shoreline residents should have a positive impact on the overall lake and shoreline environment.	Lay Lake HOBO	05/14/04	APC agrees.
4.3.1	Provide standard plans for the design of shoreline facilities	Jim Copeland	07/16/03	Example plans will be made available on APC's shoreline management website outlined in Section 5.0.
4.3.2	Utilize the internet to facilitate the exchange of information.	Numerous	07/16/03	APC will build a shoreline management website as outlined in Section 5.0.
4.3.3	Need to have strict inspection guidelines.	Jim Copeland	07/16/03	Inspection guidelines are described in <a href="#">Section 4.3.</a>
4.3.4	Fees should only be nominal.	Jim Copeland	07/16/03	Comment considered.
4.3.5	Begin adding more detailed information about permit process and APC decision processes.	April Hall	07/25/03	<a href="#">Detailed in section 4.3.2.</a>
4.3.6	Discuss conditions when permits will be denied.	Numerous		The details of the permitting program are described in <a href="#">Section 4.3.</a>

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.3.7	Needs to include permittee mitigation for shoreline alterations, costs should be borne by permittees.	Joe Addison; BG2	08/11/03	To the extent possible projects will be designed and permitted to avoid adverse environmental impacts. Where appropriate, resource agencies may require mitigation for impacts.
4.3.8	Permit program public notification.	Joe Addison	07/29/03	Notification procedures are provided for by FERC regulations.
4.3.9	Public review of permits should include all affected stakeholders i.e. NGOs, state and federal agencies, adjoining property owners, etc.	Joe Addison; BG2	08/11/03	Notification procedures are provided for by FERC regulations.
4.3.10	What will permits cost?	Numerous		Residential permit fees will be determined. Commercial fees vary.
4.3.11	Consider the cumulative effects of shoreline activities when permitting uses.	BG1	06/19/03	Cumulative affects are considered by APC's Regional Coordinators when they process permit applications.
4.3.12	A permit fee program should be instituted.	BG1; BG3	06/19/03	A permit fee program will be established.
4.3.13	Make some distinctions between sea walls and rip-rap.	BG2	06/19/03	<a href="#">Text revised to address comment.</a> See Section 3.2.
4.3.14	Address cumulative effects of sea walls.	BG3	06/19/03	Cumulative affects are considered by APC's Regional Coordinators when they process permit applications. As well, <a href="#">Bank Stabilization</a> policy addresses this.
4.3.15	Fees collected should go to surveillance and enforcement.	UCBG	11/13/03	The fees will recover a portion of the cost of all phases of the permitting program, including surveillance and enforcement.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.3.16	Distribute a permitting program brochure.	LCBG	11/13/03	A brochure describing APC's permitting program is currently being developed and will be made available for public comment.
4.3.17	Shoreline contractors should receive more training and should interact more with local groups and be involved in relicensing meetings.	LCBG	11/13/03	Plans for an annual contractor training were added to the SMP. <a href="#">See Section 5.1.</a>
4.3.18	Local groups would like to help with enforcement and be educated and notified about APC leases.	LCBG	11/13/03	<a href="#">Section 5.0</a> describes education efforts that will address this comment.
4.3.19	Need to get realtors educated about shoreline management so they can share this information with prospective homeowners.	LCBG	11/13/03	<a href="#">Section 5.1</a> describes education efforts that will address this comment.
4.3.20	Demonstration projects might be nice, but may be problematic due to differences in reservoirs.	LCBG	11/13/03	APC shoreline facilities will implement BMPs and serve as models to other interested parties within their respective communities.
4.3.21	Planning efforts should include future uses as well as existing uses.	LCBG	11/13/03	SMP land classifications will provide management guidance for future shoreline uses.
4.3.22	Stronger enforcement of styrofoam pollution and removal of old docks.	WBG	11/13/03	Permit enforcement efforts are described in Section 4.3. A <a href="#">Styrofoam Policy</a> statement was added in section 3.2
4.3.23	Emphasize the public education aspect of the permitting program.	WBG	11/13/03	<a href="#">Section 5.1</a> describes education efforts outlined in this plan.
4.3.24	Modify permit program so that rip-rap will be placed along the base of sea walls.	Isabella Trussell	12/09/03	<a href="#">Text revised to address comment.</a>
4.3.25	Change BMPs from voluntary to required.	April Hall	12/10/03	Comment considered.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.3.26	APC should draft a written policy describing that they will use BMPs on all their lands.	April Hall	12/10/03	<a href="#">Text revised to address comment.</a>
4.3.27	Draft “associated management practices” that are to accompany shoreline classifications.	April Hall	07/25/03	Associated management practices are described in <a href="#">Section 4.3</a> .
4.3.28	The transferability of the lake shore use permits was a major area of concern for several stakeholders. Stakeholders requested that this section of the SMP be reviewed and changed to help facilitate the transfer of permits.	UCBG	04/14/04	Permit transferability <a href="#">section 4.3.7</a> was revised.
4.3.29	The wording on transfer of permits from one owner to another on a structurally sound facility needs to be clarified.	LCBG	04/14/04	<a href="#">This text was rewritten.</a>
4.3.30	There was a general concern on the proposed fee structure including that it is too high, that there should be only one permit on the phased permitting approach, the cut-off for grandfathered structures, if the fee would be charged on the transfer of a permit, worries about value of property, and the fee being charged upon transfer of the permit to a heir.	WRBG	04/14/04	A fee will only be assessed when a new permit is issued. One fee will only be assessed for a phased permit. Grandfathered structures are those permitted prior to the implementation of the permit fee-structure.
4.3.31	There were several issues raised with the modifications to the lake shore use permit program including: permit revocation, the time allotted for facility construction under a permit, the requirement of bonded contractors for the construction of shoreline facilities.	UCBG	04/14/04	<a href="#">All of these issues were reconsidered and amended as necessary.</a> All references to bonded contractors have been removed from the SMP.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.3.32	There were some disagreement on the price of \$250 for a permit, some stakeholders thought \$175 is a reasonable price, others agreed \$250 is reasonable.	UCBG	04/14/04	Considering FERC regulations, APC's program cost, and fees charged by other licensees in the southeast, \$250 is a reasonable fee and only recovers a portion of the actual cost.
4.3.33	The construction period should be expanded to more than one year—maybe two years—to complete, with the possibility of an extension.	UCBG	04/14/04	The permitted construction period will remain one year, extensions will be considered and granted on a case by case basis <a href="#">See section 4.3.3</a>
4.3.34	The time period to repair a substandard structure should be expanded to one year rather than 60 days.	UCBG	04/14/04	The permitted repair period will remain 60 days, extensions will be considered and granted on a case by case basis <a href="#">See section 4.3.3</a>
4.3.35	The time period to remove a substandard structure should be 90 days rather than 30 days.	WRBG	04/14/04	The permitted removal period will remain 30 days, extensions will be considered and granted on a case by case basis <a href="#">See section 4.3.3</a>
4.3.36	There is a suggestion for a longer time period in an estate transfer and the fee should not be charged in this case.	WRBG	04/14/04	Time extensions will be considered on a case by case basis. A fee will be assessed when a new permit is issued. <a href="#">See section 4.3.3</a>
4.3.37	Pg. 4-19—Delete “imposed” and “any.”	UCBG	04/14/04	Comment noted.
4.3.38	The revocation section is too absolute.	UCBG	04/14/04	Comment noted. <a href="#">See section 4.3.3</a>
4.3.39	The permitting process as it is now does not incorporate others views, etc. (e.g., NGOs, adjoining property owners); stakeholders want to see something similar to the COE public notice process for substantial things like large land clearing within the project boundary.	LCBG	04/14/04	For specific activities, notification procedures are provided for by FERC regulations.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.3.40	Stakeholders are concerned that the fee will have a negative/deterrent effect, especially on the re-permitting process. Suggested an incentive or no fee program for individuals who implemented APC's recommended BMPs.	LCBG	04/14/04	APC fully supports other stakeholder groups offering incentives. However, the purpose for implementing a permit fee is to allow APC the opportunity to recoup a portion of the increasing cost of administering the permit program. The introduction of exceptions, incentives, and/or waivers to the fees would add an additional administrative burden on the program and drive up the fees unfairly for others.
4.3.41	Fees should be used for bettering lakes, not to support the permit program or re-permitting.	LCBG	04/14/04	The FERC allows fees collected in association with the shoreline permitting program to be used in administration of this program.
4.3.42	How do we incorporate “grandfathered” structures into the SMP process?	WRBG	04/14/04	Grandfathered structures must be maintained under the conditions specified at the time of their permits' issuance. Grandfathered structures must be maintained in good working order in order to remain exempt from current guidelines. Grandfathered structures are those structures permitted prior to the implementation of the fee-structure program.
4.3.43	Reword and clarify “gardens” to “vegetable gardens”.	WRBG	04/14/04	"Vegetable gardens" is too specific of a term; the term "garden" is more inclusive.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.3.44	Where do you draw the line on modifications? (changing foot print, dimensionality) and if a permit will be needed in what case?	WRBG	04/14/04	APC field staff are available to answer questions regarding when a new permit would be required.
4.3.45	What is "growing out of ownership"?	WRBG	04/14/04	"Growing" was a typographical error, it has been deleted and the term "arising" has been added in its place.
4.3.46	There is concern over structures that may not meet future guidelines vs. what is a dilapidated structure; what gets grandfathered in.	WRBG	04/14/04	Structures that are not maintained or are not in good working order will be declared dilapidated by APC staff and will be subject to removal or improvement to the most recent guidelines.
4.3.47	Charges for permitting should be spent on restoration of wetland areas, planting aquatic vegetation and trees, and trees.	Dan Murchison	04/14/04	The FERC allows fees collected in association with the shoreline permitting program to be used in administration of this program.
4.3.48	A copy of the lease agreement between APC and the Mitchell Wildlife Management area should be reviewed with the relicensing delegation.	Dan Murchison	04/14/04	This agreement is available upon formal request.
4.3.49	Page 14 - 4.4.5 Public Education and Outreach: Middle of paragraph one. APC will hold annual information meetings with local contractors, Home Owner Organizations, and other interested parties to ensure all are made aware of the notification and permit requirements prior to work and encouraging the use of all BMPs for sustainable shoreline management. Appropriate literature will be given to participants.	Dan Murchison	04/16/04	These groups will be targeted in future public education efforts as stated in the next paragraph.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.3.50	Page 12 - Paragraph 2: Add: APC surveillance contractors will be furnished BMP literature to pass out to property owners and their contractors illustrating BMPs suggested practices for any construction work. In addition, literature will be provided advising property owners about buffers, protecting native vegetation and native weed beds and other shoreline management BMPs. (Fee charges could help offset any publication cost).	Dan Murchison	04/16/04	A shoreline management brochure that will serve this purpose is currently being developed.
4.3.51	Page 14 - Paragraph 2: APC surveillance contractors will be given the authority and duty to apply a two year use and occupancy clause for substandard structures which are in a state of disrepair. Substandard structures in disrepair which show no evidence of use for a period of two or more years can be condemned by APC and the property owner required to remove or repair the structure.	Dan Murchison	04/16/04	Comment noted.
4.3.52	"Any development or construction along reservoir shorelines or within project boundaries must be permitted before work can begin." Rewrite to say only if within project boundaries. If a land owner living along the lake does not get upon your project boundaries you have no right to require a permit! You can recommend and educate in the BMPs but you cannot force them unless he is building on your land!	Neely Henry Lake Assoc.	05/05/04	<a href="#">The sentence was rewritten:</a> "Any development or construction along reservoir shorelines and within project boundaries must be permitted before work can begin."

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.3.53	"Upon completion of the permit application, the permittee will complete all facility construction within 1 year." Recommend three years be allowed so those lake owners doing the work themselves on free weekends will have time to complete the project. Also large projects will likely take three years to fully complete.	Neely Henry Lake Assoc.	05/05/04	The permitted construction period will remain one year, extensions will be considered on a case by case basis, <a href="#">see comment 4.3.33</a> .
4.3.54	Do not force the private land owner to establish this unmanaged natural vegetation set back a minimum of 15 feet on to his private land in order to get a permit. BMPs on the private land should only be recommended and only make them mandatory upon APC project land. Also as previously proven having an unmanaged set back is not the Best Management Practice as regards reducing runoff.	Neely Henry Lake Assoc.	05/05/04	The requirement of a shoreline buffer zone is applicable only on project lands owned by APC and only when an individual seeks to permit a facility on these lands.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.3.55	<p>Permit Expiration: As stated at our April meeting this wording and these conditions are totally unacceptable. People who invest thousands of their hard-earned dollars into improvements made in accordance with your permit program should have a reasonable process available to protect their interest. The permittee should be allowed to request APC to make an inspection of all permitted items and indicate what new work is required to bring the items up to current standards in order that a new permit can be issued. APC should charge a fee that covers the cost of this inspection and report. Then if the property is sold and the new owner accomplishes all new work to meet current standards either the old permit should be transferred or a new permit issued. This method protects both the present owner and the future buyer. Now if a husband was the permit holder and dies then his wife or executor of his will should be allowed to apply for either a transfer or renewal of the old permit within eight months.</p>	Neely Henry Lake Assoc.	05/05/04	<p>APC will not authorize a permittee to transfer a permit. The permit transfer <a href="#">section 4.3.7</a> was rewritten to address stakeholder concerns. APC staff are available upon request prior to the sale or transfer of a facility to consult on the permitability of that facility.</p>

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.3.56	Permit Revocation: "If the violation is not corrected within 60 days after written notification, Alabama Power may cancel the permit and require the removal of any facilities that were formerly permitted." 60 days is not enough time to fix any major problem. Recommend you allow people 60 days to tell you they will or will not correct the problem. Then if they say they will fix the problem allow them one year and more if they really need it and justify to APC the additional time. If they refuse to fix the problem and do not have a very good reason (that APC can accept) go after them.	Neely Henry Lake Assoc.	05/05/04	The allotted time period will remain 60 days, extensions will be considered on a case by case basis.
4.3.57	The SMP indicates substandard structures will only result in APC talking to the permittee. Give people time to fix the problem (one-year) but where they refuse, do what your current license states, dispose of the structure and collect the cost from the current landowner. We support paying a reasonable permit fee only if it does result in adequate inspections by APC and unsafe eyesores are removed from our lake. If we are not going to get this service then we do not support paying APC anything for permits. Please give us the service we need and then charge a fair price.	Neely Henry Lake Assoc.	05/05/04	Talking to the permittee is only the first step in addressing the condition of a sub-standard structure. A sub-standard structure that is causing a hindrance to navigation or is a safety concern may be removed by following the revocation process described in the SMP.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.3.58	"Require bonded contractors" This should not be a requirement for homeowners and only be used in commercial permitting. The reason is the homeowner is not likely to get satisfaction even if the contractor goes bankrupt before completing the project. Most Bonding companies are very slow to pickup and complete the project unless they are sure you will take legal action or cost them a lot of new business. We say drop this issue; and if a homeowner wants to get a 100% payment and performance bond, let him.	Neely Henry Lake Assoc.	05/05/04	All references to the term bonded have been removed from the SMP.
4.3.59	I agree a fee for permits is certainly appropriate--I could support a higher fee than was suggested--I'm sure the money could be well utilized (i.e. litter control).	Bert Jones	05/08/04	The permit fees will be well utilized.
4.3.60	Please clarify if vegetation removal or land clearing on project lands requires a permit. Please include appropriate references used for the determination of activities requiring a permit.	AL Rivers Alliance	05/10/04	Please contact APC staff for specific information on what activities do or do not need a permit. Permit issuance is dependent on land ownership as well as the magnitude and affect of the activity.
4.3.61	Requirements for soil erosion control during construction should be implemented. Possibly inspections should be required as a part of the permitting process, and fines assessed if proper controls are not followed.	Bert Jones	05/08/04	<a href="#">A statement encouraging the implementation of construction BMPs has been added to the SMP.</a>

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.3.62	Please consider the feasibility of a monthly notification process for certain types of permits. A monthly list of permit applications could be posted on APC's website and a paper copy could be made available at a designated local area, such as an APC office, or community library.	AL Rivers Alliance	05/10/04	For specific activities, notification procedures are provided for by FERC regulations.
4.3.63	Why after more than 10 years of no fee is the exact same thing now going to cost us \$250.00? Last we saw Southern Company stock was still going up and now they want more. Does Alabama Power incur no obligation from historical precedent?	Lay Lake HOBO	05/14/04	APC's shoreline management program has been subsidized by ratepayers who do not directly benefit from its administration. Assessing a lake shore use permit fee reduces this subsidy and increases the efficiency and effectiveness of the program.
4.3.64	Lay Lake residents cover both ends of the wealth spectrum. Most I would guess are in the lower middle, retired, and on a fixed income where \$250.00 is well above just significant.	Lay Lake HOBO	05/14/04	<a href="#">See comment 4.2.44.</a>
4.3.65	The position of Lay Lake HOBO is that the historical system of no fee for compliance with APC rules should continue.	Lay Lake HOBO	05/14/04	A residential lake shore use permit fee program will be implemented.
4.3.66	At the very least we think one or more of the following concepts should be considered and adopted in the SMP;	Lay Lake HOBO	05/14/04	<a href="#">See comment 4.2.44</a>
4.3.66A	No fee for compliance with APC rules should continue.	Lay Lake HOBO	05/14/04	<a href="#">See comment 4.2.44</a>

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.3.66B	Implement a fee structure more closely related to the size of the change such as A. Change of ownership, \$50.00. B. New construction where nothing currently exists on the property shoreline, \$250.00. C. Significant additions to existing structures, \$150.00. D. Voluntary upgrades to comply with Alabama Power's BMP's, \$00.00 (zero). E. Routine maintenance, replacing rotting timbers, etc. \$00.00 (zero).	Lay Lake HOBO	05/14/04	<a href="#">See comment 4.2.44</a>
4.3.66C	Phase in a single \$150.00 fee for permits or changes to permits over a period of time such as: A. First year \$50.00. B. Twelve to eighteen months \$100.00. C. Eighteen months to two years \$150.00.	Lay Lake HOBO	05/14/04	<a href="#">See comment 4.2.44</a>
4.3.66D	After the SMP is finalized and approved by FERC, one year of continued no-fee-permits, then \$150.00 per permit.	Lay Lake HOBO	05/14/04	<a href="#">See comment 4.2.44</a>
4.3.67	We at Lay Lake HOBO ask that APC take the same approach with this fee-for-permit issue as you have taken with all the other relicensing issues: Work toward consensus with stakeholders by developing a program that will encourage and reward home owners for compliance with actions and behaviors that are good for the lake.	Lay Lake HOBO	05/14/04	Numerous discussions and comments have taken place and been received regarding this proposed program and APC will continue to work with stakeholders in its development.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
4.3.68	Lay Lake HOBO has a lot of trouble with the proposed \$250.00 permit fee.	Lay Lake HOBO	05/14/04	Comment noted.
4.3.69	APC should retain the no fee permit program in its next FERC license.	Charles Farrell	05/21/04	A residential lake shore use permit fee program will be implemented.
5.0.1	Should include a mechanism to periodically update and improve the SMP (Ability to add new BMPs).	Isabella Trussell	07/30/03	APC will periodically update this plan as described in <a href="#">Section 5.2</a> .
5.0.2	Should include an SMP effectiveness monitoring program.	Jim Copeland	07/16/03	APC will monitor the effectiveness of this plan as described in <a href="#">Section 5.2</a> .
5.0.3	APC should hold annual meetings to discuss permitting program and other aspects of the SMP.	Jim Copeland	07/16/03	APC will periodically update this plan as described in <a href="#">Section 5.2</a> .
5.0.4	Public education efforts will be a very important component of this plan and any strategy should include real estate agencies and other developers.	Numerous	06/19/03	<a href="#">Text revised to address comment</a> . See Section 5.1.
5.0.5	Effective monitoring and enforcement will be essential.	BG1; BG3	09/17/03	APC will monitor the effectiveness of this plan as described in <a href="#">Section 5.2</a> .
5.0.6	Work with the R8 Public Education IAG to focus on public education efforts.	BG2	06/19/03	Comment noted.
5.0.7	Homeowners should be worked into enforcement plans.	BG2	09/17/03	See <a href="#">Section 4.3.6</a> .
5.0.8	Some concern was raised over the license term of 50 years; 50 would be okay if SMP is revised every 6 to 8 years, twelve years is too long.	UCBG; LCBG; Dan Murchison	04/14/04	This reference was removed from the SMP.
5.0.9	Need to clarify link between 6 year review and twelve year revision.	UCBG	04/14/04	<a href="#">Text revised to address comment</a> .

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
5.0.10	There needs to be language to address how we might add, for example, an additional BMP before the twelve year revision.	LCBG	04/14/04	The SMP will be reviewed and modified as necessary on a routine basis. <a href="#">See section 5.2</a>
5.0.11	How will the six year report be issued and to whom, the public or to FERC?	WRBG	04/14/04	<a href="#">Text revised to address comment.</a>
5.0.12	Bonding should only be required if using a contractor, not if homeowner is doing work.	UCBG	04/14/04	All references to the term bonded have been removed from the SMP.
5.0.13	Need to develop guidelines for construction of seawalls.	UCBG	04/14/04	These guidelines are covered in <a href="#">Appendix D</a> .
5.0.14	An effort to educate the public should be undertaken so that shoreline property owners are fully aware of their options and responsibilities; the education effort should consider including extension offices, and post-secondary educational institutions.	UCBG; LCBG	04/14/04	<a href="#">See section 5.0</a> of the SMP.
5.0.15	Environmental advertising needs to be expanded in regards to SMP and permitting efforts.	LCBG	04/14/04	Comment noted.
5.0.16	Who enforces bonded contractors? Will it be required with the application for a permit? What if they don't have contractor (i.e., homeowner does own work)?	WRBG	04/14/04	All references to the term bonded have been removed from the SMP.
5.0.17	There needs to be clarification on what "bonded" means.	WRBG	04/14/04	All references to the term bonded have been removed from the SMP.
5.0.18	Enforcement, Enforcement, Enforcement- how will APC ensure enforcement of the final plan.	Bert Jones	05/08/04	<a href="#">See Section 4.3.6.</a>

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
5.0.19	Alabama Power should develop an education and outreach program to inform the public about sources of the current (TMDL) impairments.	AL Rivers Alliance	05/10/04	Please <a href="#">see comment 4.2.78</a> .
5.0.20	APC should develop a general timeline for implementation of the outreach components, such as website information, training workshops, and completion of informational brochures.	AL Rivers Alliance	05/10/04	Outreach components will be formally developed after the SMP has been approved by the Federal Energy Regulatory Commission.
5.0.21	This section should include a process for the review and revision of land use classifications.	AL Rivers Alliance	05/10/04	Land use classifications will be reviewed on a case-by-case basis and will also be reviewed along with the SMP every 12 years.
5.0.22	Language should be added to this section that outlines a public notice and commenting process for the SMP review/revision process.	AL Rivers Alliance	05/10/04	Mechanisms described in the public education and outreach section of the SMP will also be used to advertise the review of the SMP.
App. A.1	Tracking number 4.2.5 "Is there a BMP encouraging materials other than pressure treated wood?" should have read "Is there a BMP encouraging materials other than pressure treated wood for sea walls". This was what Jim Copeland really said. The only objection was using pressure treated wood on sea walls not on decks, boathouses etc.	Neely Henry Lake Assoc.	05/05/04	<a href="#">Comment addressed.</a>
App. B.1	Please add references for compost piles, as discussed earlier in these comments.	AL Rivers Alliance	05/10/04	<a href="#">References were added.</a>
App. B.2	References to native vegetation information should be included in the BMP list.	AL Rivers Alliance	05/10/04	<a href="#">References were added.</a>

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
App. B.3	Include website links and telephone numbers for some of the BMP references, as applicable.	AL Rivers Alliance	05/10/04	<a href="#">References were added.</a>
App. B.4	The Soil and Water Conservation Committee's Soil and Erosion Control Handbook (www.swcc.state.al.us/erosion_handbook.htm) should be included in the reference list.	AL Rivers Alliance	05/10/04	<a href="#">References were added.</a>
App. B.5	We request that web links be added to the reference list for the Center for Watershed Protection (www.cwp.org).	AL Rivers Alliance	05/10/04	<a href="#">References were added.</a>
App. D.1	"Any and all lake front property construction (piers, ramps, boathouses, boat slips, etc.) should be set a minimum of 15 feet from your property line" As explained in the April meeting the intent was for this to mean 15 feet from you and your adjoining neighbor's property line and not 15 feet between the landowner and the project property line controlled by APC. Recommend it read" Any and all lake front property construction (piers, ramps, boathouses, boat slips, etc.) should be offset a minimum of 15 feet from you and your neighbors adjoining property line but may be on the property line between you and APC."	Neely Henry Lake Assoc.	05/05/04	Comment noted, recommendation is being taken into consideration and this text will be clarified in the final version of the SMP.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
App. D.2	BOATHOUSES/WETSLIPS/BOATSLIPS: In middle of paragraph it reads "Non reflective materials must be used." In discussion at our April meeting this was explained to mean that highly reflective roof tin or mirrors could not be used; but small reflectors to preclude boats running into structure at night could be installed. Recommend wording be revised to read "Highly reflective materials for roofing or siding is prohibited. Small reflectors to aid boats at night in seeing and avoiding the structure are permitted."	Neely Henry Lake Assoc.	05/05/04	This text has been revised to address stakeholder comments.
App. D.3	Providing the permittee only 60 days to correct a problem is not adequate time. Recommend a minimum correction time of one year in order to propose a corrective action that is reviewed and acceptable to APC and then to either contract the work or do the work as self help. Also if permittee informs APC that he will not correct the problem but agrees to remove the structure give him one year to get the structure removed. If this fails then remove the structure and collect the cost from the landowner. The proposed time to remove structure within 30 days is unacceptable and is likely to be found unfair in any court in Alabama. Suggested solution is to make it reasonable and doable and avoid legal fees.	Neely Henry Lake Assoc.	05/05/04	The timelines allotted are reasonable and exceptions will be considered on a case by case basis.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
App. D.4	Construction: Why not allow the permittee the time he asks for up to three years? After all if he is doing the work as self help on one weekend a month it could take three years. Even ask for a progress report every six months and if reasonable progress is not being made inform him no time extension beyond the three years will be granted.	Neely Henry Lake Assoc.	05/05/04	The permitted construction period will remain one year, extensions will be considered and granted on a case by case basis, <a href="#">see comment 4.3.33</a> .
App. D.5	"This permit is nontransferable. Upon the sale or other transfer of the permitted facility or the death of the Permittee, this permit is null and void." This item is totally unacceptable as written. Please allow the seller to request and pay APC to inspect the permitted structures and indicate in writing what work will be required to either transfer the existing permit to a new party with approval of APC or a new permit issued. Please fix this issue. Your current proposal is bad for both the Permittee as well as APC.	Neely Henry Lake Assoc.	05/05/04	The permit transfer section was rewritten to address stakeholder concerns. APC staff are available upon request prior to the sale or transfer of a facility to consult on the permitability of that facility. <a href="#">See section 4.3.7</a>

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
App. D.6	It appears that from reading this (Standard Land Use Form) that every permit regardless of how small such as install one ton of riprap along one hole in a shoreline will require Permittee to do everything in both Section I and II. I hope I am wrong and this criteria is only for a Commercial type permits or those likely to require FERC approval. However if all permits must go this route recommend normal permit items like boathouses, docks, ramps, etc only be required to accomplish Section I. Then only if APC determines the proposed work has some unusual problems beyond the normal should Section II be required. Section III would only be needed if FERC approval were being requested.	Neely Henry Lake Assoc.	05/05/04	FERC has granted APC the authority to permit and manage most residential uses. A FERC approval process, utilizing the Standard Land Use Form, is typically only used on commercial development and other requests which do not fall under the General Permit Guidelines.
Got. 1	Add the term "gabions" to the glossary of terms.	UCBG	04/14/04	<a href="#">The term was added.</a>
Got. 2	Erosion is not necessarily "natural."	WRBG	04/14/04	<a href="#">Text revised to address comment.</a>
Got. 3	Reword definition of non-point source pollution, sometimes it can be traced to a particular field, but it is still large enough of an area to be considered non-point.	WRBG	04/14/04	<a href="#">Text revised to address comment.</a>
Got. 4	Restricted access is not used in SMP, change to security lands.	WRBG	04/14/04	<a href="#">Text revised to address comment.</a>
Got. 5	Are boat ramps the same as boat launches?	WRBG	04/14/04	Yes.
Got. 6	USACOE should read USAGE which is the current abbreviation for US Army Corps of Engineers.	Neely Henry Lake Assoc.	05/05/04	USACE is consistent with other relicensing documents.
Got. 7	Please add the terms "gabion" and "runoff" to the glossary.	AL Rivers Alliance	05/10/04	<a href="#">The term was added to the glossary of terms.</a>

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
Got. 8	Please strike the word “natural” from the definition of erosion.	AL Rivers Alliance	05/10/04	The word was stricken.
Got. 9	The definition of non-point source pollution should be modified. Many sources of non-point source pollution can be traced to a specific origin, such as an agricultural area, however, non-point sources are not traceable to a specific conveyance method, such as a pipe or ditch.	AL Rivers Alliance	05/10/04	<a href="#">Text revised to address comment</a>
Misc. 1	Can erosion induced by personal watercraft be managed under the SMP?	Bert Jones	07/23/03	There are several BMPs that address erosion issues.
Misc. 2	Add FERC requirements as a reference.	Jim Copeland; BG3	07/16/03	Reference to FERC guidelines incorporated into <a href="#">Section 1.0</a> and <a href="#">Appendix C</a> .
Misc. 3	APC should remove floating debris and other safety hazards.	Jim Copeland	07/16/03	Public safety issues have been addressed in consultation with the Alabama Marine Police and other stakeholders outside of the SMP.
Misc. 4	Need to make the SMP more specific.	Numerous		Text revised to address comment.
Misc. 5	Continue with stakeholder consultations.	BG3	06/19/03	Numerous meetings and consultations have occurred as part of the SMP development process. Appendix A provides a listing of SMP workshops and meeting participants.
Misc. 6	Address water quality, specifically relating to septic tanks.	BG3	06/19/03	<a href="#">A BMP addressing septic systems was added to Section 4.2.</a>

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
Misc. 7	Address trash i.e. fishing jugs, shoreline litter and tires.	BG3	06/19/03	APC as well as several other resource agencies provide public education materials extolling the benefits of not littering.
Misc. 8	Include wetlands into SMP protections.	BG3	06/19/03	Wetlands are one of several resources that will benefit from the guidance provided in this plan.
Misc. 9	Public tree planting program conducted every other year.	Dan Murchison	01/02/04	These efforts should be championed by the homeowner groups.
Misc. 10	Where feasible bury power lines for aesthetic purposes.	Dan Murchison	01/02/04	When approached by property owners and where feasible APC will work with them to bury power lines.
Misc. 11	Consistency check SMP with reservoir Vision Statements.	BG2	06/19/03	Subsequent revisions to this plan included a consistency check with the recreation vision statements as well as other APC documents.
Misc. 12	Contaminated soils at Logan Martin.	Isabella Trussell	11/13/03	Comment noted.
Misc. 13	Modify Logan Martin vision statement to mention nutrients and toxins.	Don Greer	12/08/03	Comment noted.
Misc. 14	Need to check for consistency of definition of boat slip in glossary and appendix.	WRBG	04/14/04	Text revised to address comment.
Misc. 15	“Boat house”—one word or two words? Need to be consistent.	WRBG	04/14/04	One word, has been revised throughout the SMPs.
Misc. 16	Fix the table of contents (two page 1’s).	WRBG	04/14/04	Text revised to address comment.
Misc. 17	Bottom of pg. E-1, change “implementing” to “evaluating”.	WRBG	04/14/04	APC will be implementing a fee structure system; evaluation has already taken place.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
Misc. 18	Need to identify source of Standard Land Use article (FERC and date).	UCBG	04/14/04	<a href="#">Text revised to address comment.</a>
Misc. 19	Need to state source of permit guidelines.	UCBG	04/14/04	<a href="#">Text revised to address comment.</a>
Misc. 20	Clarify difference between permit application and SLU form.	UCBG	04/14/04	<a href="#">Text revised to address comment.</a>
Misc. 21	Pg. D-1—reflective vs. reflectors.	UCBG	04/14/04	<a href="#">Text revised to address comment.</a>
Misc. 22	The revision date of guidelines in appendix need to be fixed.	WRBG	04/14/04	<a href="#">Text revised to address comment.</a>
Misc. 23	There is a reference to Appendix A on “Terms and Conditions of Permit for Lakeshore Use.”	WRBG	04/14/04	<a href="#">Text revised to address comment.</a>
Misc. 24	Several formatting improvements were suggested including accurate appendices titles and better date and page references.	UCBG	04/14/04	<a href="#">Text revised to address comment.</a>
Misc. 25	There needs to be clarification on procedures for adding issues/errors found to the maps.	LCBG	04/14/04	APC will be amenable to maintaining a set of maps with ongoing corrections; these corrections will be made final at the 6 year review.
Misc. 26	The SMP needs to set limits on future growth (e.g., establishment of land trusts).	LCBG; Dan Murchison	04/14/04	The SMP is a guidance document not a development plan. As well, the shoreline land classifications establish limits.
Misc. 27	APC should partner with H.O. Associations and other environmental groups to promote the paving of dirt roads in sensitive areas around reservoirs where significant siltation occurs from scraping and maintenance of these roads. Such siltation often fills in wetlands and creek beds destroying aquatic life and causes difficult boat access by residents.	Dan Murchison	04/14/04	This issue is outside the realm of the SMP.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
Misc. 28	APC should develop a plan to partner with Forestry, H.O. Associations and other environmental groups to discourage Timber Companies and forest land owners from cutting the tree canopies along our roads. Many of our roads tree canopies are cut right to roadsides by greedy landowners destroying the aesthetics of such canopies, drying out our roads and causing considerable dust and siltation problems.	Dan Murchison	04/14/04	This issue is outside the realm of the SMP.
Misc. 29	Homeowner Associations should be notified and invited to APC training sessions for Contractors and Real estate Agents.	Dan Murchison	04/14/04	APC is always willing to talk to HOBOS when invited.
Misc. 30	Due to the ever increasing septic and sewage problems on our Reservoirs APC should not install electric power to any newly constructed home until a certified license inspector has approved the septic installation.	Dan Murchison	04/14/04	APC has a legal responsibility to provide power and this responsibility can not be circumvented by the status of one's sewage system.
Misc. 31	The Fox 6 advertising partnership of litter cleanups with APC should be extended to include other environmental advertising during the clean up advertising such as erosion and siltation problems, wetland protection, litter prevention, etc.	Dan Murchison	04/14/04	Comment noted.
Misc. 32	Secondary Schools, Colleges, County engineers, and landscape companies should all be furnished copies of BMPs to incorporate into educational agendas.	Dan Murchison	04/14/04	This is up to the individual program; APC is concerned with who is currently working on the lake. As well, the SMP website will be a source of information for these entities, to be used if they see fit.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
Misc. 33	An incentive program encouraging application of BMPs should be developed-such as yard of the year-with appropriate APC signs.	Dan Murchison	04/14/04	APC fully supports other stakeholder groups offering incentives. The purpose for implementing a permit fee, however, was to allow APC the opportunity to recoup a portion of the increasing cost of administering the permit program. The introduction of exceptions, incentives, and/or waivers to the fees would add an additional administrative burden on the program and drive up the fees unfairly for others. This would be an excellent way for homeowner groups and NGOs to encourage use of BMPs.
Misc. 34	Permitting applications should be made public through email similar to ADEMs NPDES listing. This would help residents and others assist APC in violation notifications.	Dan Murchison	04/14/04	Notification procedures are provided for by FERC regulations.
Misc. 35	All new construction on impaired waters should only be approved after the applicant proves his/her construction will not further impair the stream or lake.	Dan Murchison	04/14/04	All construction is subject to permit approval.
Misc. 36	Outside brochure on SMP & Permitting & BMP.	Dan Murchison	04/14/04	A shoreline management brochure is currently being developed.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
Misc. 37	"APC will require through its permitting system that riprap be placed in front of all newly constructed sea walls. Later in this same document it says all existing sea walls also must have riprap. Why not say APC will recommend riprap placed in most cases. In some areas such as the sea wall at the dam where the intake for the electrical generators get their water you would not want riprap and there are many other areas where riprap will not work.	Neely Henry Lake Assoc.	05/05/04	Rip-rap will be required in front of all newly constructed sea walls. The placement of rip-rap in front of existing sea walls is recommendation, not a requirement.
Misc. 38	"APC will also require that permittees maintain a minimum of 15-ft of unmanaged vegetation that will serve as a shoreline buffer zone." Strongly recommend you delete the word unmanaged and simple say vegetation will be maintained.	Neely Henry Lake Assoc.	05/05/04	The term unmanaged is appropriate to meet the goals of the shoreline buffer zone BMP.
Misc. 39	Recommend you list people in alphabetical order using last names not first names.	Neely Henry Lake Assoc.	05/05/04	<a href="#">Comment addressed.</a>

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
Misc. 40	In all our SMP meetings Neely Henry Lake Association members have both verbally and in writing requested APC establish a process to remove hazardous timber, poles, etc that is creating a hazard to boaters. Again this plan does not address that issue and we do request you agree to this work on our Lake because you are the Lake Operator. In the past FERC has directed you accomplish this work and the Neely Henry Lake Association has agreed to assist but you have failed to do this the last two years. Large trees stuck and sticking up or just below the surface of the water in heavy traffic areas create a severe safety hazard. As the lake operator APC should make a reasonable effort to reduce this hazard.	Neely Henry Lake Assoc.	05/05/04	Public safety issues have been addressed in consultation with the Alabama Marine Police and other stakeholders outside of the SMP.
Misc. 41	Somebody suggested the licensing period of 50 yrs was too long. I certainly agree with that, 30 years would seem much better with the way things change now-a-days.	Bert Jones	05/08/04	All references to a 50-year license have been removed.
Misc. 42	I'm not sure how density requirements for developments on Smith Lake is controlled--it seems it should be part of the permitting process. We should try to maintain new developments with low densities (>0.5 to 1 acre) lots.	Bert Jones	05/08/04	Development densities outside project boundaries are not within the scope of this SMP.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
Misc. 43	We should consider stormwater controls for residential and commercial developments, for example, treat the water quality volume for stormwater on-site, i.e. treat and store the first 1.2 in of rainfall for 24hrs.	Bert Jones	05/08/04	This issue is outside the scope of the SMP.
Misc. 44	Septic tank certification program should be required as a part of homes sales on Smith Lake to ensure septic tanks are maintained long term.	Bert Jones	05/08/04	This issue is outside the scope of the SMP.
Misc. 45	How can APC be involved to protect the shoreline in sensitive sloughs from abnormal erosion from out of control operation of PWC?	Bert Jones	05/08/04	APC works with the AL Marine Police to promote boater safety on its reservoirs.
Misc. 46	Some kind of regular (minimum semi-annual) professional, litter removal work should be performed by contractors for APC. This is in addition to the current volunteer work that is done.	Bert Jones	05/08/04	Comment noted.
Misc. 47	In order for the water quality impairments to improve, the TMDLs must be implemented.	AL Rivers Alliance	05/10/04	The promotion of water quality shoreline BMPs and APC's permitting program work to both reduce runoff into the reservoir and improve shoreline integrity; please <a href="#">see comment 4.2.30</a> .
Misc. 48	Funds for the purchase of (protected) such lands should be donated by Alabama Power. We suggest that lands near sensitive resources such as wetlands and tributary habitats be purchased by Alabama Power and donated to a land trust. We also suggest that some of the lands owned by Alabama Power that have been classified as natural/undeveloped be donated to a land trust.	AL Rivers Alliance	05/10/04	Comment noted.

Tracking Number	Comment	Commentor	Comment Date	Comment Disposition
<b>BG = Breakout Group; LCBG = Lower Coosa Breakout Group; UCBG = Upper Coosa Breakout Group; WRBG = Warrior Breakout Group</b>				
Misc. 49	We request that APC consider partnering with state and federal agencies, local communities, and stakeholders to identify lands owned by APC (or adjacent to such lands) for use as state, national, or local parks.	AL Rivers Alliance	05/10/04	APC, upon request works with such agencies to identify partnership opportunities.
Misc. 50	Any changes in APC's Permit Program include all basins, including the Tallapoosa.	Joe Addison	05/10/04	Changes to the Lake Shore Use Permitting Program will be applied across the different hydroelectric systems as appropriate.
Misc. 51	In all our SMP meetings Neely Henry Lake Association members have both verbally and in writing requested APC establish a process to mark below water hazards. Stumps and rocks just below the surface within high traffic areas that are not to be removed are creating a hazard to boaters and should be marked. Also channel markers are needed so boaters will know where the safe water is located. The small amount of funding that APC provided to Alabama Marine Police for this purpose is not adequate. Over time unless this problem is corrected it will cost lives.	Neely Henry Lake Assoc.	05/05/04	Public safety issues have been addressed in consultation with the Alabama Marine Police and other stakeholders outside of the SMP.
Misc. 52	Overall we think the Shoreline Management Plan (SMP) is an outstanding document that will serve us well for the next several years.	Lay Lake HOBO	05/14/04	APC agrees.
Misc. 53	Efforts to reduce the impairments (TMDLs) should be a goal of Alabama Power through this Shoreline Management Plan, or through other mechanisms of the relicensing process.	AL Rivers Alliance	05/10/04	The promotion of water quality shoreline BMPs and APC's permitting program work to reduce pollutant runoff into the reservoir and improve shoreline integrity.

## APPENDIX B

### BEST MANAGEMENT PRACTICES REFERENCES AND RESOURCES

- Alabama Clean Water Partnership. 2002a. When You're Fertilizing the Lawn, Remember You Aren't Just Fertilizing the Lawn [Brochure]. Alabama Clean Water Partnership, Montgomery, AL. Available at: [http://www.cleanwaterpartnership.org/index\\_learn.cfm](http://www.cleanwaterpartnership.org/index_learn.cfm). Last Accessed June 29, 2004.
- Alabama Clean Water Partnership. 2002b. When Your Car's Leaking Oil On the Street, Remember It's Not Just Leaking Oil On the Street [Brochure]. Alabama Clean Water Partnership, Montgomery, AL. Available at: [http://www.cleanwaterpartnership.org/index\\_learn.cfm](http://www.cleanwaterpartnership.org/index_learn.cfm). Last Accessed June 29, 2004.
- Alabama Clean Water Partnership. 2002c. When You're Washing Your Car in the Driveway, Remember You're Not Just Washing Your Car in the Driveway [Brochure]. Alabama Clean Water Partnership, Montgomery, AL. Available at: [http://www.cleanwaterpartnership.org/index\\_learn.cfm](http://www.cleanwaterpartnership.org/index_learn.cfm). Last Accessed June 29, 2004.
- Alabama Department of Environmental Management. 2003. Alabama Nonpoint Source Management Program. Alabama Department of Environmental Management, Montgomery, AL. Available at: <http://www.adem.state.al.us/Education%20Div/Nonpoint%20Program/ManagePlan/WSNPSManPlan.htm>. Last Accessed June 29, 2004.
- Alabama Forestry Commission. 1999. Alabama's Best Management Practices for Forestry. Alabama Forestry Commission, Montgomery, AL. Available at: <http://www.forestry.state.al.us/bmps.htm>. Last Accessed June 29, 2004.
- Alabama Wildflower Advisory Committee. 2001. Alabama Wildflower Advisory Committee Homepage. Available at: <http://www.auburn.edu/awac/>. Last Accessed June 29, 2004.
- Auburn University. 2004. Department of Landscape Horticulture Plant Selection Guide. Available at: <http://www.ag.auburn.edu/landscape/plantsel.html>. Last Accessed June 29, 2004.
- Baier, J., and ten coauthors. 2003. Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas. Alabama Soil and Water Conservation Committee, Montgomery, Alabama. Available at: [http://swcc.state.al.us/erosion\\_handbook.htm](http://swcc.state.al.us/erosion_handbook.htm). Last Accessed June 29, 2004.
- Center for Watershed Protection. 2004. Center for Watershed Protection Homepage. Available at: <http://www.cwp.org>. Last Accessed June 29, 2004.
- Choctawhatchee, Pea And Yellow Rivers Watershed Management Authority. 2000. A Guideline for Maintenance and Service of Unpaved Roads. Choctawhatchee, Pea And Yellow Rivers Watershed Management Authority, Troy, AL. Available at: <http://www.epa.gov/owow/nps/unpavedroads.html>. Last Accessed June 29, 2004.
- Dean, Caroline R. 2004. Wildflowers of Alabama Homepage. Available at: <http://www.auburn.edu/~deancar/>. Last Accessed June 29, 2004.
- DeVos, Ted. 2001 (Spring). Maximize Use of Native Vegetation. Alabama Wildlife Magazine. Available at: [http://www.alabamawildlife.org/stewardship/wildlife\\_magazine.asp](http://www.alabamawildlife.org/stewardship/wildlife_magazine.asp). Last Accessed: June 29, 2004.
- Duke Power. 1996. Shoreline Management Guidelines [Brochure]. Duke Power Company, Charlotte, NC.

- Holdren, C., W. Jones, and J. Taggart. 2001. *Managing Lakes and Reservoirs*. North American Lake Management Society and Terrene Institute, Madison, WI.
- Kennedy, R. 2002. *Watershed Best Management Practices for Water Quality Protection, Management, and Restoration*. WRAP Technical Notes Collection ERDC TN-WRAP-02-04, U.S. Army Engineer Research and Development Center, Vicksburg, MS. Available at: <http://www.wes.army.mil/el/wrap/pdf/tnwrap02-4.pdf>. Last Accessed June 29, 2004.
- Rodale Books, Inc. (Editor). 2001. *Organic Gardening Basics, Volume 8: Compost*. Rodale Books, Inc., Emmaus, PA.
- South Carolina Electric & Gas Company. 1995. *Lake Murray Shoreline Management Program* [Brochure]. South Carolina Electric & Gas Company, Columbia, SC.
- University of Wisconsin—Extension. 2002. *Rain Gardens—A Household Way to Improve Water Quality in your Community*. Available at: <http://clean-water.uwex.edu/pubs/raingarden/>. Last Accessed June 29, 2004.
- University of Wisconsin—Extension. 2003. *Rain Gardens—A How To Manual For Homeowners*. Available at: <http://clean-water.uwex.edu/pubs/raingarden/>. Last Accessed June 29, 2004.

APPENDIX C

STANDARD LAND USE ARTICLE

SOURCE: Federal Energy Regulatory Commission License Numbers 2146, 82, and 618  
(11 FERC §61.162)

Article (a)

In accordance with the provisions of this article, the Licensee shall have the authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain other types of use and occupancy, without prior Commission approval. The Licensee may exercise the authority only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the project. For those purposes, the Licensee shall also have continuing responsibility to supervise and control the use and occupancies for which it grants permission, and to monitor the use of, ensure compliance with the covenants of the instrument of conveyance for, any interests that it has conveyed under this article. If a permitted use and occupancy violates any condition of this article or any other condition imposed by the Licensee for protection and enhancement of the project's scenic, recreational, or other environmental values, or, if a covenant of a conveyance made under the authority of this article is violated, the Licensee shall take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if necessary, canceling the permission to use and occupy the project lands and waters and requiring the removal of any noncomplying structures and facilities.

(b)

The type of use and occupancy of project lands and waters for which the Licensee may grant permission without prior Commission approval are: (1) landscape plantings; (2) noncommercial piers, landings, boat docks, or similar structures and facilities that can accommodate no more than 10 watercraft at a time where said facility is intended to serve single-family type dwellings; (3) embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline (4); food plots and other wildlife enhancements. To the extent feasible and desirable to protect and enhance the project's scenic, recreational, and other environmental values, the Licensee shall require multiple use and occupancy of facilities for access to project lands or waters. The Licensee shall also ensure, to the satisfaction of the Commission's authorized representative, that the uses and occupancies for which it grants permission are maintained in good repair and comply with applicable state and local health and safety requirements. Before granting permission for construction of bulkheads or retaining walls, the Licensee shall: (1) inspect the site of the proposed construction; (2) consider whether the planting of vegetation or the use of riprap would be adequate to control erosion at the site; and (3) determine that the proposed construction is needed and would not change the basic contour of the reservoir shoreline. To implement this paragraph (b), the Licensee may, among other things, establish a program for issuing permits for the specified types of use and occupancy of project lands and waters, which may be subject to the payment of a reasonable fee to cover the Licensee's costs of administering the permit program. The Commission reserves the right to require the Licensee to file a description of its standards, guidelines, and procedures for implementing this paragraph (b) and to require modification of those standards, guidelines, or procedures.

(c)

The Licensee may convey easements or rights-of-way across, or leases of, project lands for: (1) replacement, expansion, realignment, or maintenance of bridges or roads where all necessary state and Federal approvals have been obtained; (2) storm drains and water mains; (3) sewers that do not discharge into project waters; (4) minor access roads; (5) telephone, gas, and electric utility distribution lines; (6) non-project overhead electric transmission lines that do not require erection of support structures within the project boundary; (7) submarine, overhead, or

underground major telephone distribution cables or major electric distribution lines (69 kV or less); and (8) water intake or pumping facilities that do not extract more than one million gallons per day from a project reservoir. No later than January 31 of each year, the Licensee shall file three copies of a report briefly describing for each conveyance made under this paragraph (c ) during the prior calendar year, the type of interest conveyed, the location of the lands subject to the conveyance, and the nature of the use for which the interest was conveyed.

(d)

The Licensee may convey fee title to, easements or rights-of-way across, or leases of project lands for: (1) construction of new bridges or roads for which all necessary state and Federal approvals have been obtained; (2) sewer or effluent lines that discharge into project waters, for which all necessary Federal and state water quality certificates or permits have been obtained; (3) other pipelines that cross project lands or waters but do not discharge into project waters; (4) non-project overhead electric transmission lines that require erection of support structures within the project boundary, for which all necessary Federal and state approvals have been obtained; (5) private or public marinas that can accommodate no more than 10 watercraft at a time and are located at least one-half mile(measured over project waters) from any other private or public marina; (6) recreational development consistent with an approved Exhibit R or approved report on recreational resources of an Exhibit E; and (7) other uses, if: (i) the amount of land conveyed for a particular use is five acres or less; (ii) all of the land conveyed is located at least 75 feet, measured horizontally, from the edge of the project reservoir at normal maximum surface elevation; and (iii) no more than 50 total acres of project lands for each project development are conveyed under this clause (d)(7) in any calendar year. At least 60 days before conveying any interest in project lands under this paragraph (d), the Licensee must submit a letter to the Director, Office of Hydropower Licensing, stating its intent to convey the interest and briefly describing the type of interest and location of the lands to be conveyed (a marked Exhibit G or K map may be used), the nature of the proposed use, the identity of any Federal or state agency official consulted, and any Federal or state approvals required for the proposed use. Unless the Director, within 45 days from the filing date, requires the Licensee to file an application for prior approval, the Licensee may convey the intended interest at the end of that period.

(e)

The following additional conditions apply to any intended conveyance under paragraphs (c) or (d) of this article:

(1) Before conveying the interest, the Licensee shall consult with Federal and state fish and wildlife or recreation agencies, as appropriate, and the State Historic Preservation Officer.

(2) Before conveying the interest, the Licensee shall determine that the proposed use of the lands to be conveyed is not inconsistent with any approved Exhibit R or approved report on recreational resources of an Exhibit E; or, if the project does not have an approved Exhibit R or approved report on recreational resources, that the lands to be conveyed do not have recreational value.

(3) The instrument of conveyance must include the following covenants running with the land: (I) the use of the lands conveyed shall not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use; (ii) the grantee shall take all reasonable precautions to ensure that the construction, operation, and maintenance of

structures or facilities on the conveyed lands will occur in a manner that will protect the scenic, recreational, and environmental values of the project; and (iii) the grantee shall not unduly restrict public access to project waters.

(4) The Commission reserves the right to require the Licensee to take reasonable remedial action to correct any violation of the terms and conditions of this article, for the protection and enhancement of the project's scenic, recreational, and other environmental values.

(f)

The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The project boundaries may be changed to exclude land conveyed under this article only upon approval of revised Exhibit G or K drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposals to exclude lands conveyed under this article from the project shall be consolidated for consideration when revised Exhibit G or K drawings would be filed for approval for other purposes.

(g)

The authority granted to the licensee under this article, shall not apply to any part of the public land and reservation of the United States included within the project boundaries.

APPENDIX D

GENERAL PERMIT GUIDELINES WITH SAMPLE APPLICATIONS

SOURCE: Alabama Power Company, 2004

- Shoreline structures should be constructed and maintained to be consistent with shoreline aesthetic values and in compliance with all applicable State and local health and safety regulations.
- Shoreline stabilization structures (seawalls and bulkheads) are to be constructed as close to the existing shoreline as possible. These structures cannot include new creosote products. The source and type of backfill must be approved by Alabama Power. Backfill must not exceed an average of 1 cubic yard per running foot. Backfill only to the contour of the natural slope of the property. No debris or foreign materials can be used as backfill. Rip-rap must be placed in front of all new seawalls and bulkheads.
- Alabama Power Company strongly encourages the use of non-traditional bank stabilization techniques such as, but not limited to, rip-rap, bioengineering techniques, and gabions. Additional information concerning these techniques is available on its shoreline management web site or from the local APC representative.
- Pier structures should not exceed 50' in length and should not exceed 420 sq. feet in total size.
- Boathouses, wet slips, and boat slips should not exceed 800 sq feet. Boathouses must be open and can not include reflective materials (*e.g.*, tin or aluminum) or be walled or enclosed on at least three exterior sides; one exterior side may be walled for the placement/construction of an approved storage area. Wet slips are considered uncovered boat storage attached to a pier or walkway. Boat slips are constructed by excavating into the shoreline and covering the excavated area with a boathouse structure. There are specific requirements that must be discussed with Alabama Power staff concerning this type of construction prior to the commencement of any work.
- Boat ramps should not exceed 20' in width and may only extend into the lake a reasonable distance from the shoreline. A reasonable length will be determined in consultation with your APC representative.

- Pavilions, gazebos or any other appurtenant structures cannot be enclosed or walled; screening may be used for the exterior walls.
- The construction and remodeling of floating structures shall use encased, or closed cell expanded polystyrene, of good quality and manufactured for marine use that will not become waterlogged or sink when punctured. All beaded foam material being replaced shall be removed from the reservoir and properly disposed of. These floating structures must be securely anchored in accordance with the approved plans so that such floating facilities do not obstruct the use of the reservoir.

# GENERAL GUIDELINES FOR SHORELINE PERMITTING

## **ALABAMA POWER COMPANY**

Corporate Real Estate  
600 North 18<sup>th</sup> Street  
P.O. Box 2641  
Birmingham, Al 35291

## **TOM COOPER, REGIONAL COORDINATOR**

OFFICE: 205-472-0481  
256-927-2597 (WEISS ONLY)

## **FOR RESERVOIR INFORMATION:**

1-800-LAKES11 (1-800-525-3711)

## **CONTRACTORS:**

**WEISS**  
RICHARD SHIELDS  
256-494-1080

JIM CLOUSE  
256-546-9902

**NEELY HENRY**  
KEN SPRAGGINS  
205-472-3309

## **LOGAN MARTIN**

STAN BATEMON      DALE RICHEY  
205-884-7826      205-369-7603

This is a set of general guidelines for any and all construction activities within the boundaries of the above stated reservoirs. These guidelines do not attempt to address every specific situation that may exist on a reservoir, but are provided as “general guidelines” to assist you in your decision to build.

All activity within the boundaries of the Weiss, Neely Henry, and Logan Martin hydroelectric reservoirs must be pre-approved and permitted by Alabama Power Company. Alabama Power Company owns the pool property of these reservoirs and in some areas has additional property rights along the shoreline.

## **FULL POOL (SUMMER) LEVELS FOR:**

<b>WEISS</b>	<b>564'</b>	<b>ABOVE MSL (MEAN SEA LEVEL)</b>
<b>NEELY HENRY</b>	<b>508'</b>	<b>ABOVE MSL</b>
<b>LOGAN MARTIN</b>	<b>465'</b>	<b>ABOVE MSL</b>

Please contact the office prior to the beginning of “any” construction within the project boundaries of the reservoirs. A representative of Alabama Power Company will be available to meet with you at the site to discuss and review your proposed work. When you contact Alabama Power Company to set up an appointment for a site visit, please provide general directions to your property and a phone number where you may be contacted.

**PERMITS WILL NOT BE APPROVED AND/OR CONSTRUCTION WILL NOT BE ALLOWED WITHOUT A FULLY APPROVED PERMIT AND ALL SUPPORTING DOCUMENTS.** (signed permit, deed copy, signed sketch, signed guidelines, styrofoam disposal certification form, etc.)

Sketches must show all existing facilities with their dimensions and locations as well as the proposed locations (with dimensions) all new facilities. All sketches must be submitted on 8.5 X 11 standard paper. They must show the locations of all proposed constructions and the proximity to the shoreline and property lines. For seawall constructions, sketches must show distance from full pool shoreline. Sketches for piers, boathouses, ramps, boat slips etc., are to show size, length, width and if with a roof, height and dimension of roof. Specify types of materials to be used. Your sketch must be signed.

Porches, decks, patios and other appurtenant structures “cannot” be attached to a recreational camper or motor home. Porches, decks, patios or any other appurtenant structures “cannot” be enclosed or walled except that screening may be used for the exterior walls of said structures.

**Lots with less than 100 linear feet of shoreline maybe restricted or may not be eligible for structures within the power pool area of the reservoir.**

Any and all lake front property construction (piers, ramps, boathouses, boat slips, etc.) should be set a minimum of 15 feet from your property line. This separation should be maintained for a reasonable distance within the lake area. This distance will be determined by Alabama Power Company on a case by case basis. Pavilions, gazebos, or any other appurtenant structures “cannot” be enclosed or walled except that screening may be used for the exterior walls of said structures. No satellite dishes or similar structures may be placed below the normal high water level of any reservoir. No garbage or foreign materials (remnants of building materials, old appliances, tires, etc.) are to be placed below the high water level of any reservoir. In a narrow slough, no structure can extend over 1/3 way across the slough.

**PIERS:** Should not exceed 50’ feet in length. Should not exceed 420 sq. feet.

**BOATHOUSES/WETSLIPS/BOATSLIPS:** Should not exceed 800 sq. feet. Must be open and cannot be walled or enclosed on at least three exterior sides; one exterior side may be walled for the placement/construction of an approved storage area. Sketch should show if covered (roofed), and dimensions. Non reflective materials must be used. No habitable fixtures are allowed in boathouses. No habitable structures may be constructed on ground lying within the pool and/or water storage easements of these reservoirs. Wet slips are uncovered boat storage attached to a pier or a walkway. Boat slips are constructed by excavating into the shoreline and covering the excavated area with a boathouse structure. There are specific requirements you must discuss with Alabama Power Company concerning this type of construction prior to commencing any work.

**\*\*With regard to the construction of and remodeling of floating structures, flotation shall be encased or closed cell (extruded) expanded polystyrene of good quality and manufactured for marine use which will not become water-logged or sink when punctured. All beaded foam material being replaced shall be removed from the reservoir and properly disposed of.**

**BOAT RAMPS:** Boat ramps should not exceed twenty (20) feet in width and may only extend into the lake a reasonable distance from the shoreline. Length and width will be determined by Alabama Power Company depending on location.

**SEAWALLS:** Seawalls are to be constructed as close to existing shoreline as possible. The source and kind of backfill must be approved by Alabama Power Company. Backfill must not exceed 1 cubic yard per running foot. Backfill only to the contour of the natural slope of the property. No debris or foreign materials to be used as backfill. No new creosote products may be used. Rip rap (4 to 8 inch diameter rocks) must be placed at the base of the seawall.

**DREDGING:** Dredging material from the lakebed must be approved by Alabama Power Company prior to the removal of “any” material. Applications for this activity will be reviewed on a case by case basis.

Alabama Power Company cooperates with developers on this reservoir and encourages compliance with covenants and/or other regulatory/design schemes put in place by the developers in order to encourage best practices for shoreline management within the developments. It is your responsibility to obtain the necessary architectural board approvals, if such approval is a requirement prior to construction.

**ALABAMA POWER COMPANY RESERVES THE RIGHT TO MAKE EXCEPTIONS AND MODIFICATIONS TO THESE GUIDELINES AT ANY TIME AND AT ITS SOLE DISCRETION.**

These general guidelines are implemented by Alabama Power Company to allow it to provide for orderly and reasonable shoreline management of these reservoirs, recognizing that peculiarities in shorelines and property lines exist on these reservoirs and may require flexibility on the part of Alabama Power and/or landowners. .

**Permittee Statement: I have received, read, understand and agree to abide by these General Guidelines for Shoreline Permitting.**

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

# GENERAL GUIDELINES FOR SHORELINE PERMITTING

## **ALABAMA POWER COMPANY**

Corporate Real Estate  
600 North 18th Street  
P. O. Box 2641  
Birmingham, Al 35291

## **CHARLES MAULDIN, REGIONAL COORDINATOR**

OFFICE: 205-257-2274 Mobile 205-541-7969

## **FOR RESERVOIR INFORMATION:**

1-800-LAKES11 (1-800-525-3711)

## **CONTRACTORS:**

### **LAY**

Tim Herring  
205-669-4052

### **MITCHELL**

Edward (Bo) Warren  
205-755-8959

### **JORDAN, BOULDIN**

Drucilla Nelson  
334-569-1070

This is a set of general guidelines for any and all construction activities within the boundaries of the above stated reservoirs. These guidelines do not attempt to address every specific situation that may exist on a reservoir, but are provided as “general guidelines” to assist you in your decision to build.

All activity within the boundaries of the LAY, MITCHELL, JORDAN AND BOULDIN hydroelectric reservoirs must be pre-approved and permitted by Alabama Power Company. Alabama Power Company owns the pool property of these reservoirs and in some areas has additional property rights along the shoreline.

<b>FULL POOL (SUMMER) LEVELS FOR LEVEL)</b>	<b>LAY</b>	<b>396'</b>	<b>ABOVE MSL (MEAN SEA</b>
	<b>MITCHELL</b>	<b>312'</b>	<b>ABOVE MSL</b>
	<b>JORDAN</b>	<b>252'</b>	<b>ABOVE MSL</b>
	<b>BOULDIN</b>	<b>252'</b>	<b>ABOVE MSL</b>

Please contact the office prior to the beginning of “any” construction within the project boundaries of the reservoirs. A representative of Alabama Power Company will be available to meet with you at the site to discuss and review your proposed work. When you contact Alabama Power Company to set up an appointment for a site visit, please provide general directions to your property and a phone number where you may be contacted.

**PERMITS WILL NOT BE APPROVED AND/OR CONSTRUCTION WILL NOT BE ALLOWED WITHOUT A FULLY APPROVED PERMIT AND ALL SUPPORTING DOCUMENTS.** (signed permit, deed copy, signed sketch, signed guidelines, styrofoam disposal certification form, etc.)

Sketches must show all existing facilities with their dimensions and locations as well as the proposed locations (with dimensions) of all new facilities. All sketches must be submitted on 8.5 x 11 standard paper. They must show the locations of all proposed construction and the proximity to the shoreline and property lines. For seawall construction, sketches must show distance from full pool shoreline. Sketches for piers, boathouses, ramps, boat slips etc., are to show size, length, width and if with a roof, height and dimension of roof. Specify type of materials to be used. Your sketch must be signed.

**Lots with less than 100 linear feet of shoreline may be restricted or may not be eligible for structures within the power pool area of the reservoir.**

Any and all lake front property construction (piers, ramps, boathouses, boat slips, etc.) should be set a minimum of 15 feet from your property line. This separation should be maintained for a reasonable distance within the lake area. This distance will be determined by Alabama Power Company on a case by case basis. Pavilions, gazebos, or any other appurtenant structures “cannot” be enclosed or walled except that screening may be used for the exterior walls of said structures. No satellite dishes or similar structures may be placed below the normal high water level of any reservoir. No garbage or foreign

materials (remnants of building materials, old appliances, tires, etc.) are to be placed below the high water level of any reservoir. In a narrow slough, no structure can extend over 1/3 way across the slough.

**PIERS:** Should not exceed 50' in length. Should not exceed 420 sq. feet.

**BOATHOUSES/WETSLIPS/BOATSLIPS:** Should not exceed 800 sq. feet. Must be open and cannot be walled or enclosed on at least three exterior sides; one exterior side may be walled for the placement/construction of an approved storage area. Sketch should show if covered (roofed), and dimensions. Non reflective materials must be used. No habitable fixtures are allowed in boathouses. No habitable structures may be constructed on ground lying within the pool and/or water storage easement of these reservoirs. Wet slips are uncovered boat storage attached to a pier or a walkway. Boat slips are unroofed structures confined by three sides used for temporary or permanent storage and/or mooring of a watercraft. There are specific requirements you must discuss with Alabama Power Company concerning this type of construction prior to commencing any work.

**\*\*With regard to the construction of and remodeling of floating structures, flotation shall be encased or closed cell (extruded) expanded polystyrene of good quality and manufactured for marine use which will not become waterlogged or sink when punctured. All beaded foam material being replaced shall be removed from the reservoir and properly disposed of.**

**BOAT RAMPS:** Boat ramps should not exceed twenty (20) feet in width and may only extend into the lake a reasonable distance from the shoreline. Length and width will be determined by Alabama Power Company depending on location.

**SEAWALLS:** Seawalls are to be constructed as close to existing shoreline as possible. The source and kind of backfill must be approved by Alabama Power Company. Backfill must not exceed an average of 1 cubic yard per running foot. Backfill only to the contour of the natural slope of the property. No debris or foreign materials to be used as backfill. No new creosote products may be used. Rip rap (4 to 8 inch diameter rocks) must be placed at the base of the seawall.

**DREDGING:** Dredging material from the lakebed must be approved by Alabama Power Company prior to the removal of "any" material. Applications for this activity will be reviewed on a case by case basis.

Alabama Power Company cooperates with developers on these reservoirs and encourages compliance with covenants and/or other regulatory/design schemes put in place by the developers in order to encourage best practices for shoreline management within the developments. It is your responsibility to obtain the necessary architectural board approvals, if such approval is a requirement prior to construction.

**ALABAMA POWER COMPANY RESERVES THE RIGHT TO MAKE EXCEPTIONS AND MODIFICATIONS TO THESE GUIDELINES AT ANY TIME AND AT ITS SOLE DISCRETION.**

These general guidelines are implemented by Alabama Power Company to allow it to provide for orderly and reasonable shoreline management of these reservoirs, recognizing that peculiarities in shorelines and property lines exist on these reservoirs and may require flexibility on the part of Alabama Power and/or landowners.

**Permittee Statement: I have received, read, understand and agree to abide by these General Guidelines for Shoreline Permitting.**

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

**Revised March 2004**

New

Revised

**ALABAMA POWER COMPANY**  
Birmingham, Alabama

**NONTRANSFERABLE  
LAKESHORE USE PERMIT  
NEELY HENRY LAKE**

PERMITTEE: \_\_\_\_\_ PERMIT NO. \_\_\_\_\_

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

between Alabama Power Company (the "Company") and \_\_\_\_\_ (the "Permittee").

**WITNESSETH:**

WHEREAS, the Company is the owner of property rights in lands in, on and adjacent to the Coosa River in the counties of St. Clair, Calhoun, Etowah and Cherokee, Alabama and has constructed and is maintaining and operating a dam known as the Neely Henry Dam, under license issued September 4, 1957, as amended, by the Federal Power Commission (now the Federal Energy Regulatory Commission) for Project No. 2146 thereby creating Neely Henry Lake, the waters of which are used or intended to be used by the Company in its business of generating electrical energy; and

WHEREAS, the Company's license for Project No. 2146 allows the Company to institute a system of permits for access roads, wharves, landings, sea walls, beaches, boat launching facilities, docks, piers, boathouses, and similar facilities existing or proposed to be constructed and maintained on project lands and/or waters by owners or lessees of land surrounding Neely Henry Lake; and

WHEREAS, the Permittee has made application in Appendix "A" below for permission to maintain or construct and maintain certain facilities on the Company's Neely Henry Dam Project lands and/or waters under the terms and conditions of Appendix "B" attached hereto and made a part hereof.

NOW, THEREFORE, in consideration of the payment of One Dollar (\$1.00) and other consideration, the Company hereby grants to the Permittee a license or permit beginning on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ and ending upon the expiration of the license issued by the Federal Power Commission to the Company on September 4, 1957, as amended, and currently in effect, or as may be subsequently renewed by the Commission. This permit allows the Permittee to maintain or construct and maintain on the Company's Neely Henry Dam project lands and/or waters those certain facilities and/or improvements described in Appendix "A" at the location and in accordance with the plans and details described therein. All such construction and maintenance and the Permittee's use of project lands and/or waters shall be subject to the "Terms and Conditions of Permit for Lakeshore Use" contained in Appendix "B" of this permit.

This permit is subject to cancellation or revocation at any time at the pleasure of either party hereto. However, in the event the Permittee wishes to cancel or revoke the permit, the Permittee shall first remove the permitted facilities. Cancellation or revocation of this permit by the Permittee shall not be effective until such permitted facilities are removed.

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year first above written.

\_\_\_\_\_ County  
Sec. \_\_\_\_\_ Twns. \_\_\_\_\_ Rng. \_\_\_\_\_ Qtr. \_\_\_\_\_

ALABAMA POWER COMPANY  
By \_\_\_\_\_  
Lakeshore Use Program Representative

GPS Lat \_\_\_\_\_  
Lon \_\_\_\_\_

PERMITTEE SIGNATURE:  
\_\_\_\_\_

**APPENDIX "A"**  
**APPLICATION FOR LAKESHORE USE PERMIT**

Print or type the information requested below. Submit a copy of the deed to the property on which the permitted facilities are to be situated or the deed to the Permittee's property contiguous to project lands and one complete set of plans and specifications to Alabama Power Company, Birmingham, Alabama 35291, attention Corporate Real Estate Department.

\_\_\_\_\_ Date of Application

\_\_\_\_\_ Name of Applicant

\_\_\_\_\_ Telephone Area Code and Number

\_\_\_\_\_ Address of Permanent Residence

\_\_\_\_\_ City and State

**TYPE OF FACILITY**

- |   |                                  |   |                                  |
|---|----------------------------------|---|----------------------------------|
| <input type="checkbox"/> Boathouse (w/roof) | <input type="checkbox"/> Seawall | <input type="checkbox"/> Boat Pier (open)         | <input type="checkbox"/> Wetslip |
| <input type="checkbox"/> Access Road        | <input type="checkbox"/> Float   | <input type="checkbox"/> Other (specify) _____    |                                  |
| <input type="checkbox"/> Boat Ramp          | <input type="checkbox"/> Rip Rap | <input type="checkbox"/> Land Use (specify) _____ |                                  |

\_\_\_\_\_ Address or detailed description of location of facility and/or existing permit number(s)

\_\_\_\_\_ Telephone Number for Applicant's Lake Facility

The following party will be readily available on short-notice call and responsible for providing any needed surveillance of structure in my absence.

\_\_\_\_\_ Name Telephone Area Code and Number

\_\_\_\_\_ Street City and State

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**APPENDIX "B"**  
**TERMS AND CONDITIONS OF PERMIT FOR LAKESHORE USE**

This nontransferable permit is granted by the Company and accepted by the Permittee, subject to the following terms and conditions:

1. This permit is granted solely for the purpose described by the Permittee in Appendix "A," and Permittee shall have obtained the Company's approval of same. For facilities to be constructed, the Permittee shall have obtained the Company's approval prior to beginning construction, and no addition or design change shall be made in this permitted facility.
2. The Permittee shall at all times insure to the satisfaction of the Company that the permitted facilities are constructed in such a manner as to be consistent with shoreline aesthetic values, and comply with all applicable State and local health and safety regulations. The Permittee shall also have the sole obligation of insuring that the permitted facilities are maintained in a good state of repair.
3. The Neely Henry Reservoir is the property of the Company and the Neely Henry Dam was built and is being operated and maintained to hold back, retain, accumulate, store and assist in controlling the waters of the Coosa River and its tributaries, and the Company must retain the full, unconditional, unrestricted and complete right and privilege to raise or lower, restrict, control, store, retain, withhold, increase, decrease, retard, stop, obstruct, divert or use the waters of said reservoir in any manner the Company, its successors and assigns, may deem expedient; and the erection, operation and maintenance by the Permittee of said facilities shall in no way interfere with such uses, regulations, or control of said reservoir on the waters thereof.
4. This Agreement constitutes a mere license for use of the Company's Neely Henry Dam Project lands and/or waters, and Permittee hereby agrees, on behalf of himself and his heirs, administrators, successors and assigns, that he will not attempt to set up any claim of property rights or interest in or to said reservoir or the adjacent lands of the Company by reason of the occupancy or use of the permitted facilities hereunder.
5. All expenses and responsibilities for the construction and maintenance of the permitted facilities, including the expenses of obtaining all necessary Federal, State, and local permits or approvals, shall be borne solely by the Permittee.
6. The Permittee agrees to and does hereby release and agree to save and hold the Company, its officers, agents, and employees, harmless from any and all causes of action, suits at law or equity, or claims or demands, or from any liability of any nature whatsoever for or on account of any damages to persons or property, including the permitted facility, growing out of the ownership, construction, operation or maintenance by the Permittee of the permitted facilities.
7. If, in the sole opinion of the Company, the Permittee has failed to comply with any of the conditions hereof, or with any additional conditions imposed by the Company, or any Federal, State, or local agency of the Government, the Permittee shall take appropriate actions to correct said violation. If said violations shall continue for a period of sixty (60) days after notice thereof by the Company, the Company may in its sole discretion, cancel this permit and require Permittee to remove, or cause to be removed from the project lands and waters within thirty (30) days, any facility constructed or maintained hereunder, at Permittee's expense.
8. The Permittee shall comply promptly with any lawful regulations or instructions of any Federal, State, or local governmental agency.
9. The Permittee agrees that he will complete the facility construction within one (1) year of the permit issuance date. This permit shall become null and void if the construction is not completed within that period. Further, the Permittee agrees that he will operate and maintain the permitted facility in a manner so as to minimize any adverse impact on fish and wildlife habitat and natural environmental values.
10. This permit is nontransferable. Upon the sale or other transfer of permitted facility or the death of the Permittee, this permit is null and void.
11. At such time that the Permittee ceases to operate and maintain the permitted facility or upon revocation of this permit by either the Company or Permittee, the Permittee shall remove the permitted facility within thirty (30) days, at his expense, and restore the project lands and/or waters to their former condition. If the Permittee fails to remove and so restore to the satisfaction of the Company, the Company may do so by contract or otherwise and recover the cost thereof from the Permittee.
12. No pier or boathouse is to be used for human habitation. Household furnishings are not permitted on boat piers or boathouses.
13. No charge may be made for use by others of the permitted facility nor commercial activity be engaged in thereon.
14. The size of all facilities shall be kept to the size shown on Appendix "A" (**APPLICATION FOR LAKESHORE USE PERMIT**) attached to limit encroachment on the water surface.
15. Boat mooring buoys and flotation units of floating facilities shall be constructed of materials which will not become waterlogged or sink when punctured.
16. Floating facilities shall be securely anchored in accordance with the approved plans so that such floating facilities do not obstruct the use of the lake.
17. The display permit tag provided shall be posted on the facility or on the land areas covered by the permit so that it can be visually checked with ease from the water.
18. No attempt shall be made by the Permittee to forbid the full and free use by the public of all navigable waters at or adjacent to the permitted facility or to unreasonably interfere with navigation in connection with the ownership, construction, operation or maintenance of the permitted facility.
19. The Permittee agrees that if subsequent operations by the Company require an alteration in the location of the permitted facility, or if in the opinion of the Company the permitted facility shall cause unreasonable obstruction to navigation or that the public interest so requires, the Permittee shall be required, upon written notice from the Company, to remove, alter, or relocate the permitted facility, without expense to the Company.
20. The Company shall in no case be liable for any damage or injury to the permitted facility which may be caused by or result from subsequent operations undertaken by the Company, or any Federal, State or local agency of the Government, for the improvement of navigation or for other lawful purposes and no claims or right to compensation shall accrue from any such damage.
21. The ownership, construction, operation, and maintenance of the permitted facility is subject to all applicable Federal, State, and local laws and regulations.
22. This permit does not convey any property rights, either in real estate or material, and does not authorize any injury to private property or invasion of private rights or any infringement of Federal, State or local laws or regulations, nor does it eliminate the necessity of obtaining Federal, State, or local assent required by law for the construction, operation, or maintenance of the permitted facility.
23. By thirty (30) days' written notice, mailed to the Permittee by registered or certified letter, the Company may revoke this permit whenever it determines that the public interest necessitates such revocation or when it determines that the Permittee has failed to comply with the conditions of this permit. The revocation notice shall specify the reasons for such action.
24. Notwithstanding the preceding condition, if in the opinion of the Company emergency circumstances dictate otherwise, the Company may summarily revoke this permit.
25. The Permittee is responsible for proper design, engineering, construction, and maintenance of the proposed facility. The Company's review and approval of the plans are no guarantee or assurance that Permittee's plans are safe, proper or adequate for the purpose intended.
26. It is understood and agreed by and between the Company and Permittee that part of the consideration for the granting of this permit for lakeshore use is the Permittee's agreement to cooperate with and participate in the program of solid waste disposal in effect in the area of the permitted facility. Further, Permittee is to keep project lands and waters occupied by and surrounding the permitted facility free of all waste, garbage, and other unsightly debris and materials and is to comply with local health rules and regulations.

**STANDARD LAND USE (SLU) FORM  
FOR COMMERCIAL FACILITIES**

**APPLICATION FOR USE OF LAND/WATER WITHIN FERC LICENSED  
HYDROELECTRIC PROJECT BOUNDARIES**

As the owner and operator of a hydroelectric project licensed by the Federal Energy Regulatory Commission (FERC), Alabama Power Company (the Company) has certain interests in lands/waters in, on and adjacent to the Project reservoir. Though the Company possesses these property rights, the Company is prohibited by its FERC license from allowing certain types of construction on or uses of the reservoir without obtaining approval of the FERC prior to the commencement of such activity. However, the Company may from time to time seek such FERC approval if, in the discretion of the Company, it decides such proposed use of project lands or waters will enhance the project's environmental, aesthetic or recreational values. The Company makes such determination on a case by case basis based in large part on the information submitted with this Application.

The information identified in this APPLICATION FOR USE OF LAND/WATER WITHIN FERC LICENSED HYDROELECTRIC PROJECT BOUNDARIES will assist the Company in determining whether it will seek FERC approval for the proposed use of Project lands/waters, however, Alabama Power Company may reject an application if the Company determines that the proposed use does not enhance the Project's environmental, recreational or aesthetic values. Moreover, even though an applicant submits to Alabama Power Company all of the information identified in this Application, the Company is under no obligation to seek FERC approval for such proposed use of the project lands or waters.

Alabama Power Company's review of the proposed land/water use is divided into two phases. In the first phase, the Company will review the information contained in Section I of this Application. If from this initial review the Company determines that the proposed land/water use is acceptable, the Applicant shall then submit to the Company the information identified in Section II. In the second phase, the Company will review all of the information submitted by the applicant to determine whether to seek approval from the FERC for the proposed land/water use. Should the Company decide to seek such approval, the Company will then petition the FERC to allow the proposed land/water use. Should the Company decide to seek FERC approval for the proposed use of Project lands/waters, no representation is made that such FERC approval will be given.

All information and documents shall be sent to:

Alabama Power Company  
600 North 18th Street  
Post Office Box 2641  
Birmingham, Alabama 35291  
Attn: Manager - GEM Hydro Services

## **SECTION I.**

The applicant shall submit five copies of the following documents to Alabama Power Company for initial review. In the event the Company seeks FERC approval for the project, an additional 15 copies will need to be submitted by the applicant for filing of this Application.

### **A. GENERAL INFORMATION**

The applicant shall submit to Alabama Power Company a statement of general information including the applicant's name, address, telephone number and a general description of the proposed construction and land/water use.

### **B. LAND SURVEY**

A current survey performed by a registered land surveyor, with the proposed area of construction tied to a section corner, showing (1) the hydroelectric Project boundary, (2) the acreage involved in the proposed construction site (listing separately the acreage within Alabama Power Company fee lands, and acreage within Alabama Power Company flood easement lands), (3) the location of any borrow pits and/or spoil areas, and (4) the location of any wetland areas (as defined by current U.S. Department of the Army Corps of Engineers regulations).

### **C. CONSTRUCTION PLANS WITHIN THE PROJECT BOUNDARY**

Detailed construction drawings showing plan, elevation and typical cross sections of the construction, as well as a description of the facilities, features, method of construction, types of materials to be used and number of watercraft that can be accommodated at any one time.

### **D. EXCAVATION INFORMATION**

- 1) Quantity of material to be excavated, and/or filled and/or spoiled on Alabama Power Company fee lands.
- 2) Quantity of material to be excavated, and/or filled and/or spoiled on Alabama Power Company easement lands.

### **E. PHOTOGRAPHS**

Labeled, direction oriented photographs of the proposed construction area and adjacent areas.

### **F. CONSTRUCTION DATES**

Proposed start and projected completion date of work.

### **G. CONSTRUCTION PLANS OUTSIDE THE PROJECT BOUNDARY**

General arrangement construction drawings showing plan views of the facilities and including a description of the facilities.

## H. WASTE DISPOSAL STATEMENT

Written plans showing waste disposal method(s). Include detailed plan, elevation and section drawings of the proposed sewage system, as well as a detailed description of system operation.

## I. FUEL FACILITIES

Detailed plan, elevation and section drawings as well as a detailed system operation description for all fuel storage and fuel pumping facilities.

## J. MISCELLANEOUS PIPELINES AND OTHER UTILITIES

Tabulation showing description of line(s) involved to include type, size, capacity and length and also including the number and types of buildings or other facilities to be served.

## K. CROSS-SECTIONS OF RESERVOIR BOTTOM

Prepared by a registered land surveyor showing the existing reservoir bottom and the proposed modified reservoir bottom.

## L. WATER WITHDRAWAL SYSTEMS

Proposed withdrawal rate, system details and specifications, including flow rate at intake and screen design.

## **SECTION II.**

If, after the initial review of the information and documents submitted above, Alabama Power Company determines that the applicant's proposal is acceptable, the applicant shall submit to the Company fifteen (15) copies of the following information included with 15 additional copies of the material from Section I:

### A. ADJACENT PROPERTY OWNER CONSULTATION

Copies of registered letters to, and responses from, all adjacent property owners and other property owners who may be directly impacted by the proposed construction, notifying them of the proposed work and requesting their comments.

### B. RESOURCE AGENCY CONSULTATION

Copies of registered letters to, and responses from, the below-listed resource agencies notifying them of the proposed work and requesting their comments. Copies shall also be provided of any permits received from, and/or any agreements entered into with these agencies or copies of any related correspondence from same, indicating that permits are not required.

Resource agencies to be consulted include:

1. United States Department of the Interior Fish and Wildlife Service
2. Alabama Department of Conservation and Natural Resources
3. Alabama Department of Environmental Management
4. United States Department of the Army Corps of Engineers
5. Environmental Protection Agency
6. Alabama Historical Commission
7. County Health Department
8. U.S. Coast Guard
9. State Marine Police
10. Alabama Department of Economic Affairs, Office of Water Resources (waterwithdrawals only)

### **SECTION III.**

If, after reviewing all of the above-listed information, drawings, documentation and comments, the Company determines that the proposed land/water use would be in the best interests of the Project, the Company may then submit a filing to the FERC requesting the FERC's approval of the proposed land/water use. If the FERC approves the proposal, the Company will issue to the applicant a land/water use permit allowing the proposed construction activity and use of Project lands/waters. Should the FERC deny the proposal, the Company will notify the applicant that the proposed construction activity is disallowed.

APPENDIX E

EXOTIC SPECIES AND AQUATIC PLANT MANAGEMENT PROGRAM

# **ALABAMA POWER COMPANY**

## **COOSA – WARRIOR RELICENSING PROJECT**

### *E7 Exotic Species & Aquatic Plant Management Program Issue Report*

*October, 2002*

**ALABAMA POWER COMPANY**

**COOSA – WARRIOR RELICENSING PROJECT**

*E7 Exotic Species & Aquatic Plant Management Program  
Issue Report*

*October, 2002*

*Prepared by:*

**Alabama Power Company  
Hydro Generation & Environmental Affairs**

**ALABAMA POWER COMPANY  
BIRMINGHAM, ALABAMA**

**COOSA – WARRIOR RELICENSING PROJECT  
E7 EXOTIC SPECIES & AQUATIC PLANT MANAGEMENT PROGRAM  
ISSUE REPORT**

**Table of Contents**

1.0	Executive Summary .....	1
2.0	Exotic and Nuisance Species .....	2
3.0	Aquatic Plant Management Program .....	3
3.1	Aquatic Plant Control .....	3
3.2	Nonindigenous Aquatic Plants.....	4
4.0	Mosquito Control Program .....	7
4.1	Monitoring .....	7
4.2	Source Reduction .....	8
4.3	Larviciding.....	8
4.4	Homeowner Tips.....	9
5.0	Applicable Laws .....	10
5.1	Exotic Species.....	10
5.2	Aquatic Plants.....	15

**ALABAMA POWER COMPANY  
BIRMINGHAM, ALABAMA**

**COOSA – WARRIOR RELICENSING PROJECT  
E7 EXOTIC SPECIES & AQUATIC PLANT MANAGEMENT PROGRAM  
ISSUE REPORT**

**1.0 EXECUTIVE SUMMARY**

The Alabama Power Company (APC) as part of its Warrior and Coosa relicensing process and with the help of interested stakeholders has developed the following issue statement:

*Issue Statement CE7 and WE7 – Effectiveness of the existing programs in controlling exotic species, nuisance aquatic vegetation and vectors in the study area.*

In order to address this issue in the relicensing process APC has prepared the following Issue Report outlining current efforts to identify and control exotic species, nuisance aquatic vegetation and vectors. This report serves as a baseline of information for stakeholders in the Coosa and Warrior relicensing process. Stakeholders should alert APC of any areas where the current management practices are not meeting expected or desired levels of control.

APC's Aquatic Plant Management and Mosquito Control programs are guided by the Public Health Laws of Alabama, the regulations of the Federal Energy Regulatory Commission (FERC) and APC's commitment to the public health and welfare of Alabama.

Any questions regarding APC's Aquatic Plant Management, Mosquito Control programs or other requests for assistance may be directed to Environmental Affairs, Vector and Aquatic Plant Management at 1-800-Lakes-11.

## **2.0 EXOTIC AND NUISANCE SPECIES**

APC complies with all state laws (see applicable laws section 4.0) prohibiting the introduction and proliferation of exotic species as well as nuisance species. Exotic species are generally defined as species not naturally occurring within the State of Alabama. Nuisance species are similarly defined as species that are unwanted or deemed harmful to local interests. Currently, APC has a Zebra Mussel awareness program in place at project facilities and stays informed on all state and national issues related to exotic and nuisance species. Exotic and nuisance species found within project boundaries are evaluated for management actions on a case-by-case basis in consultation with the appropriate state resource agencies.

### **3.0 AQUATIC PLANT MANAGEMENT PROGRAM**

Aquatic vegetation in project reservoirs is managed in compliance with local, state and federal laws and regulations to optimize all the uses of these reservoirs.

#### **3.1 Aquatic Plant Control**

Aquatic Plant Control will be considered if the vegetation:

- Creates a potential public health hazard by providing mosquito breeding habitat;
- Poses a threat to power generation facilities or water withdrawal structures;
- Restricts recreational use of the reservoir; and/or
- Poses a threat to the ecological balance of the reservoir (such as may be the case of an exotic aquatic plant which is known to create problems in the above categories).

Aquatic vegetation will be left in its natural state in areas which do not meet the above criteria (as deemed appropriate by APC biologists and staff) to enhance fishery habitat and reservoir aesthetics.

The extent of assistance to homeowners or corrective action initiated will be determined by actual need and whether the control falls within the above categories.

Tables 3.1-1 and 3.1-2 (below) list total acres of nuisance aquatic vegetation treated by APC from 1998-2002 as well as total acres of nuisance aquatic vegetation treated by reservoir including the percentage of acres treated relative to the entire Coosa River System. Types of nuisance aquatic vegetation treated include, emergent, submersed, marginal and floating.

Table 3.1-1 Acres of Nuisance Aquatic Vegetation Treated from 1998-2002.

<u>Year</u>	<u>Acres Treated</u>	<u>% of Total Project</u> (Approx. 155,000 Acres)
2002	119 – emergent and marginal 116 – submersed	0.152
2001	156 – emergent and marginal 59 – submersed	0.139
2000	50 – emergent and marginal 40 – floating	0.058
1999	40 – emergent and marginal	0.026
1998	50 – emergent and marginal	0.032

Table 3.1-2 Acres of Nuisance Aquatic Vegetation Treated by Lake from 1998-2002.

<u>Reservoir</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
Weiss	0	0	0	0	3
Neely Henry	0	0	0	0	0
Logan Martin	0	1	1	5	6
Lay	34	22	76	193	181
Mitchell	3	1	1	2	8
Jordan / Bouldin	13	16	12	15	37
Total Acres Treated	50	40	90	215	235
% of Total Project	0.032	0.026	0.058	0.139	0.152

### 3.2 Nonindigenous Aquatic Plants

APC's aquatic plant control program is directed toward, but not limited to, exotic species listed in the "Alabama Nonindigenous Aquatic Plant Control Act".

Table 3.2-1 Nonindigenous aquatic plants prohibited from the waters of the State of Alabama.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Known Location</u>
African elodea	Lagarosiphon spp	
Alligator weed	Alternanthera philoxeroides	, throughout the Coosa and Black Warrior drainage
Brazilian elodea	Egeria densa	
Curlyleaf pondweed	Potamogeton crispus	
Eurasian watermilfoil	Myriophyllum spicatum	
Floating waterhyacinth	Eichhornia crassipes	All Coosa impoundments and throughout the Black Warrior drainage
Giant salvinia	Salvinia molesta	
Hydrilla	Hydrilla verticillata	
Hygrophila	Hygrophila polysperma	
Limnophila	Limnophila sessiliflora	
Parrot-feather	Myriophyllum aquaticum	Throughout the Coosa drainage and Thurlow
Purple loosestrife	Lythrum salicaria	
Rooted waterhyacinth	Eichhornia azurea	
Spinyleaf naiad	Najas minor	Logan Martin and Jordan reservoirs
Water-aloë	Stratiotes aloides	
Water-lettuce	Pistia stratiotes	Bankhead Reservoir
Water-chestnut	Trapa natans	
Water spinach	Ipomea aquatica	

APC's aquatic plant control program is based on a maintenance control philosophy. Control measures are initiated before noxious weeds reach a problematic stage because once weeds reach this stage; it is difficult to return to the original maintenance level. This philosophy helps to minimize chemical applications and promote plant diversity.

All aquatic plant control measures are directed by staff biologists certified as commercial aquatic applicators by the State of Alabama, Department of Agriculture and Industries. Only EPA approved aquatic herbicides are used in the aquatic plant management program.

## **4.0 MOSQUITO CONTROL PROGRAM**

APC's Mosquito Control Program is based on best practice methods developed by the United States Public Health Service and the Tennessee Valley Authority and adopted by the World Health Organization, Center for Disease Control, American Mosquito Control Association and other agencies charged with developing mosquito control programs and training mosquito control personnel. These methods having been developed through extensive field studies that address monitoring techniques, source reduction, larviciding and adulticiding of mosquitoes to prevent nuisance levels that could affect the health and well being of lake residents and visitors.

### **4.1 Monitoring**

Mosquito monitoring is carried out on all reservoirs to determine which mosquito species are present, if control measures are necessary and if applied control measures are/will be effective.

Control measures are based on the monitoring program consisting of the following.

- Larvae sampling – Collection and identification of mosquito larvae.
- Adult resting stations – Resting stations are strategically placed near potential breeding sites, monitored during the mosquito breeding season, and then used as an index of permanent pool mosquito production.
- Light traps – A commercial adult mosquito capturing apparatus consisting of light, fan and collection jar. Light traps are typically used to identify nuisance species when there are extensive complaints in a specific area.
- Biting Collections – Capturing (with an aspirator) and identifying mosquitoes that land on collector for blood meal.

## 4.2 Source Reduction

Since mosquitoes need water for development, source reduction is an integral part of APC's mosquito control program. Source reduction, where feasible, offers a permanent solution to mosquito problems by eliminating productive mosquito breeding habitat.

## 4.3 Larviciding

Where source reduction is not feasible, larviciding of productive mosquito breeding sites is initiated. Preemergent larvicides, applied to known mosquito habitat, prevent the emergence of adult mosquitoes. This method of control is site specific, eliminating indiscriminate treatment of non-target species. Larvicides are applied by hand, all-terrain vehicles and airboat. All larvicide activities are conducted by staff biologists certified as commercial applicators by the State of Alabama, Department of Agriculture and Industries.

Larvicides currently used in the mosquito control program include the following.

- Aquabac – granular formulation of *Bacillus thuringiensis* var. *israelensis*.
- Bactimos – granular and briquette formulation of *Bacillus thuringiensis* var. *israelensis*
- Altosid – granular and briquette formulation of methoprene.

Larvicides used in project reservoirs are non-persistent in the environment and will not affect fish, waterfowl, mammals or beneficial predatory insects.

#### 4.4 Homeowner Tips

Homeowners can help reduce mosquito populations by eliminating these breeding sites:

- Discarded containers and tires that hold water
- Boats and canoes filled with rainwater
- Tarps that hold pockets of rainwater
- Standing rainwater in drainage ditches
- Standing water in gutters and downspouts
- Potholes in roads and other depressions that hold water
- Water in flower pot dishes
- Changing water in birdbaths weekly

## **5.0 APPLICABLE LAWS**

### 5.1 Exotic Species

**CODE OF ALABAMA  
TITLE 9. CONSERVATION AND NATURAL RESOURCES.  
CHAPTER 2. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
ARTICLE 1. GENERAL PROVISIONS.**

Current through October 2002

§ 9-2-13. Commissioner of conservation and natural resources – Authority to prohibit importation of birds, animals, fish, etc.

(a) The commissioner of conservation and natural resources is hereby empowered to prohibit by duly promulgated regulation the importation of any bird, animal, reptile, amphibian or fish when the importation of such animal, bird, reptile, amphibian or fish would not be in the best interest of the state.

(b) The provisions of this section shall not apply to birds, animals, reptiles, amphibians and fish used for display purposes for carnivals, zoos, circuses and other like shows and exhibits where ample provision is made so that such birds, animals, reptiles, amphibians and fish will not escape or be released into the state.

(c) Any person, firm, corporation, partnership or association who or which imports, brings or causes to be brought or imported into the state of Alabama any bird, animal, reptile, amphibian or fish, the importation of which has been forbidden by duly promulgated regulation of the commissioner of conservation and natural resources, shall be in violation of the provisions of this section and upon conviction thereof shall be fined not less than \$50.00 nor more than \$250.00 for each offense.

**ALABAMA ADMINISTRATIVE CODE**  
**ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**  
**GENERAL PROVISIONS**  
**CHAPTER 220-2. GAME AND FISH DIVISION**

Current through October 2002

220-2-.26. Restrictions On Possession, Sale, Importation And/Or Release Of Certain Animals And Fish.

(1) No person, firm, corporation, partnership, or association shall possess, sell, offer for sale, import, bring or cause to be brought or imported into the State of Alabama any of the following live fish or animals:

Any Walking Catfish or any other fish of the genus *Clarias*

Any Piranha or any fish of the genus *Serrasalmus*

Any Black Carp of the genus *Mylopharyngodon*

Any species of Mongoose

San Juan Rabbits, Jack Rabbits or any other species of wild rabbit or hare; or

Any of the following from any area outside the state of Alabama; any member of the family Cervidae (to include but not be limited to deer, elk, moose, caribou), species of coyote, species of fox, species of raccoon, species of skunk, wild rodent, or strain of wild turkey, black bear (*Ursus americanus*), mountain lion (*Felis concolor*), bobcat (*Felis rufus*), Pronghorn Antelope (*Antilocapridae*), any nondomestic member of the families *Suidae* (pigs), *Tayassuidae* (peccaries), or *Bovidae* (bison, mountain goat, mountain sheep).

No person, firm, corporation, partnership, or association, shall transport within the state, any member of the above-stated species (whether such member originated within or without the state), except for properly licensed game-breeders pursuant to Section 9-11-31, Code of Ala. 1975.

(2) It shall be unlawful to release any tame turkey, or any other turkey, whether wild or tame, into any of the wild areas of this State.

The provisions of this regulation shall not apply to any turkeys kept by any farmer or landowner of this State for normal agricultural purposes or for personal consumption.

(3) Nutria shall not be propagated or released in this State. No person, firm or corporation shall release any Nutria from captivity in this State or propagate any Nutria for the purpose of stocking in the wild of this State.

(4) All species of sturgeon are hereby declared to be protected fish within this State and any person who shall catch a sturgeon shall immediately return it to the waters from whence it came with the least possible harm.

(5) It shall be unlawful for any person, firm, or corporation to possess a species of sturgeon not native to Alabama waters, to introduce such a species of sturgeon to public waters of Alabama, or to offer for sale or import any such non-native sturgeon in Alabama, except by permit from the Commissioner of the Department of Conservation and Natural Resources.

(6) It shall be unlawful to possess, sell, offer for sale, import, or release any of the following fish: Chinese perch (*Siniperca* spp.), all snakeheads (*Channa* spp.), all mud carp (*Cirrhinus* spp.), or blue back herring (*Alosa aestivalis*).

(7) It shall be unlawful for any person to possess, sell, offer for sale, import, or release any non-indigenous venomous reptile in or into the State of Alabama, except by written permission of a designated employee of the Department of Conservation and Natural Resources authorized by the Director of the Division of Wildlife and Freshwater Fisheries to issue such permits.

(8) Except as authorized by permit issued by the Department prior to the date of this amendment, it shall be unlawful for any person to have in possession any live, protected wild bird or wild animal or live embryo, eggs, or sperm of these protected wild birds or animals. "Possession" in this section does not include deer restricted by natural or man made barriers as long as the deer remain wild and are not subject to management practices of domesticated animals.

(9) The provisions of this regulation shall not apply to the exceptions provided for in Section 9-2-13(b), Code of Ala. 1975. Accredited educational facilities, research facilities, and permitted rehabilitation facilities shall be exempt from this regulation through the written permission of the Director of the Division of Wildlife and Freshwater Fisheries or his designee.

**ALABAMA ADMINISTRATIVE CODE**  
**ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**  
**GENERAL PROVISIONS**  
**CHAPTER 220-2. GAME AND FISH DIVISION**

Current through October 2002

220-2-.93. Prohibition Of Importation/Possession Of The Fishes Rudd And Roach

(a) The importation into the State of Alabama of the fish, “rudd”, (*Scardinius erythrophthalmus*) or of the fish, “roach”, (*Rutilus rutilus*), or any hybrids of either species, by any person, firm, corporation, or other entity, is hereby prohibited. Any person, firm, corporation, or other entity in violation of the provisions of this paragraph shall, upon conviction, be punished as provided by Code of Ala. 1975, as last amended.

(b) The possession in the State of Alabama of the fish, “rudd”, (*Scardinius erythrophthalmus*) or of the fish, “roach”, (*Rutilus rutilus*), or any hybrids of either species, by any person, firm, corporation, or other entity, is hereby prohibited. Any person, firm, corporation, or other entity in violation of the provisions of this paragraph shall, upon conviction, be punished as provided by § 9-1-4, Code of Ala. 1975, as last amended.

**ALABAMA ADMINISTRATIVE CODE**  
**ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**  
**GENERAL PROVISIONS**  
**CHAPTER 220-2. GAME AND FISH DIVISION**

Current through July 2003

220-2-.129. Public Water Stocking

It shall be unlawful to intentionally stock or release any fish, mussel, snail, crayfish or their embryos including bait fish into the public waters of Alabama under the jurisdiction of the Division of Wildlife and Freshwater Fisheries as provided in Rule 220-2-.42 except those waters from which it came without the written permission of a designated employee of the Department of Conservation and Natural Resources authorized by the Director of the Division of Wildlife and Freshwater Fisheries to issue such permit. The provisions of this rule shall not apply to the incidental release of bait into the water during the normal process of fishing.

5.2 Aquatic Plants

**CODE OF ALABAMA**  
**TITLE 9. CONSERVATION AND NATURAL RESOURCES.**  
**CHAPTER 20. NONINDIGENOUS AQUATIC PLANT CONTROL ACT.**

Current through October 2002

§ 9-20-1. Short title.

This chapter may be cited as the “Alabama Nonindigenous Aquatic Plant Control Act”

§ 9-20-2. Definitions.

The following terms and phrases shall have the following meanings unless the context clearly indicates otherwise:

(1) **AQUATIC PLANT.** Any plant growing in, or closely associated with, the aquatic environment including, without limitation, floating, emersed, submersed, ditchbank and wetland plant species.

(2) **DEPARTMENT.** The Alabama Department of Conservation and Natural Resources.

(3) **NONINDIGENOUS AQUATIC PLANT.** Any aquatic plant which is not an indigenous or native aquatic plant species of the State of Alabama.

(4) **PERSON.** Any and all persons, natural or artificial, including, without limitation, any individual, partnership, association, society, joint stock company, firm, company, corporation, institution, trust, estate, or other legal or business organization or any governmental entity, and any successor, representative, agent or agency of the foregoing.

(5) **PUBLIC WATERS OF THE STATE.** Those waters which are defined as public waters in Section 9-11-80.

§ 9-20-3. Introduction of nonindigenous aquatic plants in public waters prohibited.

Any person who introduces, places, or causes to be introduced or placed, any nonindigenous aquatic plant into any public waters of the state shall be in violation of this chapter. For purposes of this section, the unintentional adherence to a boat or boat trailer of a nonindigenous aquatic plant, and its subsequent unintentional transportation or dispersal in the course of common and ordinary boating activities and practices, does not constitute a violation of this chapter.

§ 9-20-4. Exemption for possession of nonindigenous aquatic plants.

Any person who possesses, through natural dispersion, and aquatic plant which is prohibited from being introduced or placed in a public water of the state pursuant to Section 9-20-3, and the possession posed neither danger or intent to further disperse the aquatic plant by means of transportation or other action, shall not be guilty of a violation of this chapter.

§ 9-20-5. Rules, regulations, or standards.

The department shall establish, adopt, promulgate, modify, repeal, or suspend any rules, regulations, or standards as necessary for the proper administration, implementation and enforcement of this chapter. The rules, regulations, or standards shall include, without limitation, a list of all nonindigenous aquatic plants which are prohibited from being placed or introduced into public waters of the state pursuant to Section 9-20-3.

§ 9-20-6. Penalties.

Any person who violates this chapter, or any rule, regulation, or standard adopted pursuant to this chapter, shall be guilty of a Class C misdemeanor and shall be punished in accordance with Sections 13A-5-7 and 13A-5-12.

§ 9-20-7. Construction with other law.

No section of this chapter shall be construed as repealing any other laws of the state but shall be held and construed as ancillary and supplemental thereto.

(Acts 1995, No. 95-767, p. 1813, § 8.)

**ALABAMA ADMINISTRATIVE CODE**  
**ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**  
**GENERAL PROVISIONS**  
**CHAPTER 220-2. GAME AND FISH DIVISION**

Current through October 2002

220-2-.124. Nonindigenous Aquatic Plant Regulation

For purposed of enforcement of Sections 9-20-1 through 9-20-7, Code of Ala. 1975, enacted by Act No. 95-767, as the "Alabama Nonindigenous Aquatic Plant Control Act", the following list of all nonindigenous aquatic plants which are prohibited by Section 9-20-3 from being introduced or placed or caused to be introduced or placed into public waters of the state is established:

COMMON NAME	SCIENTIFIC NAME
African elodea	Logarosiphon spp
Alligatorweed	Alternanthera philoxeroides
Brazilian elodea	Egeria densa
Curlyleaf pondweed	Potamogeton crispus
Eurasian watermilfoil	Myriophyllum spicatum
Floating waterhyacinth	Eichhornia crassipes
Giant salvinia	Salvinia molesta
Hydrilla	Hydrilla verticillata
Hygrophila	Hygrophila polysperma
Limnophila	Limnophila sessiliflora
Parrot-feather	Myriophyllum aquaticum
Purple loosestrife	Lythrum salicaria
Rooted waterhyacinth	Eichhornia azurea
Spinyleaf naiad	Najas minor
Water-aloe	Stratiotes aloides
Water-lettuce	Pistia stratiotes
Water chestnut	Trapa natans
Water spinach	Ipomea aquatica