

Shoreline Management Plan Workshop

Meeting Summary: Alabama Power Headquarters, Birmingham, Alabama September 17, 2003

Final 11-13-03

Warrior and Coosa Relicensing Projects Combined

List of Attendees

Attendee	Organization	Attendee	Organization
Adam Snyder	Alabama Rivers Alliance	Jim Copeland	Neely Henry Lake Assoc.
Alan Peoples	APC	Jim Crew	APC
April Hall	Alabama Rivers Alliance	Jim Hancock	Balch & Bingham LLP
Bert Jones	Smith Lake Homeowner	Jim Howard	AL BASS Federation
Bill Campbell	E/Pro Consulting	Joe Addison	ADCNR
Bill Sim	APC	Joe Young	Lake Jordan HOBO
Bob Ransom	Lay Lake HOBO	John Eisenbarth	Smith Lake
Bruce DiGennaro	Kleinschmidt	John Peconom	Kleinschmidt
Charles Dixon	Neely Henry Lake Assoc.	Keith Bryant	APC
Charles Farrell	Lay Lake Homeowner	Kelly Schaeffer	Kleinschmidt
Dan Catchings	ADCNR	Len Simmons	APC
Dan Murchison	Lake Mitchell HOBO	Lynn Cunningham	Lay Lake HOBO
Dan Thompson	ADCNR	Malcolm Pierson	APC
Dave Cunningham	Lay Lake HOBO	Mike Akridge	APC
Deb Berry	Smith Lake EPC	Pam McDaniel	APC
Duncan Austin	Lake Mitchell	Rick Allums	APC
Hap Bryant	Neely Henry Lake Assoc.	Rick Claybrook	ADCNR
Heather Seiders	E/Pro Consulting	Roger Yeargan	APC
Henry Mealing	Kleinschmidt	Shannon Dewberry	APC
Jason Redmond	APC	Sheila Smith	APC
Jeff Nield	Kleinschmidt	Stan Cook	ADCNR
Jerry Howell	Neely Henry Lake Assoc.	Tim George	APC
Jerry Moss	ADCNR		

Action Items

- Prepare and distribute workshop summary.
APC Staff Due – October 03, 2003
- Distribute revised Draft SMP Outline originally handed out at September's workshop.
APC Staff Due – October 03, 2003
- Revise the Draft SMP Outline.
APC Staff Due – November 06, 2003
- Propose Best Management Practices and possible adjustments to APC's existing Lake Use Permitting Program.
APC Staff Due – November 06, 2003

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- Continue to review stakeholder comments to the SMP
APC Staff Due – November 06, 2003

Meeting Notes

These notes summarize the major items discussed during the meeting and are not intended to be a verbatim transcript or analysis of the meeting.

Shoreline Management Plan Plenary Session

Meeting Agenda

1. Review SMP Process
2. Summarize Comments
3. Review Edits and Land Classification Method
4. Breakout Groups
 - Review Edits
 - Discuss Classification Method
5. Report Back
6. Next Steps

After general introductions were made, Jim Crew introduced Alan Peoples as the APC staff person who will be responsible for organizing the SMP.

Bruce informed everyone that today's workshop would not focus on reservoir specific issues, but that these conversations would be held very soon. The goals of today's workshop are to focus on overarching issues that apply directly to all the SMPs.

Review of SMP Process

Relicensing stakeholders have expressed a lot of interest in the development of shoreline management plans for the Warrior and Coosa project reservoirs. As a result of this interest, APC held this meeting to build upon previous efforts and will hold several more meetings in the near future to continue with this effort. Bruce DiGennaro reviewed a number of topics relative to the SMP including:

- The purpose of an SMP:
 - An SMP is not a regulatory document
 - An SMP is a guidance tool that provides further management direction
 - The SMP applies only to lands within the FERC project boundary
 - The SMP is complimentary to other management efforts and will be designed to work in coordination with other shoreline management actions

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- The process for developing an SMP:

- Provide stakeholders with the necessary background information
- Have a large group develop overarching themes and policies
- Create a Shoreline Conservation Policy
- Come to agreement on Best Management Practices (BMPs)
- Review APC's existing lake shore use permitting program
- Use smaller groups to focus on reservoir specific issues (vision statement and other reservoir specific measures)

Bruce summarized the development of this process as a type of “umbrella” with the Goals and Policy and Land Classifications System at the top being completed first, followed by the BMPs and Permitting Program underneath, followed by the Reservoir specific issues, and finishing with the program Implementation as the final step.

- The SMP outline: (Table of Contents from the current draft of the SMP)

- Introduction
- Goals and Objectives
- Existing Shoreline Uses
- Shoreline Management Program
- Reservoir Specific Issues
- Implementation and Review

Summary of Comments to the SMP

Stakeholder comments (approximately 85 individual comments) from the June 19th SMP workshop and comments submitted in response to the Draft SMP Outline (from approximately 10 individuals and the three breakout groups) were compiled into one table and distributed to stakeholders prior to the workshop. A revised table was distributed at the meeting because one stakeholder's comments were inadvertently left out. Approximately 50 percent of the comments addressed the introduction, goals, shoreline conservation policy and the land classifications. The remaining comments addressed the best management practices and APC's existing shoreline permitting program.

APC has reviewed many of these comments and incorporated a majority of them into the SMP outline. Other comments were not incorporated because APC needs additional clarification or has some concerns about their applicability to the SMP. These comments will be reviewed and discussed further in the upcoming weeks with those individuals who submitted them.

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Edits to the Draft SMP Outline

Based on the stakeholder comments, Kleinschmidt made several edits to the Draft SMP outline distributed at the June 19th SMP meeting. Edits were made through section 4.2 and include:

- Section 1.0 Introduction
 - Clarified the project description and definitions of project lands and boundaries; project lands include, fee title and easement lands
 - Inserted placeholders for reservoir specific descriptions
 - Added text clarifying the purpose and content of the SMP
- Section 2.0 Goals & Objectives
 - Rearranged text, reinforced the concept of non-project uses
 - Objectives were removed
 - Revised list of goal statements
- Section 3.0 Existing Shoreline Uses
 - Added the term “non-project uses” into the text
- Section 4.0 Shoreline Management Program
 - Revised the Shoreline Conservation Policy statement
 - Added minor revisions to the lands classifications descriptions

Land Classification Methodology

Existing APC land classifications prepared by E/PRO Consulting have been modified to apply to the shoreline management plan.

<u>Existing APC Land Classification</u>	→	<u>SMP Land Classification</u>
APC Operations		APC Operations
Developed Recreation		Developed Recreation (existing & potential)
Residential		Multiple Use (adjacent homes and docks)
Municipal/Industrial		Multiple Use
Agricultural		Multiple Use
Forest Management/Undeveloped		Sensitive/Undeveloped
Sensitive Resources		Sensitive/Undeveloped (T&E, wetlands, etc)

The SMP land classifications will apply only to lands within the FERC project boundary.

Bruce used several drawings to illustrate the connections and applicability between the existing APC land classifications and the SMP land classifications.

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Stakeholders discussed several aspects of the SMP lands classifications system. The FERC project boundary can be variable depending on project operations and topography. The multiple use lands category was created to address adjacent land management activities that APC is unable to control, but realizes has an effect on the project reservoirs. Land currently classified as forest management/undeveloped, after further review, may be either reclassified under multiple use or sensitive undeveloped.

Shoreline Management Plan Breakout Groups

Meeting attendees divided into smaller breakout groups and reviewed the edits to the Draft SMP outline as well as the proposed SMP lands classification system. A summary of each breakout group's discussion is provided below.

Break Out Group 1 – Bruce DiGennaro

- Goals
 - Liked the old goals statement
 - Want a mission statement on top of goals (see Jim Howard's suggestion)
 - Consider adding an objective controlling residential development
- Land Classifications
 - Make "sensitive/undeveloped" the default lands classifications
 - Further define/split multiple use lands
 - Determine a process for changing land classifications, Section 6.0 Implementation, adaptive management
 - Consider splitting/redefining the sensitive/undeveloped lands classification
- Other
 - Enforcement issues concerning the Shoreline Permitting Program need to be addressed

Break Out Group 2 – Kelly Schaeffer

- Determine definition of Neely Henry reservoir – is it storage or run-of-river (contact FERC for determination)
- Need additional resources to implement shoreline permit program
- Goals
 - Revise goal 5, remove the word "appropriate"
 - Change language to "minimize" adverse scenic impacts
 - Add text "provide safe reservoir for activities"
- Land Use Classifications
 - Think about multiple use lands classification
 - Better explain sensitive/undeveloped lands classification
- Best Management Practices need to be developed
- Shoreline Permit Program

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- Lack of legal authority held by APC is an issue
- Explore moving disputes from local to federal courts
- HOBOS need to be part of enforcement program, can help APC

Break Out Group 3 – Henry Mealing

- Goals
 - Goals should be expanded upon later in the document
 - Reconsider instances where the word minimize occurs
 - Emphasize water quality and scenic values
- Land Classifications
 - Would like the default land classification to be more restrictive

Next Steps

Meeting Attendees agreed that the next steps in this process should include:

- Develop BMPs and adjustments to the shoreline permitting program
- Review reservoir specific land classifications
- Hold another SMP Workshop in November
- Distribute edited version of the Draft SMP Outline
- Stakeholders to provide written comments on the revised Draft SMP outline

Conclusion

All written comments should to be sent to Alan Peeples at ALPEOPLE@southernco.com by October 13, 2003.

The next SMP Workshop/Meeting will be tentatively set for November 12 or 13 (exact date and times TBA), where attendees will discuss BMPs, APC's existing lake shore use permitting program and reservoir specific issues.

Additional information regarding the SMP and other relicensing efforts can be found at APC's hydro relicensing website on the internet at: www.southerncompany.com/alpower/hydro.

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Warrior and Coosa Relicensing Projects Combined

List of Attendees

Attendee	Organization	Attendee	Organization
Andy Sheppard	APC	Jim Hancock	Balch & Bingham LLP
April Hall	Alabama Rivers Alliance	Jim Howard	AL BASS Federation
Bill Campbell	E/Pro Consulting	Joe Addison	ADCNR
Bill Thrasher	NHLA	Joe Young	Lake Jordan HOBO
Bob Ransom	Lay Lake HOBO	John Peconom	Kleinschmidt
Bruce DiGennaro	Kleinschmidt	Keith Bryant	APC
Chuck Shirah	APC	Keith Floyd	ADCNR
Connie Thrasher	NHLA	Kelly Schaeffer	Kleinschmidt
Dan Catchings	ADCNR	Len Simmons	APC
Dan Murchison	Lake Mitchell HOBO	Lynn Cunningham	Lay Lake HOBO
Danny Tignor	APC	Mack Thomas	APC
Darryl Harley	US Forest Service	Mike Godfrey	APC
Dave Cunningham	Lay Lake HOBO	Rick Allums	APC
Deb Berry	Smith Lake EPC	Rick Claybrook	ADCNR
Elrand D. Denson	US Forest Service	Roger Yeargan	APC
Harlom Baker	APC	Sandi G. Robinson	APC
Heather Seiders	E/Pro Consulting	Shane Boring	Kleinschmidt
Henry Mealing	Kleinschmidt	Shannon Dewberry	APC
Isabella Trussell	LM Lake Prot. Assoc.	Sheila Smith	APC
J. Duncan Austin	Lake Mitchell HOBO	Stephen Gidiere	Balch & Bingham LLP
Jason Redmond	APC	Viki Jenkins	APC
Jeff Powell	USFWS	Walter Ramey	APC
Jerry Moss	ADCNR		

Action Items

- Prepare and distribute workshop meeting notes.
APC Staff Due –December 10, 2003

- Submit comments on Sections 4.2 - 5.2 to Alan Peeples.
Stakeholders Due – December 19, 2003

- Revise the Draft SMP Outlines and consolidate them into one Warrior and one Coosa working document.
APC Staff Due – January 14, 2004

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- Draft Section 6.0 Implementation and distribute to stakeholders for their review.
APC Staff Due – January 14, 2004

Meeting Notes

These notes summarize the major items discussed during the meeting and are not intended to be a verbatim transcript or analysis of the meeting.

E5 Toxins Issue Report Presentation

Shane Boring of Kleinschmidt summarized the Draft E5 Toxins Issue Report. Shane reviewed the relicensing issue statement and introduced and described specific toxins issues including the presence of toxins in the environment, toxins regulation and monitoring, Alabama's fish tissue monitoring program, fish consumption advisories and lake stratification. Shane also discussed report conclusions and potential recommendations (see details on the issue statement and recommendations in Attachment A).

Several stakeholders have already commented on the report and any additional comments to the report should be sent to Jim Crew of APC by December 19, 2003.

Shoreline Management Plan Plenary Session

The goal of this workshop was to educate and gain feedback from stakeholders concerning the information provided in the following sections of the Shoreline Management Plan (SMP):

- 4.2 – Shoreline Classification System;
- 4.3 – Best Management Practices;
- 4.4 – Shoreline Permitting Program; and
- 5.0 – Reservoir Specific Issues.

Review of SMP Planning Process

Bruce DiGennaro reminded stakeholders that they have been working on this issue for over a year and that these SMPs are designed to serve as a tool to assist with shoreline development and management actions. Each section of the SMP has been revised several times based in-large-part on stakeholder input. Submitted written comments and those comments provided at the SMP workshops have been compiled and are being used by APC staff as they continue to prepare these SMPs. A vast majority of stakeholder comments have already been incorporated into the SMPs and those comments not yet reflected in the SMPs will be addressed directly to the commenter by APC staff, who may need additional information before determining how to proceed with these comments.

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Shoreline Classification System

Jim Crew presented and discussed a number of revisions to the shoreline classification system. According to Jim, brief ownership descriptions were added to each classification to give stakeholders a better understanding of land ownership within each classification. Ownership ultimately determines applicable management actions. APC has more management options on the lands it owns in fee title as opposed to flood easement lands.

After discussing the ownership additions to the shoreline classifications, Jim highlighted specific changes to the classifications including:

- Project Operations – These lands will be reviewed again to ensure that there are no lands unnecessarily listed under this classification; if there are, they may potentially be removed and reclassified. Other than this additional review step, no changes were made to this classification.
- Recreation – Formerly called “Developed Recreation”; no other changes were made to this classification with the exception of the change to the title. Recreation lands include those existing and potential future lands owned and operated by APC as well as those owned by APC and leased to others.
- Multiple Use Lands – No changes were made to this classification which is designed to accommodate a wide range of development/use. Most activities within this classification fall under the authority of the shoreline permitting program.
- Sensitive Resources/ Natural Undeveloped Lands – This classification was split into two separate classifications based on typical ownership:
 - Sensitive Resources: These are typically flood easement lands in need of additional protection. Though APC has limited management authority on these lands it does encourage the implementation of BMPs.
 - Natural Undeveloped Lands: These are lands typically owned in fee by APC and their use and development is limited. A significant amount of APC lands within the project boundary are classified as Natural Undeveloped.
- National Forest Lands – No changes were made to this classification which will be primarily managed by the U.S. Forest Service in coordination with their specific management plans.

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Stakeholder Comments

Stakeholders suggested that APC consider classifying contaminated sediments as sensitive resources to protect them from development disturbances. APC stated that they work with the Corps of Engineers and generally refer to their authority concerning dredging projects that may disturb potentially contaminated sediments.

Stakeholders also suggested that islands be reviewed to determine how they may be managed. According to APC, managing islands is complicated and that they are generally outside of the project boundaries or sometimes viewed as a “hole” in the project boundary, but APC agreed to investigate the issue further and report back to the group.

Shoreline classification maps should be available for the next SMP meeting early next year.

Best Management Practices (BMPs)

Bruce DiGennaro presented potential best management practices that could be included in the SMPs and implemented by shoreline homeowners. Best management practices are voluntary, easy to adopt, on-site measures that have been commonly promoted throughout the state as well as the nation and have the ability to reduce potentially harmful impacts to the environment while promoting conservation values. APC will strongly encourage the use of BMPs in flood easement lands and BMPs will be mandatory in the reservoir, and on lands owned by APC.

The buffer zone and vegetation management as well as the water quality and property development/management BMPs were developed based on other BMPs promoted by such agencies as the Alabama Clean Water Partnership, Alabama Forestry Commission, Alabama Department of Environmental Management, U.S. Army Corps of Engineers, Tennessee Valley Authority and the U.S. Environmental Protection Agency. The BMPs listed in the SMP were selected to be, in-part, consistent with similar efforts ongoing throughout the state.

In regards to the shoreline permitting program, BMPs are voluntary actions and a shoreline permit will be issued whether an applicant chooses to implement a BMP(s) or not. BMPs will not be a requirement under the shoreline permitting program.

Stakeholder Comments

Several stakeholders suggested improvements to the seawall BMP. Jim Howard suggested that a policy statement be added to the SMP limiting the amount of seawalls permitted. Jim, along with several other stakeholders are concerned that the project reservoirs maybe become overburdened with seawalls which would reduce the overall health of the river system as well as the quality of the river experience.

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Other comments to the BMPs were that the recommended 25-ft setback might not be applicable to reservoirs with fluctuating shorelines and that this should be clarified; there should be a BMP for lawn watering and there were two omissions between this version and a previous one: language addressing septic tanks was omitted as well as language relative to APC's enforcement of BMPs on lands owned in fee title.

In response to a stakeholder question, APC informed the group that once the SMP was finalized these recommended BMPs would be available for others to use.

Lake Use Shoreline Permitting Program

Alan Peeples reviewed APC's Lake Shore Use Permitting Program also commonly referred to as the shoreline permitting program. Alan outlined the information presented in the SMP including APC's authority to manage its projects' shorelines, the general process for obtaining a permit, shoreline surveillance and enforcement, a potential permit fee structure, and public education and outreach.

The Standard Land Use Article in APC's Warrior and Coosa licenses is the basis of APC's shoreline permitting program. This standard land use article is found in almost every FERC hydro license. Alan's presentation focused on the three paragraphs (b, c and d) in the article that determine how APC manages uses along its projects' shorelines. Paragraph (b) uses typically involve relatively routine types of activity by individuals, such as non-commercial piers, boat docks, retaining walls and landscape plantings. 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. Paragraph (d) uses (known as a 45-day letter) involve the conveyance of fee title, easements or right-of-ways and leases and typically includes more substantial activities such as the construction of new roads and bridges, sewer lines that discharge into project waters, marinas and other similar uses.

Alan reviewed how stakeholders can obtain a shoreline permit, how shoreline surveillance is conducted, and how enforcement is performed. The full discussion of these topics can be found in the SMP.

APC is in the process of evaluating changes to their permit program that would allow them to charge fees to cover the costs of their shoreline management program. APC will inform stakeholders of these proposed changes before they finalize them.

Alan also presented how APC addresses substandard shoreline structures. A substandard structure is one that may not meet current permitting guidelines or due to a poor state of repair can no longer be considered serviceable. When substandard structures begin to cause a hindrance to navigation or are causing a safety concern, a notice is issued to the property owner and APC attempts to resolve the issue cooperatively.

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APC has an active public education and outreach program that utilizes several mediums to share information regarding its shoreline policies. Stakeholders stressed the importance of public education as a tool to address shoreline issues.

Shoreline Management Plan Breakout Groups

Meeting attendees divided into smaller breakout groups and discussed Sections 4.2 – 5.2 as well as other concerns and issues they had regarding the SMP. A summary of these discussions is outlined below by breakout group.

Upper Coosa Break Out Group – Kelly Schaeffer

Shoreline Classification System

- The sensitive resources classification should include contaminated sediments
- Clarify the ownership and management issues surrounding islands
- Define “highly restrictive” in the sensitive resource classification

Best Management Practices

- More specific information on the BMP sources should be provided
- The recommended 25-ft buffer zone setback should be specifically measured at full pool
- Would like to add a BMP addressing septic systems

Shoreline Permitting Program

- Clarify the “FERC language” in the SMP and identify the activities (paragraph b, c and d) with the most impact
- Support fee based program with funds going to surveillance and enforcement
- The issue of seawalls should be addressed in greater detail, rip-rap placement and future development

Other

- The SMP should include an cumulative effects analysis
- How frequently will the SMP be updated? Perhaps in conjunction with the FERC Form 80 process

Lower Coosa Break Out Group – Bruce DiGennaro

Best Management Practices

- Emphasize the fact that BMPs work better when you apply more of them, one single BMP will not act as a fix-it-all.
- Identify specific vegetative species that can be used in conjunction with the vegetation management BMPs

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- APC's recommended 25-ft buffer strip is a good concept and should be edited to add: "if you must plant grass"
- Improve the text in the SMP so implementers understand why these BMPs work
- Would like to add a BMP addressing septic systems
- Would like to add a BMP addressing treated lumber
- Attach a target number to the BMP about impervious surfaces
- Change "rain gutters" to "drain pipe" in the property development section

Shoreline Permitting Program

- An educational information brochure with lots of photos provided when a homeowner purchases a property or when they apply to undertake some work would be very helpful
- Investigate changing regulations concerning seawalls, so that they require rip-rap, and provide example photographs
- There should be some level of public notification especially if affected resources are classified as sensitive resources

Other

- Shoreline contractors should receive more training and should interact more with local groups and be involved in relicensing meetings
- Local groups would like to help with enforcement and be educated and notified about APC leases
- Need to get realtors educated about shoreline management so they can share this information with prospective homeowners
- Demonstration projects might be nice, but may be problematic due to differences in reservoirs
- Planning efforts should include future uses as well as existing uses

Warrior Break Out Group – Henry Mealing

Shoreline Classification System

- The group would like the opportunity to review and comment on the shoreline classification maps

Best Management Practices

- Would like to add a BMP addressing septic systems
- The 25-ft buffer zone setback should be measured from the full-pool elevation
- Development/construction BMPs should also be encouraged i.e. silt fences, minimal tree removal and land clearing

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Shoreline Permitting Program

- Stronger enforcement of styrofoam pollution and removal of old docks
- Seawalls alone should not be permitted
- Rip-rap should be the preferred shoreline protection
- Emphasize the public education aspect of the permitting program

Other

- APC should look for ways to lead by example, perhaps through leased lands as APC “showcases”

Next Steps

APC will revise Sections 4.2 – 5.2 based on stakeholder comments and combine these sections with those revised at the September SMP Workshop (Sections 1.0 – 4.2). The consolidated SMPs along with a draft Section 6.0 (Implementation) will be redistributed for stakeholder review. APC staff will consider smaller reservoir specific meetings to work through the final SMPs early next year.

Conclusion

All written comments on the SMP should to be sent to Alan Peeples at ALPEEPLE@southernco.com by December 19, 2003.

Additional information regarding the SMP and other relicensing efforts can be found at APC’s hydro relicensing website on the internet at: www.southerncompany.com/alpower/hydro.

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Attachment A – Toxins Issue (E5)

Issue Statement

The purpose of this issue report is to educate stakeholders on the status of toxins and fish advisories in the basin and to provide a baseline of information to address specific concerns identified in the E5 Issue Sheet.

Toxins Issues

The following excerpts highlight the issues presented and discussed at the meeting:

- In the environment, toxins of concern are typically chemically stable and persistent and can accumulate in the environment at successively higher levels.
- There are several agencies responsible for regulating toxins in Alabama including the U.S. Environmental Protection Agency, the Alabama Departments of Environmental Management and Public Health.
- Alabama's Fish Tissue Monitoring Program is a joint effort between several state agencies to routinely sample fish tissue toxicities in known problem areas.
- Limited consumption and no consumption fish advisories are issued by the Alabama Department of Public Health based on data collected from the fish tissue monitoring program. These advisories do not constitute a ban on catching or consuming fish. These advisories are designed to inform the public of potential health risks.
- Lake stratification is a natural process that in the case of the Coosa project reservoirs does not typically induce strong mixing currents.

Shane also discussed the characteristics of several toxins including mercury, dioxins, arsenic (from treated lumber) and PCBs.

Report Conclusions and Recommendations

PCB fish consumption advisories have been issued for specific portions of the Upper Coosa Basin and are the only toxins of concern in either basin. PCB contamination in the Upper Coosa Basin is a result of non-project related industrial practices. Other toxins (mercury, dioxins and arsenic) have not been found in elevated levels in either the Warrior or Coosa basins. Currently there have been no fish advisories issued for project reservoirs within the Warrior Basin. A modification of project operations would not reduce the level of toxins and associated fish consumption advisories.

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Potential recommendations presented in the report include a partnership between APC and county health departments to address fish consumption advisory issues including advisory postings at publicly accessible areas.

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Warrior and Coosa Relicensing Projects Combined

List of Attendees

Attendee	Organization	Attendee	Organization
Alan Peeples	APC	Jerry Moss	ADCNR
Albert Read	Logan Martin Lake Protection Assoc.	Jim Beason	Smith Lake Civic Assoc.
April Hall	Alabama Rivers Alliance	Jim Copeland	Neely Henry Lake Assoc.
Barry Lovett	APC	Jim Crew	APC
Bill Campbell	E/Pro Consulting	Jim Hancock	Balch & Bingham LLP
Bruce DiGennaro	Kleinschmidt	Jim Howard	AL BASS Federation
Chris Greene	ADCNR	Joe Young	Lake Jordan HOBO
Chuck Jensen	Lay Lake HOBO	John Eisenbarth	Trout Unlimited
Dan Catchings	ADCNR	John Peconom	Kleinschmidt
Dan Murchison	Lake Mitchell HOBO	Keith Bryant	APC
Dan Thompson	ADCNR	Keith Floyd	ADCNR
Danny Tignor	APC	Kellie Johnston	Black Warrior Clean Water Partnership
David Anderson	Kleinschmidt	Kelly Schaeffer	Kleinschmidt
David Cunningham	Lay Lake HOBO	Lonnie Carden	American Whitewater/Coosa River Paddling Club/Southern Trails, Inc.
David Haynes	City of Wetumpka	Pat DeMotte	Logan Martin Lake Protection Assoc.
Deb Berry	Smith Lake EPC Logan Martin Lake Protection Assoc.	Patti Leppert	FERC
Don Greer	Elmore County Commission	Rachel Garrell (?)	Lay Lake HOBO
Don Whorton	APC	Rick Allums	APC
Harlom Baker	APC	Roger Yeargan	APC
Henry Mealing	Kleinschmidt Logan Martin Lake Protection Assoc.	Sheila Smith	APC
Isabella Trussell	APC	Viki Jenkins	APC
Jason Redmond	APC	Walter Ramey	APC

Action Items

- Review the revised SMP and send any comments to Alan Peeples at: alpeeples@southernco.com.
Stakeholders **Due – May 10, 2004**
- Review the SMP Maps and send any comments to Alan Peeples.
Stakeholders **Due – May 28, 2004**

Meeting Notes

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These notes summarize the major items discussed during the meeting and are not intended to be a verbatim transcript or analysis of the meeting.

Shoreline Maps

Alabama Power Company (APC) staff answered questions and took comments on the Shoreline Management Plan (SMP) Maps which were made available for public viewing during an informal morning session.

A set of shoreline maps was issued to each reservoir's respective homeowners association for their review and comments.

Shoreline Management Plan Plenary Session

Alan Peebles began the afternoon plenary session of the workshop by thanking everyone for their attendance and continued participation in this process. After reviewing the day's agenda, as well as the workshop's goal of reviewing both the shoreline maps and the revised SMP, Alan briefly went over the five previous shoreline management plan meetings which have taken place over the last year and a half.

Revised Shoreline Management Plan

The revised SMP was distributed via email to stakeholders for their review on March 31st, 2004.

Bruce DiGennaro outlined several revisions to the SMP and encouraged stakeholders to hold their comments and questions for the smaller break-out sessions. Bruce pointed out that the executive summary, shoreline management policies, additional lake shore use permitting information, the implementation and review sections of the plan, and the previously identified appendices had all been added to the document since stakeholders last reviewed it in the Fall of 2003. Bruce also informed stakeholders that the shoreline lands classifications and best management practices (BMPs) had been revised based on previous stakeholder comments and that a table of contents and glossary of terms had been created to help navigate the document.

Additional detail was provided to stakeholders on the shoreline management policies, the revised shoreline lands classifications, BMPs, and the modified lake shore use permitting program. The eight shoreline management policies (Shoreline Conservation, Bank Stabilization, Dredging, Channelization, Water Withdrawals, Causeways, Styrofoam, and the Residential Lake Shore Use Permit Fees) were added to the SMP to provide stakeholders and shoreline managers with a definitive resource to guide shoreline management decisions. The shoreline lands classifications, specifically the multiple use lands classification (further defined to differentiate between APC owned and non-APC owned lands), were revised to directly address stakeholder comments regarding property ownership along reservoir shorelines. Shoreline best management

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practices, including the BMPs regarding a recommended buffer zone and the placement of rip-rap in front of existing sea walls, were also revised to reflect stakeholder comments. A considerable amount of lake shore use permitting information was added to the SMP at the request of stakeholders and several modifications were made to the permitting program in response to stakeholder comments. Notable modifications to the lake shore use permitting program outlined at the workshop are the new guidelines requiring rip-rap in front of all newly constructed seawalls, the maintenance of a shoreline buffer zone on all APC owned lands, the implementation of a permit-fee program, and the use of bonded contractors for any new construction.

Several stakeholders expressed concerns regarding the revisions to the SMP. Issues were raised with use of “bonded” contractors, the requirement of rip-rap, and the maintenance of a shoreline buffer zone. Several other issues were explored in the break-out groups.

Lake Shore Use Permit Fees

Bruce informed stakeholders that APC has not traditionally assessed a fee for residential uses of its shoreline (it has assessed fees for commercial uses); however, through this shoreline management plan development process, APC has considered the assessment of a fee for all new permits for residential shorelines uses. The FERC allows licensees to recover the costs of administering their respective shoreline management programs, and to date the cost of administering the lake shore use permitting program has been financed solely by APC rate payers.

To gain a better understanding of how fees are assessed for residential uses, APC researched fees assessed by other southeast licensees. Bruce reviewed a summary table of these residential fees with the workshop participants. Other southeast licensees assess fees ranging from \$75 – \$500 for such services as permit processing, permit renewal, use modifications, bank stabilization (rip-rap and sea walls), as well as a suite of other uses.

APC also performed an internal audit to determine its costs to process residential lake shore use permits. Accounting for shoreline management personnel and their associated administrative costs, as well as permit processing, site visits, monitoring, and enforcement, APC expends approximately \$317 per each residential permit issued.

Based on the fees assessed by other southeast licensees and its cost to issue a residential lake shore use permit, APC is considering assessing an initial lake shore use permit fee of \$250.

Several stakeholders expressed concerns regarding a residential lake shore use permit fee. Stakeholders were concerned with the general permit process, the transferability of permits, and the cost of future permits. Several other issues were explored in the break-out groups, as discussed below.

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Shoreline Management Plan Breakout Groups

After the plenary session, meeting attendees divided into three facilitator-led breakout groups and discussed the Shoreline Maps and the revised Shoreline Management Plan.

General comments made by this break-out discussion group focused on rewriting specific sections of the SMP to clarify the reasoning for and the intended outcome of the specific management action. Stakeholders also raised several issues with the shoreline management policies and the proposed modifications to the lake shore use permitting program as well as the potential lake shore use permit fee.

Specific comments included here are grouped by the respective section of the SMP; they are also referenced by the breakout group who brought up the issue (UC-Upper Coosa, LC-Lower Coosa, WR-Warrior):

Preliminary Pages

- Add the term “gabions” to the glossary of terms (UC).
- Need to check for consistency of definition of boat slip in glossary and appendix. (WR)
- “boat house”—one word or two words, be consistent (WR)
- pg. G-2—Erosion is not necessarily “natural.” (WR)
 - Possible solution: strike “natural”
- pg. G-2—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. (WR)
- pg. G-3—restricted access is not used in SMP, change to security lands (pg. 4-5)? (WR)
- Fix the table of contents (two page 1’s) (WR)
- Pg. G-1—commercial facilities, are boat ramps the same as boat launches? (WR)
- Bottom of pg. E-1, change “implementing” to “evaluating” (WR)

1.0—Introduction

- Pg. 1-1—There is a question on the proposed license period of 50 yrs.; not sure if all stakeholders support the 50 yr. license. (WR)
- Pg. 1-1—Although most of the involved stakeholders know, there needs to be an explanation of why Bankhead is not included in the SMP. (WR)

2.0—Purpose and Goals

- Pg. 2-1—Although the overarching goal mentions recreation, it is not listed in the “general goals” list. (WR)
 - Possible solution: Change #1 to “Provide for reasonable public access and recreation”

3.2—Shoreline Management Policies

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- 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 (UC).
 - Specific concerns regarding this policy focused on who was responsible for dredging and how dredging activities would be regulated especially on sensitive lands (*e.g.*, where there are contaminants) (UC).
 - Want to know who is responsible for keeping sloughs open and if there is adequate assessment (UC)
 - Clarify if “sensitive resource areas” is the same thing as the classification (Class 4), which would include environmental, cultural, and scenic resources. (WR)
- The Causeway Policy should be reevaluated to incorporate bridges and other crossings (UC).
 - Want to know if they are allowed if they are reconnecting (UC)
 - Need to reference FERC (UC)
- The Water Withdrawal Policy should be clarified and a statement should be added addressing residential uses (UC, WR).
 - Possible solution: Add statement about over 1mgd/day
- 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 (UC).
 - Clarify who makes the decision, and how the decision is made, on what is “feasible and/or economically practicable” (UC)
 - 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 (UC).
- It was recommended that on page 3-2, we include combination of rip-rap and natural vegetation as stabilization technique. (LC: April Hall)
 - Possible solution: add “natural vegetation with rip rap”
- Channelization should not be allowed when it will alter riparian resources/fish habitat (LC: Jim Howard)
- The Water Withdrawal Policy needs clarification on residential uses. (WR)

4.1—Shoreline Classification System

- Why aren't all of APC lands classified as Natural/Undeveloped (Class 5) instead of Multiple Use Lands Owned by APC (Class 3b) (LC: Jim Howard)
 - Bill Campbell answered that in the fact APC considered existing use, even 500 feet beyond the project boundary, when classifying lands. Some adjacent uses will not allow APC to classify its lands as N/U. Also, of the lands owned in fee by APC, over 50% are classified as N/U. Jim understood this approach.
- Pg. 4-7—Clarify class 5) natural/undeveloped substantial piece of land / “sufficient size” (LC: April Hall)
 - Possible solution: delete the words “are of a sufficient size” (Kelly Schaeffer)

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- Deb Berry expressed concerns over where hunting would be allowed (pg. 4-6); will it be on class 3a and not class 5? (WR)

4.2—Best Management Practices

- 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 (UC).
 - Clarify “voluntary” vs. “on APC lands”
- Some BMPs should be made enforceable, others voluntary (LC).
- 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 (UC).
- It was suggested that the SMP contain information on impaired reservoirs – i.e., what the reservoir is impaired for (TMDLs, 303d, nutrients, etc.) (LC)
 - Possible solution: May reference ADEM site, think this was in there before but not now, check into this from previous drafts.
- Need to clarify what is acceptable for BMP concerning dumping leaves; is burning leaves okay (UC)?
- Several stakeholders would like to see APC establish a 25 or 30 foot minimum buffer (LC, WR).
- It was suggested that the buffer zone BMP read “15 ft. or more where available.” (WR: Kellie Johnson)
- There was a suggestion that it should be determined what buffer zone width is best for a particular land use classification (LC).
- The term “unmanaged” used with the 15-foot minimum buffer zone should be reevaluated and possibly changed to “suitable.” (UC)
- 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 (UC).
- It is recommended that APC provide incentives for property owners for instituting BMPs, e.g., no fees, beautification/stewardship awards (LC: April Hall, WR: Deb Berry).
 - Jim Crew suggested that this is something that the HOBO could implement.
- 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. (LC: Dan Murchison)
- Several stakeholders would like to see a statement on the limited use of wood for seawalls (LC).
- There needs to be language to discourage/enforce destruction of native vegetation beds (LC).
 - Possible solution: Include in brochure
- There needs to be a reference to what types of native vegetation are appropriate for bank stabilization (NCRS, EPA, etc.) (LC)
- Pg 4-8—Add Class 1 to section on APC owned lands. (WR)
- Pg. 4-10—add “drain fields” after septic tanks. (WR)

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4.3—Lake Shore Use Permitting Program

- 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 (UC).
 - Is there going to be a fee for transferring permits?
 - Need longer than 30 days in some cases to transfer permit
 - The rationale for requirement of transfer is so that APC has the most up-to-date information.
 - Possible re-write: “can be transferred if APC contacted”
 - Concern about “sunk costs” on value of property
- The wording on transfer of permits from one owner to another on a structurally sound structure needs to be clarified (LC).
- 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. (WR)
- There were several issues raised with the modifications to the lake shore use permit program including (UC):
 - Permit revocation
 - The time allotted for facility construction under a permit
 - The requirement of bonded contractors for the construction of shoreline facilities
- 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 (UC).
- The construction period should be expanded to more than one year—maybe two years—to complete, with the possibility of an extension (UC).
- The time period to repair a substandard structure should be expanded to one year rather than 60 days (UC)
- Pg. 4-18—The time period to remove a substandard structure should be 90 days rather than 30 days. (WR)
 - Note that current system has been in effect for ten years—for now leave it as is
- There is a suggestion for a longer time period in an estate transfer and the fee should not be charged in this case. (WR)
- Pg. 4-19—Delete “imposed” and “any.” (UC)
- The revocation section is too absolute. (UC)
- 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 (LC).
 - Main concern here is page 4-12 that talks about vegetation removal within project boundary, may need to clarify this statement.
- Stakeholders are concerned that the fee will have a negative/deterrent effect, especially on the re-permitting process. Mr. Cunningham gave the example of someone wanting to

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implement some of APC's recommended BMPs, which might call for a new permit, which would result in the permit fee. Suggested an incentive or no fee program for individuals who implemented APC's recommended BMPs. (LC: David Cunningham)

- Fees should be used for bettering lakes, not to support the permit program or re-permitting (LC: Dan Murchison)
- How do we incorporate “grandfathered” structures into the SMP process? (WR)
- Pg. 4-12—Reword and clarify “gardens” to “vegetable gardens” (WR)
- Pg. 4-14—Where do you draw the line on modifications? (changing foot print, dimensionality) and if a permit will be needed in what case. (WR)
- Pg. 4-15—What is “growing out of ownership” (WR)
- Pg. 4-19—There is concern over structures that may not meet future guidelines vs. what is a dilapidated structure; what gets grandfathered in? (WR)

5.0—Implementation and Review

- 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 (UC, LC).
 - Need to clarify link between 6 year review and twelve year revision
 - There needs to be language to address how we might add, for example, an additional BMP before the twelve year revision. (LC)
 - Pg. 5-3—How will the six year report be issued and to whom, the public or to FERC? (WR)
- Bonding should only be required if using a contractor, not if homeowner is doing work (UC).
- Need to develop guidelines for construction of seawalls (UC)
 - Locate source and make available to homeowners
 - Design guidelines?
- 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 (UC, LC)).
- Environmental advertising needs to be expanded in regards to SMP and permitting efforts. (LC)
- Who enforces bonded contractors? (WR)
 - Will it be required with the application for a permit? What if they don't have contractor (i.e., homeowner does own work)?
- There needs to be clarification on what “bonded” means. (WR)
 - Possible solution: Provide an approved list of contractors (who attended an APC workshop) instead of bonded contractors.

Appendices

- Need to identify source of Standard Land Use article (FERC and date) (UC)
- Need to state source of permit guidelines (UC)

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- Clarify difference between permit application and SLU form (UC)
- Pg. D-1—reflective vs. reflectors (UC)
- The revision date of guidelines in appendix need to be fixed. (WR)
- There is a reference to Appendix A on “Terms and Conditions of Permit for Lakeshore Use.” (WR)

Additional Comments

- Several formatting improvements were suggested including accurate appendices titles and better date and page references (UC).
- Representatives from the Neely Henry reservoir also expressed some concern with large woody debris and safety markings at their reservoir. They informed APC that they were not satisfied with the progress made on this issue and will take it up with FERC if necessary. (UC)
- There needs to be clarification on procedures for adding issues/errors found to the maps (LC: April Hall).
- Dan Murchison mentioned having APC help with keeping the tree canopy on dirt roads; after some discussion it was determined that this is an electricity reliability issue and one that is really an issue with the county if others are cutting up to the roads (LC).
- The SMP needs to set limits on future growth (e.g., establishment of land trusts). (LC)
- Lake level fluctuations should be minimized in order to reduce erosion (LC: Joe Young).

Overall Comments from Workshop

- There are siltation/sedimentation issues on Lay or Logan Martin (check this) since last transect (see COE report)—this may be a recreation issue but one brought up by Dan Thompson.
- Need clarification on what can be done on easements within the project—we don’t want to infer that you need a permit to get a tree.
- Make sure Lonnie Carden’s affiliation with his representative organizations are listed

Next Steps

APC will review the comments verbally submitted at the workshop as well as written comments submitted after the workshop and incorporate them as necessary.

Previous meeting notes and any other information regarding the SMP as well as other relicensing efforts can be found at APC’s hydro relicensing website on the internet at: www.southerncompany.com/alpower/hydro.

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Comments Received from Dan Murchison at the Workshop (discussed in Bill Campbell and Kelly Schaeffer's break out group)

- 1 – The time frame for the relicensing period should be 35 years not 50.
- 2 – APCO should show specific limits for future growth of residential and commercial development on its reservoir maps.
- 3 – Buffer zones should be a minimum of 25 feet rather than 15.
- 4 – Certain important BMPs should be made enforceable – others could remain voluntary.
- 5 – The use of wood in the construction of sea walls should be eliminated. Rip rap and aquatic vegetation preferred. Concrete walls and similar material could be used with rock on the outside.
- 6 – Develop a BMP for the handling of treated wood when a treated wood structure is removed such as piers and boat houses. Many are burned or sunk in the reservoirs.
- 7 – Homeowners and others who destroy native weed beds should be required to mitigate native weed beds.
- 8 – Charges for permitting should be spent on restoration of wetland areas, planting of aquatic vegetation and trees, and environmental education.
- 9 – A copy of the lease agreement between APCO and the Mitchell Wildlife Management area should be reviewed with the relicensed delegation.
- 10 – APCO 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.
- 11 – APCO 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 esthetics of such canopies, drying out our roads and causing considerable dust and siltation problems.
- 12 – Homeowner Associations should be notified and invited to APCO training sessions for Contractors and Real Estate Agents.
- 13 – Due to the ever increasing septic and sewage problems on our Reservoirs APCO should not install electric power to any newly constructed home until a certified license inspector has approved the septic installation.
- 14 – The Fox 6 advertising partnership of litter cleanups with APCO should be extended to include other environmental advertising during the clean up advertising such as erosion and siltation problems, wetland protection, litter prevention, etc.
- 15 – Secondary Schools, Colleges, County engineers, and landscape companies should all be furnished copies of BMPs to incorporate into educational agendas.
- 16 – The timeline in the Relicensing Program for reviewing the permitting program and BMPs should be reduced from 12 years to 6 years.
- 17 – An incentive program encouraging application of BMPs should be developed-such as yard of the year-with appropriate APCO signs.
- 18 – Permitting applications should be made public through email similar to ADEMs npdes listing. This would help residents and others assist APCO in violation notifications.

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- 19 – 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.
- 20 – Outside brochure on SMP & Permitting & BMP.

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Comments Received by Bill Campbell from Dan Murchison on 4/16/04 via email:

BMPs – Page 4- item 3 : 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.

BMPs-Page 5- Item 1: Add to item 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.

BMPs Page 6- item 1: Include wording which suggest that property owners and/or their contractors have a written plan to keep siltation out of the reservoir BEFORE any construction begins.

BMPs-Page 6- item 2: 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.

BMPs-Page 6-item 4: 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.

Shoreline Management Plan –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.

Shoreline Management Plan-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)

Shoreline Management Plan –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.