

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON D.C. 20426  
November 1, 2010

OFFICE OF ENERGY PROJECTS

Project No. 349-150-Alabama  
Martin Dam Hydroelectric Project  
Alabama Power Company

Mr. Eugene B. Allison, Hydro General Manager  
Alabama Power Company  
600 North 18th Street  
P.O. Box 2641  
Birmingham, AL 35291

**Reference: Comments on Updated Study Report and Meeting Summary**

Dear Mr. Allison:

On September 1, 2010, Alabama Power submitted its Updated Study Report<sup>1</sup> describing its overall progress in implementing the approved Study Plan for the Martin Dam Hydroelectric Project, and held a meeting on September 14, 2010 to discuss the Updated Study Report. On September 30, 2010, Alabama Power filed its Updated Study Report Meeting Summary (Meeting Summary).

We have reviewed the Updated Study Report and provide our comments in the enclosed Appendix A, pursuant to 18 CFR § 5.15(f). None of the comments involve recommendations for modifications to the approved studies, nor do they request additional studies. Rather, the comments pertain to implementation of the study plan and content of the Updated Study Report. To the extent appropriate, you should consider all comments on the Updated Study Report.

We recommend that Alabama Power complete and provide any outstanding reports as they become available. Alabama Power should review the approved Revised Study Plan and the Director's Study Plan Determination before filing the outstanding reports to ensure that the objectives and components of studies have been addressed and results of the studies have been summarized. Additionally, Alabama Power should

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<sup>1</sup> 18 CFR § 5.15(f)

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include all information gathered during the studies, and incorporate stakeholder comments as appropriate, in its Preliminary Licensing Proposal that is due on January 7, 2010.

If you have any questions, please contact Jennifer Adams at (202) 502-8087, or via email at [jennifer.adams@ferc.gov](mailto:jennifer.adams@ferc.gov).

Sincerely,

Mark Pawlowski, Chief  
South Branch  
Division of Hydropower Licensing

Enclosure

cc: Mailing List  
Service List

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## APPENDIX A

### Implementation of the Study Plan

On April 17, 2009, the Director of the Office of Energy Projects issued a Study Plan Determination approving 21 of Alabama Power's 22 revised studies, as modified by the Commission. On July 9, 2009, one of 22 studies was approved. In our January 15, 2010 and January 20, 2010 letters, we approved revised study schedules.

While your Updated Study Report was filed timely, in the letter you request additional time for completion of the reports for three studies. Specifically, you request to extend the due dates of the draft and final reports for Study Plans 12(G), 12(H), and 15.

In your letter, you explain that you incurred unexpected delays in securing the data necessary to complete studies 12(G) and 12(H), and that as a result you were required to change your approach to the studies. You request that the due dates of the studies be deferred to October and December 2011, but you clarified by phone that these dates are errors, and you intend to submit draft and final reports in October and December 2010. You communicated with stakeholders about the delays and changes in an April 9, 2010 email, which you included in the Updated Study Report. Because completion of studies 12(G) and 12(H) is required by the Director's Study Plan Determination, and necessary to develop a complete Preliminary Licensing Proposal (PLP), your request to defer the due dates of the draft and final reports for Study Plans 12(G) and 12(H) to October 2010 and December 2010, respectively, is approved.

For Study Plan 15, you request to submit draft and final versions of the Programmatic Agreement in September 2010 and the Historic Properties Management Plan in December 2010 in order to accommodate necessary meetings. Your request for Study Plan 15 is approved, because of the required large amount of information, in-depth analyses, and agency consultation.

### Content of the Updated Study Report and Meeting Summary

#### ***Study Plan 4- Fish Entrainment and Turbine Mortality***

The revised study plan describes the field component of this study effort as serving as validation and verification of the desktop analysis. The study report summary at the front of the September 1, 2010, filing (pages 8-10) describes the overall entrainment estimates using the desktop and field approaches and provides some explanations for differences. The summary at the end (pages 23-24) of study report 4B (dated on the cover sheet "Final," July 2010) goes into more detail on the possible

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explanations for differences in the overall entrainment estimates using the two approaches.

Estimates of entrainment by fish length are not compared in the report for the desktop and field approaches, although both the desktop and field approaches generated entrainment estimates by fish length. When you file your PLP, please provide this comparison in tabular and/or graphical form with accompanying narrative. (Please be sure to compare the results in equivalent, English or metric, units.) As the report notes, the length of entrained fish is a significant factor in their turbine mortality risk. Please discuss: (1) the possible reasons for any substantial differences between the estimates of entrainment by fish length using the field and desktop approaches; (2) notable effects, if any, that those difference(s) would have on turbine mortality estimates; and (3) whether and, if so, how any such differences would be addressed.

### ***Study Plan 5-Rare, Threatened and Endangered Species Surveys***

In the draft report issued in July 2010, you state that no federally or state listed species were collected during the mollusk sampling and none are known to occur in the lower Tallapoosa River below Thurlow Dam. You cite the source of this information as personal communication, yet you do not provide documentation of the communication. In the final report for this study, as well as any other study in which you cite personal communication, please include a summary of the conversation and/or a copy of the email to document the personal communication. Additionally, you should include documentation of personal communication, as applicable, in your PLP.

### ***Study Plan 7-Wildlife Management Program***

The final Wildlife Management Program lacks information about the core and secondary management areas that is necessary to understand the area-specific management goals to be implemented. For example, in Section 3.2, Table 3-1, you list the acreage, by stand type, of timber stands on project lands. However, in sections 5.1 and 5.2, you do not specify the acreage(s) to be included in the two management areas, the acreage(s) where controlled burns or silvicultural prescriptions would be implemented, or the acreage(s) of high quality red-cockaded woodpecker habitat currently existing on project lands.

Further, the forest management scheme and rotations established for project lands are described in section 3.2, but these are not described specific to the core and secondary management areas in sections 5.1 and 5.2, respectively. The forest management scheme and rotations described in section 3.2 have been established to meet production forestry management objectives, and no explanations have been provided as to how the management scheme and rotations would be changed to meet the wildlife management

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objectives listed in section 4.0 and described in section 5.0. Without such explanations, it remains unclear how the enhancement efforts discussed in section 5.0 would be achieved.

We agree that forests can be co-managed to meet management goals for both forestry and wildlife; however, further details and explanations are needed, and should be included in the PLP, to understand how you would accomplish the objectives in sections 5.1 and 5.2. Area-specific information concerning management schemes and forest rotations is necessary for a thorough review and understanding of the Wildlife Management Plan. As stated in section 2.0, one of the purposes of the Wildlife Management Program is to provide an adaptive management framework for achieving specific wildlife management goals identified in consultation with the resource agencies. Area specific information and provisions for agency consultation and making recommendations are necessary components of any adaptive Wildlife Management Program and thus should be included in the PLP.

Additionally, section 5.2 is general and nondescript. In the PLP, please provide details and descriptions about how, and for what species, you would enhance wildlife habitat in the secondary wildlife management area(s). We encourage you to consult with the resource agencies to develop more specific management goals for the secondary management area(s).

As you develop the PLP, please consider developing signage that would be placed in the core and secondary management areas to inform the public of the management goals that would be implemented in those areas. We suggest that you include language that informs the public that livestock and exotic animal species, like non-native and exotic plant species, are not integral components of the forest ecosystems on project lands. We also suggest that you consult with the resource agencies in the development of language for any signage concerning the Wildlife Management Program.<sup>2</sup>

***Study Plan 12(F)-Effects of a Rule Curve Change on Downstream Recreation***

Under Potential Flooding Effects at Downstream Recreation Sites, Alabama Power should identify, by river mile, the location of the recreation sites and their associated hydroelectric development in relation to the Martin Dam Project boundary.

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<sup>2</sup> If you intend propose barrier-free hunting areas, they should be included as part of any recreation plan described in your PLP and filed by Alabama Power with its license application.

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In the paragraph that references the Thurlow Dam Put-in, the text “throw in launch” and “throw in” should be corrected.

In the last paragraph under Potential Flow Changes and Their Effects on Downstream Recreation, we caution Alabama Power not to primarily rely on 21-year-old data collected for the Fishery Information Management Systems (FIMS) (1989) report when assessing effects of a rule curve change on downstream recreation.

***Study Plan 13-Shoreline Management Program***

In the Study Summary, Alabama Power states that it continues to develop a Shoreline Management Program for the Martin Dam Project based on comments received from the stakeholders.

Study Plan 13, which is contained in the Final Study Plan filed with the Commission on March 18, 2009, notes that it is Alabama Power’s desire to have a consistent Shoreline Management Program for all of its projects. However, the land use classifications for the Martin Dam Project are different from the land use classifications for the Warrior River Project No. 2165-022,<sup>3</sup> which would make consistency among projects problematic. Although the Warrior River Project is located on federal lands administered by the U.S. Forest Service, we recommend that you consider incorporating, as appropriate, the land use classifications for the Warrior River Project into the Shoreline Management Program for the Martin Dam Project. This would help make shoreline management among Alabama Power’s projects consistent.

Additionally, in Study Plan 13, you provide a land use classification identified as Potential Residential.<sup>4</sup> In Tacoma Hydroelectric Project No. 12589-001,<sup>5</sup> the Commission modified the existing Tacoma Project boundary by removing lands underlying private structures on project lands as well as a 38-acre parcel proposed for future development of private cabins. The new license requires the filing of revised Exhibit G drawings to reflect these project boundary modifications. In light of the Commission’s recent decision, your Shoreline Management Program for the Martin Dam

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<sup>3</sup> 130 FERC ¶ 62,271 (2010).

<sup>4</sup> Alabama Power defines Potential Residential as lots for cottage construction to be developed by Alabama Power and available to the public under restrictive lease provisions.

<sup>5</sup> 130 FERC ¶ 62,107 (2010).

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Project should be clear regarding lands necessary for operation and maintenance of the project and for other project purposes, as discussed below.

### ***Study Plan 14-Recreation Plan***

According to 18 C.F.R. 4.51(h), land included within a project's boundary must enclose those lands necessary for operation and maintenance of the project and for other project purposes, such as recreation, shoreline control, or protection of environmental resources.

In the Study Summary, you provide a list of suggested recreation improvements; however, it is unclear which recreation sites are located within, and which outside, the existing Martin Dam Project boundary. Your proposal for recreation improvements should, at a minimum, include the following items: (1) an identification, including location, of the project recreation sites that are part of the existing Martin Dam Project license; (2) an identification of the suggested recreation improvements in relation to the existing Martin Dam Project boundary; (3) a description of the suggested recreation improvements (such as, the length of portage around the Martin Dam); (4) an identification of the entity responsible for operating and maintaining the recreation sites; and (5) estimated operation and maintenance costs for the measures. We recommend that any resource agency, or other stakeholder, interested in the recreation improvements establish and justify the need, and file their request with the Commission within 30 days of the date of this letter.

Additionally, the terms "project vicinity" and "study area," as used in Study Plan 14, can be misleading in relation to recreation sites and the existing Martin Dam Project boundary. We recommend that Alabama Power use the term project boundary to identify suggested recreation sites.

### ***Study Plan 15-Cultural Resources Programmatic Agreement (PA) and Historic Properties Management Plan (HPMP)***

In the Study Summary, you state that following execution of the PA, Alabama Power would develop a HPMP. However, in an October 13, 2010, cultural resources work group meeting in which Commission staff participated, we understand that Alabama Power would develop, after consultation with the cultural resources work group, a HPMP prior to the execution of a PA. Please clarify this discrepancy.

Document Content(s)

P-349-150Letter3.DOC.....1-7