

**Coosa-Warrior River Hydroelectric Projects
Cultural Resource Meeting Summary
held August 14, 2002
Project Nos. 82-019, 618-104, 2146-090, and 2165-015**

Meeting Attendees:

Janet Hutzler - FERC
Patti Leppert - FERC
Lindsey Breithaupt - Alabama Historical Commission
Amanda McBride - Alabama Historical Commission
Lee Anne Hewett - Alabama Historical Commission
Tom Maher - Alabama Historical Commission
Mike Akridge - Alabama Power Company
Bill Gardner - Alabama Power Company
Viki Jenkins - Alabama Power Company
Barry Lovett - Alabama Power Company
Bill Sim - Alabama Power Company
Kelly Schaeffer - Kleinschmidt Associates
Carey B. Oakley - MACTEC
Kenneth H. Carleton - Mississippi Band of Choctaw Indians
Jean Allan - U.S. Forest Service
Elrand Denson - U.S. Forest Service
Darryl Harley - U.S. Forest Service
Bob Pasquill - U.S. Forest Service

After introductions, Alabama Power Company (APC) discussed the Coosa-Warrior River Hydroelectric Projects and the alternative licensing process (ALP) that APC is using to relicense the projects. Under the guidelines of the ALP, APC has developed outreach programs to involve stakeholders and workshops to enable stakeholders to identify issues or concerns. Currently, stakeholders are engaged in discussions concerning recreation, land, and ecological issues for the Coosa and Warrior River Projects.

APC anticipates, with stakeholder input, to identify and conduct studies in order to assess project-related environmental issues and to engage in settlement discussions. APC anticipates filing license applications and two applicant prepared environmental assessments (one for Coosa River Projects and one for Warrior River Project) in the summer of 2005. The licenses for the projects expire in 2007.

FERC staff explained Section 106 of the National Historic Preservation Act and the roles of the agency and APC for the relicensing the projects. Under Section 106, FERC initiates consultation with the appropriate State Historic Preservation Officers (SHPOs) and Indian Tribes, and delegates authority to APC to continue consultation with the SHPOs, the Tribes, and other participants on behalf of FERC¹. APC continues day - to-day consultation with participants, and prepares information, analyses, and recommendations². FERC remains responsible for all required findings and determinations. For the Coosa-Warrior River Projects, FERC staff anticipate developing, in consultation with APC, the Alabama and Georgia SHPOs, and Tribes, and executing two Programmatic Agreements.

Mr. Kenneth H. Carleton, of the Mississippi Band of the Choctaw Indians, states that FERC does not have the authority to delegate authority to APC to continue Section 106 consultation. Mr. Carleton states that the Tribes would only consult on a government-to- government basis.

APC provided an overview of known cultural resource sites within or transverse the projects' boundaries. Records from the University of Alabama, the Alabama Historical Commission, the University of Georgia, and the Georgia Historic Preservation were used to compile the inventory of known sites. A cd containing each project's known sites and the associated documentation will be given to the Section 106 participants.

After the participants reviewed the inventory of known sites, the participants discussed the area of potential effects (APE), and the potential need for additional cultural resource surveys. The participants agreed to define the APE for the Warrior River Project at the next meeting, which is tentatively scheduled for either November 13 or 14, 2002, at APC Corporate Headquarters. The APE for the Coosa River Projects would be defined at a later meeting. The meeting was adjourned.

¹Advisory Council on Historic Preservation's (Council) regulation 36 C.F.R. Part 800.2(c)(4). See also Federal Energy Regulatory Commission letter dated April 17, 2002.

²Council's regulation 36 C.F.R. Part 800.2(a)(3).

**Black Warrior River Hydroelectric Project
Cultural Resource Meeting Summary
held November 15, 2002
Project No. 2165-015**

Meeting Attendees:

Janet Hutzel - Federal Energy Regulatory Commission (FERC or Commission)
Patti Leppert - Federal Energy Regulatory Commission
Lindsey Breithaupt - Alabama Historical Commission
Elizabeth Ann Brown - Alabama Historical Commission
Lee Anne Hewett - Alabama Historical Commission
Amanda McBride - Alabama Historical Commission
Bill Gardner - Alabama Power Company (APC)
Barry Lovett - Alabama Power Company
Bill Sim - Alabama Power Company
Kelly Schaeffer - Kleinschmidt Associates
Carey B. Oakley - MACTEC
Kenneth H. Carleton - Mississippi Band of Choctaw Indians
Jean Allan - U.S. Forest Service
Elrand D. Denson - U.S. Forest Service

After introductions, the attendees reviewed and commented on the August 2002 cultural resource meeting summary. Minor revisions were made and the document was approved. FERC staff would provide a copy of the approved document to members of the Black Warrior River Restricted Service List (members) and invited tribes. The approved document would also be filed with the Commission.

A portion of the Lewis Smith Development, part of the Black Warrior River Project (Warrior River Project), is located in the Bankhead National Forest (Forest). Jean Allan, of the U.S. Forest Service, presented a map that identified the lands previously surveyed for cultural resources, and the locations of known archeological sites. Ms. Allan estimated that APC has flood easement rights for 924 acres of Forest lands. Of these lands, approximately 216 acres have been previously surveyed for cultural resources.

After the presentation, the attendees began to discuss the Area of Potential Effects (APE) for the Lewis Smith Development (Smith Development). To aid in defining the APE, FERC staff had asked the members to tentatively identify the APE prior to the November cultural resource meeting. The Alabama Historical Commission, the Mississippi Band of Choctaw, and APC provided responses. These responses, along with

Examples of Area of Potential Effects, a FERC staff prepared document that provided the APEs for other hydroelectric projects, were distributed to the attendees. *Examples of Area of Potential Effects* and the responses are attached.

The attendees reviewed the information, and began discussing the areas that should be included within the Smith Development's APE. The U.S. Forest Service (Forest Service), Alabama Historical Commission, and Mr. Kenneth H. Carleton requested that the lands APC owns in fee, land that APC has the right to flood, and the Smith Development's viewshed be included within the defined APE. After further discussion, the attendees agreed that the APE definition for the Upper Menominee River Basin (P-2072-008 et al.; 2471-005) (Upper Menominee) would be a suitable definition for the Smith Development's APE. The Upper Menominee APE definition is "The APE includes the following: (a) lands enclosed by the Project boundary; (b) attached or associated buildings and structures extending beyond the Project boundary, which contribute to the National Register of Historic Places eligibility of the hydroelectric generating facilities; and (c) lands or properties outside the Project boundary, where the Project may cause changes in the character or use of Historic Properties, if any Historic Properties exist".

APC proposes to use the Upper Menominee's APE definition, with some modification, for the Smith Development's APE. Prior to the next cultural resource meeting, APC stated they would provide FERC staff with a proposed APE definition. FERC staff would then distribute the proposed definition to the members and invited tribes, and ask for comments.

The U.S. Army Corps of Engineers (Corps) also responded to the request to define the APE, although these comments were in reference to the Bankhead Development, the other development for the Warrior River Project. APC owns the powerhouse and substation for the Bankhead Development, while the dam and reservoir are owned and operated by the Corps. The Corps stated that no historic properties, upstream or downstream, are affected by the Bankhead Development. As defined by the Advisory Council on Historic Preservation (Advisory Council), "The Area of Potential Effects means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist."¹ Since no historic properties exist, an APE for the Bankhead Development is not required per the Advisory Council's regulations. The Corps response is attached.

The next cultural resource meeting for the Warrior River Project is tentatively scheduled for January 24, 2003, at APC Corporate Headquarters.

¹ 36 CFR § 800.16(d).

Attachments: Preliminary APE for the Warrior River Project

Preliminary APE for the Warrior River Project

Provided below are the preliminary Areas of Potential Effects (APEs) for the Warrior River Project as defined by the Alabama Historical Commission, the Mississippi Band of Choctaw Indians, and Alabama Power Company. The U.S. Army Corps of Engineers's comment did not specifically address the APE for the Project; however, it is included because of its relevance to the process.

Alabama Historical Commission

The Alabama Historical Commission has reviewed information regarding the Area of Potential Effect (APE) for the Warrior Project (Smith Lake and Bankhead areas). Our office has determined the APE to be all lands owned or leased by Alabama Power Company to the high water line (522') and all contiguous areas which have a view of these lands.

Amanda L. McBride
Section 106 Review
Alabama Historical Commission
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Mississippi Band of Choctaw Indians

Subject: Request for the Preliminary APE for the Warrior River Project

The Mississippi Choctaw position is that the APE for this, and in fact all of these projects, is the high water line for a 100 year flood. The level of the lake and the fluctuations of that water level is what has an effect on any archaeological sites that are present. Therefore it is the water level at it's highest which should define the Area of Potential Effect for the projects. In addition, any lands involved in the production of power (the actual power houses, lands with transmission lines leading from them, access roads to them, etc) that are out side the lake boundaries should also all be included in the APE.

Kenneth H. Carleton
THPO/ Archaeologist

Mississippi Band of Choctaw Indians
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601.650.7316 Phone
601.656.0218 Fax

Alabama Power Company

As requested from FERC, Alabama Power Company proposes that the Preliminary Area of Potential Effects (APE) for the Warrior River Project (Smith and Bankhead Hydroelectric Projects) be defined as "the respective FERC Project Lands where there will be ground disturbance."

William S. Gardner

U.S. Army Corps of Engineers

Based on further discussion here, it turns out that we have no historic properties that are affected by the Bankhead L&D, upstream or down and so do not, at this time, see a driving need to attend the session on November 15th. I would appreciate being kept on the cultural resources list since we may have further comment on the Coosa projects.

Should a call for cultural resources survey of lands owned in fee simple by the Corps be made, it should be made clear that these projects have been surveyed and that the AL SHPO concurred with the survey findings. Should such a survey still be a part of the recommended further studies, the applicant, in this case I suppose Alabama Power, would need to provide us an application for an Archaeological Resources Protection Act permit as the instrument of permission to do that survey on any Corps fee simple property. I can serve as a point of contact for further information on the details of that (fairly simple) permitting process.

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Black Warrior River Hydroelectric Project
Project No. 2165-015
Cultural Resources Meeting Summary
March 25, 2003

Meeting Attendees:

Janet Hutzal - Federal Energy Regulatory Commission
Patti Leppert - Federal Energy Regulatory Commission (via telephone conference)
Tom Maher - Alabama Historical Commission
Amanda McBride - Alabama Historical Commission
Lee Anne Hewett - Alabama Historical Commission
Lindsey Breithaupt - Alabama Historical Commission
Bill Gardner - Alabama Power Company
Bill Sim - Alabama Power Company
Kelly Schaeffer - Kleinschmidt Associates
Carey B. Oakley - MACTEC
Kenneth H. Carleton - Mississippi Band of Choctaw Indians
Joyce A. Bear - Muscogee (Creek) Nation
Jean Allan - U.S. Forest Service
Darryl Harley - U.S. Forest Service

After introductions, the attendees reviewed the November 2002 cultural resource meeting summary. There were no comments. The attendees agreed with the Area of Potential Effect defined for the project as: The Area of Potential Effects for the Lewis Smith Development (P-2165-015) includes the following: (a) lands enclosed by the Project boundary that extends to elevation 522 feet mean sea level (see map in Appendix A - Alabama Power Company will develop at a later date) and (b) lands or properties which may be outside the Project boundary, where the authorized Project uses may cause changes in the character or use of Historic Properties,¹ if any Historic Properties exist.

The attendees reviewed data collected concerning archaeological sites for the Lewis Smith development in relation to U.S. Forest Service land. The existing Lewis Smith development project boundary is located at elevation 522 feet; above elevation 522 feet is noted as outside the project boundary. Up to elevation 522 feet, Alabama Power Company (APC) has the right to flood the area. The data includes those sites recorded by Chase, Forest Service, in the 1980s and from the Alabama State Files. Some of the sites were outside the project boundary (i.e., WI-15, WI-3); others were inside the project

¹ The term "Historic Properties" refers to the definition in the regulations that define historic properties as those eligible for listing in the National Register of Historic Places.

boundary. One site (WI-295), located within the project boundary and below elevation 510 feet, is inundated. One site (WI-268), located within the project boundary, is in the flood easement and showed signs of looting. Site WI-294, recorded in February 1994, is outside the project boundary. Sites WI-1, recorded by Chase in the late 1980s, is located beyond the flood easement, while Site WI-9, recorded by Chase around 1981, is at elevation 565 feet.

The attendees discussed land ownership and land exchange. There was mention that Karen Pullim has a database of land ownership/land exchange. Ms. Allan stated that she would check with Ms. Pullim and Forest Service maps to clarify land exchange and ownership relative to the Smith Lake development and Forest Service land.

The Forest Service expressed concern regarding enforcement to prevent looting. Ms. Hutzel and Ms. Schaeffer stated that there is a shoreline management group that is taking into account this issue. There could be a two-prong approach- -education and enforcement.

The Forest Service questioned how Section 4(e) of the Federal Power Act is tied into the Programmatic Agreement. Ms. Leppert and Ms. Schaeffer explained the process, in particular to Commission cases. Ms. Leppert also explained that the Appendix A to the Programmatic Agreement (PA) is like a roadmap for the project. The Appendix A also identifies a literature search, as well as, surveys that have been conducted. A Historic Property Management Plan, as part of the PA, is project-specific.

Mr. Carleton stated that a comprehensive cultural resources survey needs to be conducted. A very small percentage of the Lewis Smith development shoreline has been surveyed. Mr. Sim disagreed. Ms. Allan commented that the Forest Service does not survey an area unless an activity will be conducted. Discussion centered around an estimate of how many miles of the 500-mile shoreline have been surveyed. Afterwards, the attendees discussed the time frame for developing a PA and Historic Property Management Plan. Ms. Leppert mentioned the Flint River Project (P-1218) in which the Cultural Resources Management Plan was developed and made part of the PA prior to license issuance. She also reiterated that, on a case-by-case basis, a Historic Property Management Plan can be developed either pre-filing or post-filing of the license application.

The next cultural resources meeting for the Warrior River Project is scheduled for April 24, 2003, at APC Corporate Headquarters. The meeting adjourned.

**Black Warrior River Hydroelectric Project
Cultural Resource Meeting Summary
Held May 29, 2003
Project No. 2165-015**

Meeting Attendees:

Janet Hutzel - Federal Energy Regulatory Commission
Patti Leppert - Federal Energy Regulatory Commission
Lindsey Breithaupt - Alabama Historical Commission
Tom Maher - Alabama Historical Commission
Amanda McBride - Alabama Historical Commission
Bill Gardner - Alabama Power Company
Barry Lovett - Alabama Power Company
Bill Sim - Alabama Power Company
Kelly Schaeffer - Kleinschmidt Associates
Carey B. Oakley - MACTEC
Kenneth H. Carleton - Mississippi Band of Choctaw Indians
Jean Allan - U.S. Forest Service
Elrand D. Denson - U.S. Forest Service
Bob Pasquill - U.S. Forest Service

After introductions, the attendees were informed that the March 25, 2003, meeting summary has not been drafted, but once the summary is available, the participants would have three weeks to review it and make any necessary corrections.

The discussion of the draft Programmatic Agreement (PA) for the Lewis Smith development of the Black Warrior River Project (P-2165-015) began with Janet Hutzel, of the Federal Energy Regulatory Commission (FERC or Commission), explaining that most of the language in the draft PA is standard language. The Commission and the Advisory Council on Historic Preservation had developed the language, and with the exception of the *Whereas Clauses* and section I. *Historic Properties Management Plan*, the language is usually not changed. Ms. Hutzel also informed the participants that the draft PA's Appendix A, which contains information about the development, Historic Properties identified, and anticipated effects, will be developed at a latter date. Participants were then invited to provide comments on the draft PA.

Kenneth H. Carleton, of the Mississippi Band of Choctaw Indians, started by stating the tribes were to be signatories of the final PA, and not concurring parties.

Participants also responded that they would prefer to alter Section III., *Interim Treatment of Historic Properties*, in addition to the above mentioned sections. In section III A (3), participants questioned why Alabama Power Company (APC) does not have to address effects caused by natural phenomena. The Commission staff provided an Order from February 21, 1986 which addressed the existence of the project and why mitigation measures are not required for natural phenomena. The participants also decided to remove the text *erodible soils* from the section.

In Section I C (3), participants stated that the clause was hard to understand and they requested the wording be changed to make it clearer. Jean Allan, of the U.S. Forest Service submitted alternative language to the participants for their review. In Section I C (6), the wording was changed to reflect that Federal lands are within the project boundary. The Commission staff would incorporate all changes and provide the participants with a revised draft PA.

The participants also discussed the need for further cultural resource studies. APC proposed to conduct a phase II survey for a certain percentage of known archeological sites to determine if they are eligible for the National Register of Historic Places. APC theorized if these sites are not eligible, than probably the remaining sites are also not eligible. Many of the participants objected to this proposal because they stated that not enough information is available to sign the PA or draft a Historic Properties Management Plan. Tom Maher, of the Alabama Historical Commission, proposed that APC survey the high probability areas around the reservoir to help close the information gap. For the next meeting, APC proposed to bring topographic maps, Natural Resource Conservation Service maps, and aerial photos to help the participants decide where the high probability areas are located.

**Black Warrior River Hydroelectric Project
Cultural Resource Meeting Summary
Held June 27, 2003
Project No. 2165-015**

Meeting Attendees:

Janet Hutzel - Federal Energy Regulatory Commission
Patti Leppert - Federal Energy Regulatory Commission
Lindsey Breithaupt - Alabama Historical Commission
Tom Maher - Alabama Historical Commission
Amanda McBride - Alabama Historical Commission
Bill Gardner - Alabama Power Company
Barry Lovett - Alabama Power Company
Kenny Lowe – Alabama Power Company
Bill Sim - Alabama Power Company
Tina Waters – Alabama Power Company
Kelly Schaeffer - Kleinschmidt Associates
John Peconom – Kleinschmidt Associates
Carey B. Oakley - MACTEC
Kenneth H. Carleton - Mississippi Band of Choctaw Indians
Jean Allan - U.S. Forest Service
Elrand D. Denson - U.S. Forest Service

After introductions, the attendees reviewed the May 29, 2003, meeting summary. No comments were provided; however, Tom Maher did not have an opportunity to review the summary. He requested an additional week for review, and if there were no comments from the Alabama Historical Commission (AHC), the meeting summary would be final.

Prior to the June meeting, the participants on the Black Warrior River Restricted Service List (participants) received the *Smith Project Lands Viewer containing GIS Layers DVD (DVD)*.¹ To access the DVD's information, the participants needed to use the software *ARCView Reader*. Kenny Lowe and Tina Waters provided a tutorial of the *ARCView Reader* during the meeting. Mr. Maher and Kenneth H. Carleton informed

¹ The DVD contained soils maps, satellite imagery, topography maps, and the location of cultural resources for the Lewis Smith Development (Smith Lake Development) of the Black Warrior River Project (P-2165).

Mr. Gardner that they were unable to access the information on the DVD, to which Mr. Gardner indicated he would try to accommodate their needs.

After the tutorial, the participants discussed the need for additional cultural resource studies for the Smith Lake Development. Bill Sim proposed that APC conduct a Phase II survey for the 17 potentially eligible sites around Smith Lake Development, in lieu of a Phase I survey. Mr. Sim theorized that these 17 sites have deteriorated to the point that they are no longer eligible, and a Phase II survey could confirm this theory. Furthermore, Mr. Sim thought that other unknown sites would also be deteriorated and no longer eligible for the National Register of Historic Places.

Mr. Maher stated that APC's proposal is not without merit; however, he would prefer to identify areas around the Smith Development that have the high probability of containing potentially eligible archeological sites. He also stated that a Phase I survey of these high potential areas may be needed because he was uncomfortable extrapolating the integrity of unknown sites from the 17 sites identified for the Phase II survey.

Elrand Denson and Mr. Carleton were also concerned that a Phase II survey would not be as useful as a Phase I survey of the Smith Development, and objected to APC's plan to only conduct a Phase II survey.

APC stated they still planned to send AHC a scope of work for the Phase II archaeological testing, but noted that since other participants requested a Phase I survey, APC had not eliminated a Phase I survey as an option. APC requested that Janet Hutzel distribute the Phase II scope of work to other participants after AHC had received it.

The next cultural resource meeting for the Warrior River Project is scheduled for August 12, 2003, at APC Corporate Headquarters. Also, the first cultural resource meeting for the Lower Coosa River Project is scheduled for October 9, 2003.

Action Items:

1. APC plans to provide the Phase II scope of work for the Smith Lake Development to the participants prior to the August 12, 2003, meeting.
2. APC plans to work with the participants to ensure they are able to access the Smith *Project Lands Viewer containing GIS Layers* DVD.

**Black Warrior River Hydroelectric Project
Cultural Resource Meeting Summary
Held August 12, 2003
Project No. 2165-015**

Meeting Attendees:

Janet Hutzell - Federal Energy Regulatory Commission
Patti Leppert - Federal Energy Regulatory Commission
Tom Maher - Alabama Historical Commission
Amanda McBride - Alabama Historical Commission
Bill Gardner - Alabama Power Company
Barry Lovett - Alabama Power Company
Kenny Lowe – Alabama Power Company
Bill Sim - Alabama Power Company
Tina Waters – Alabama Power Company
Kelly Schaeffer - Kleinschmidt Associates
John Peconom – Kleinschmidt Associates
Carey B. Oakley - MACTEC
Kenneth H. Carleton - Mississippi Band of Choctaw Indians
Jean Allan - U.S. Forest Service
Elrand D. Denson - U.S. Forest Service
Darryl Harley - U.S. Forest Service
Bob Pasquill - U.S. Forest Service

After introductions, the attendees were informed that the June 27, 2003, meeting summary had not been drafted, but once the summary was available, everyone would have three weeks to review it and make any necessary corrections.

Prior to the August meeting, the participants on the Black Warrior River Restricted Service List (participants) received an updated version of the *Smith Project Lands Viewer containing GIS Layers DVD (DVD)*.¹ Kenny Lowe provided a brief tutorial about how to access the new information.

Tom Maher and Amanda McBride described how they had used pre-project and post-project topographic maps and satellite imagery from the DVD to determine the areas

¹ The DVD contained soils maps, satellite imagery, topography maps, and the location of cultural resources for the Lewis Smith Development (Smith Development) of the Black Warrior River Project (P-2165).

within the Lewis Smith Development (Smith Lake Development) that may have a high potential for archeological sites². Maps with the high potential areas highlighted were available for viewing by the participants. Though Mr. Maher acknowledged that refinement was needed to accurately define the high potential areas, he thought this was a useful indication of areas that could qualify for a Phase I survey. Bill Sim offered to provide the AHC with a computer and a GIS technician in order to refine these areas.

Mr. Sim questioned the possibility of conducting a sub-sample of the high potential areas. Currently 103.9 miles (20.8%) of the Smith Lake Development Project lands have been surveyed. For the Forest Service lands within the project boundary, 75 miles (50.6%) have been surveyed. Since the AHC had not refined the high potential areas, Mr. Maher was unable to commit to sub-sampling. Kenneth H. Carleton stated that the Alabama Power Company (APC) would not be in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) if sub-sampling occurred, and therefore, he could not support Mr. Sim's request. Patti Leppert stated that the Programmatic Agreement and the Historic Properties Management Plan for the Smith Lake Development would address NAGPRA.

The participants discussed the need for a Phase I survey prior to the APC's proposed Phase II survey. Mr. Maher stated that a Phase II survey of 17 sites would probably not provide enough information to develop decisions, and that a Phase I survey was more appropriate at this time for the Smith Lake Development. The information gathered from the Phase I survey would provide a better basis for decisions. Mr. Carleton, Jean Allan, Bob Pasquill, and Elrand Denson concurred with Mr. Maher.

During the Phase I survey discussion, Mr. Denson commented on the U.S. Forest Service's Section 4(e) conditions and how they relate to a Phase I survey. Ms. Leppert stated that for lands within the project boundary that are Forest Service land, there is Section 4(e) conditioning authority. For Forest Service land outside the project boundary, no such authority occurs. The Commission would consider those conditions under section 10(a) of the Federal Power Act.

After a brief caucus, APC withdrew their proposal for a Phase II survey at this time, and agreed to conduct a Phase I survey. Prior to the next meeting, APC will send the scope of work for a Phase I survey to the participants for their review. To survey Forest Service lands, APC must acquire an Archaeological Resources Protection Act (ARPA) permit. Mr. Pasquill will provide APC with the appropriate form(s).

² High potential areas include areas with a water source and access to the valley floor.

The next cultural resource meeting for the Warrior River Project is scheduled for September 24, 2003, at APC Corporate Headquarters. Also, the first cultural resource meeting for the Lower Coosa River Project is scheduled for October 9, 2003.

Action Items:

1. APC will provide the AHC with a computer and GIS technician.
2. APC plans to provide the Phase I scope of work for the Smith Lake Development to the participants prior to the September 24, 2003, meeting.
3. The AHC will refine the high potential areas prior to the September 24, 2003, meeting.
4. Mr. Pasquill will provide APC with the ARPA permit form(s).

Cultural Resource Meeting Summary
Held August 12 and 13, 2004
Coosa River Hydroelectric Project
Lower developments – Lay, Mitchell, Jordan/Bouldin

Meeting Attendees:

Janet Hutzell – Federal Energy Regulatory Commission
Patti Leppert – Federal Energy Regulatory Commission
Lindsey Breithaupt – Alabama Historical Commission
Stacye Hathorn – Alabama Historical Commission
Tom Maher – Alabama Historical Commission
Amanda McBride – Alabama Historical Commission
Bill Gardner – Alabama Power Company
Barry Lovett – Alabama Power Company
Bill Sim – Alabama Power Company
Tina Waters – Alabama Power Company
Carey B. Oakley – MACTEC
Kenneth H. Carleton – Mississippi Band of Choctaw Indians
Robert Thrower – Poarch Creek Indians

On August 12, Bill Gardner presented to the members of the Lower Coosa River Restricted Service List (participants) the areas within the Bouldin and Jordan reservoirs that Alabama Power Company (APC) proposes to survey for cultural resources. The model used to determine the high probability areas was based on the cultural resources model developed for the Lewis Smith development of the Warrior River Project.

Using the Bouldin Lake Model, APC determined that the high probability areas for archaeological sites were the two areas along the western most tributaries on the reservoir. The tailrace, ring dike and dam, and intake canal were excluded because these areas were previously disturbed. The participants agreed that the two areas along the western most tributaries on the reservoir should be surveyed. The participants also asked for the acreage of the two areas, and APC agreed to provide that at a later date.

Using the Jordan Lake Model, APC determined that the high probability areas for archaeological sites were the APC fee owned land along the confluence of Shoal & Hogbed Creeks. APC proposes to exclude large tracts of land owned in fee by APC¹ and

¹ APC proposes to survey the large tracts of land prior to any ground disturbances.

areas with scenic easements. The Alabama Historical Commission (AHC), Kenneth Carleton, and Robert Thrower requested that a shoreline survey be conducted on lands that are located along the main channel of the reservoir and that have less than a 10% slope. APC agreed to include these areas in the survey.

On August 13, Lindsey Breithaupt discussed if the dams and powerhouses for the older projects were National Register eligible. Janet Hutzler offered to provide an example of a report that determined if a project is eligible.

Bill Gardner then presented to the participants the areas within the Mitchell and Lay reservoirs that APC proposes to survey for cultural resources. The model used to determine the high probability areas was based on the cultural resources model developed for the Lewis Smith development of the Warrior River Project.

Using the Mitchell Lake Model, APC determined that the high probability areas for archaeological sites were the areas that have less than a 10% slope, undeveloped, and with non-rocky soils that do not fall inside of the Wildlife Management Area lands (WMA); non-developed areas at the confluence of streams with the reservoir; lands with Greenstone; APC owned islands; and in the flood easement around one island near Lay Dam.

The AHC, Mr. Carleton, and Mr. Thrower requested that a shoreline survey be conducted on two parcels of lands within the WMA lands and conformed to the less than 10% slope, undeveloped and non-rocky soils criteria. These lands are found primarily on the spit that forms near the confluence of the main portion of reservoir and an east branch of the reservoir. APC agreed to include these two areas in the survey. Finally, areas that have been previously surveyed were also proposed to be excluded.

Using the Lay Lake Model, APC determined that the high probability areas for archaeological sites were the areas with less than 10% slope, undeveloped, and in non-rocky soils; APC owned easement and islands, flood easement of privately owned islands, the flood easement on the Tallasahatchee Creek, and two selected river bends. The participants agreed with APC's proposal. Mr. Carleton and Mr. Thrower indicated that two 18th Century Creek Indian towns are known to be in or near the Lay development. Everyone agreed that APC would not have to resurvey areas that were surveyed in 1999 or later.

The next meeting will be held October 19, 2004, to determine the sites to be surveyed for the Upper Coosa developments (Weiss, Neely Henry, and Logan Martin). Also, on November 9, 2004, a meeting will be held to discuss the Historic Properties Management Plan for the Upper and Lower Coosa developments.