



January 19, 2010

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E. Room 1A
Washington, DC 20426

Subject: American Rivers comments on the Martin Project (FERC Project No. 349)
Initial Study Report

Dear Secretary Bose:

American Rivers appreciates the opportunity to provide comments on the progress of the study plans Alabama Power Company (APC) reported at both the October 21st, 2009 and December 3, 2009 meetings. Because of limited progress on the study plans from October 21st to December 3rd, American Rivers did not attend the later meeting due to time and resources constraints. We hope to continue to provide more in-depth comments as the study plan process progresses. We also hope to participate and provide input in MIG meetings throughout the process.

American Rivers has been active in the Martin Hydroelectric Relicensing process. We filed written comments with the Commission including comments on Pre-Application Document (PAD) and FERC's Scoping Document 1, Martin Project proposed Study Plans, and following the October 21st, 2009 informal study plan update meeting. We intend to participate fully in the relicensing process and will file a Motion to Intervene after APC issues its License Application.

American Rivers (AR) is a non-profit corporation whose headquarters are located at 1101 14th St. NW, Washington, DC 20005. Our Southeastern Regional Office is headquartered at 2231 Devine Street Suite 202, Columbia, SC 29205. AR is a national organization that stands up for healthy rivers so our communities can thrive. We believe that rivers are vital to our health, safety and quality of life. American Rivers mobilizes an extensive network of more than 65,000 members and activists located in every state across the country.

American Rivers' interest in this project is determining and quantifying the Martin Projects impacts on fish, wildlife, people, water quality, recreation, and public safety. Our goal is to work with and assist other stakeholders including APC, state and federal agencies and NGOs to determine project impacts and to protect, enhance, and mitigate these impacts through the relicensing process.

General Comments

It is clear from the study plan update meetings that unusual weather that occurred in Alabama in 2009 had a significant impact on the progress of study plan implementation. The wet weather of 2009 followed two consecutive years of extreme drought. The

weather (extremely wet summer) resulted in non-typical project operations, changes to water quality and flow patterns in the reservoir, the Tallapoosa River and in the Martin tailwater. The abnormally high water in 2009 affected the results of many studies and made some studies extremely difficult to impossible to complete. The 2009 study season in no way represents conditions that would be expected in a “normal year”. APC must meaningfully take the unusual weather that occurred in 2009 into account to ensure data collected during the 2009 season did not skew study results and does not represent a “normal” flow year.

In order to inform stakeholders of the direct, cumulative and potential impacts of Martin Project operations and to identify ineffective study techniques, American Rivers recommends APC conduct the same studies during 2010. It is likely that due to climate change over the course of the Martin License (30-50 years) the Tallapoosa Basin will experience increasing extreme or unusual weather in form of drought and flood. It is critical APC collect data over a number of field seasons (2 or more) to better determine project impacts.

The following are comments and recommendations on specific study plans

Study Plan 1: Migratory Fish

American Rivers is concerned by the limited information provided by APC in the study plan update meetings. At the October 21st meeting and the December 3rd meeting little progress on Study Plan 1 was reported. Outside of completing a draft Tallapoosa Fish Passage Information Document briefly outlined in APC’s November 20th Initial Study Report, stakeholders have heard very little about the study plan’s progress. To American Rivers’ understanding this draft report has not been made available to non-agency stakeholders. American Rivers is also concerned that APC will not describe all migratory species that use the Tallapoosa River system, choosing instead to focus on a few select species.

American Rivers recommends that APC:

- Study how Martin operations, flow fluctuations due to peaking, and water quality (temperature, DO, turbidity) affect fish migrations in the river reach from the Tallapoosa’s confluence with the Coosa to Thurlow Dam.
- Study the impacts of Martin operations on mussel distribution in the Tallapoosa River. Operations could affect the movements of host fish and the location mussel populations
- Seek professional opinions from experts at agencies, universities, the private sector, and others with relevant expertise in addition to the proposed literature review.
- Reach out to MIG 1 stakeholders to discuss study protocols and progress. The last MIG1 meeting was held in September 2007.

Study Plan 2: Assessment of Fish Density and Species Composition Associated with Various Shoreline Types

Although American Rivers is comfortable with Study Plan 2, results of the study have not been shared with stakeholders.

Study Plan 3: Evaluation of Minimum Flows Downstream of Martin Dam

Flow is a central issue in the FERC relicensing process. It is clear and has been determined by FERC that Martin Project operations to a large extent control the timing, duration, level of flows in the Tallapoosa River downstream of the Thurlow Project. APC's study plan methodology to evaluate minimum flows downstream of Martin Dam includes a review of Project operations, existing environmental data in the Tallapoosa River downstream of Thurlow and field surveys in the Martin Tailrace. While the methodology outlined in Study Plan 3 plays an important role in describing conditions in the Tallapoosa River below Thurlow, it by itself is inadequate to make informed recommendations for protection, mitigation, and enhancement measures without targeted data collections that study the differences in water quality, habitat quality and availability under different project operations and proposed operations. If stakeholders including APC are going to make reasonable judgments on project effects and reasonable flow recommendations based on those affects, then it is critical APC expand their methodology to include a more robust instream flow study that includes analysis on water quality, habitat availability, and habitat quality.

American Rivers recommends that APC:

- Expand current methodology in Study Plan 3 to include a more robust scientifically accepted instream flow study that includes an analysis of water quality, habitat availability, and habitat quality.
- Broaden the geographic scope of the study to the USGS Montgomery Water Works gaging station. It is clear that Martin peaking operations could impact aquatic wildlife, habitat, water quality, and bank stability in the Tallapoosa River to its confluence with the Coosa.
- Collect at least another year of data due to the unusual weather conditions in 2009.
- Reach out to MIG1 stakeholders to discuss study progress

Study Plan 5: Rare Threatened and Endangered Species Surveys

APC has yet to complete the RT&E species surveys identified in the Study Plan 5 due to the unusual weather conditions that occurred in 2009. APC plans to distribute a draft report in July 2010.

American Rivers is concerned about the adequacy and commitment of RT&E sampling surveys. It does not appear much time and effort is being spent on each sampling site. The purpose of the study is to identify and locate the abundance of RT&E species within the project area and to determine Martin Project impacts in order to make reasoned and informed PM&E recommendations. RT&E species by definition are rare and likely difficult to find. Spending a minimum amount of time at each survey location (as little as 15 minutes) is simply not adequate to determine their presence.

American Rivers recommends APC:

- Increase the time and effort spent searching for RT&E species with professionals familiar and able to identify rare species and habitats.
- Conduct sampling during at least two seasons to incorporate the entire life cycles of species and to lessen the chances abnormal flow conditions.
- Include surveys for host fish in areas where mussels are present.
- Reach out to MIG 1 members to keep up to date with study plan progress.

Study Plan 8: Baseline Water Quality

Although Martin Project operations impact the Tallapoosa River including water quality to the Montgomery Water Works gaging station and beyond, the geographic scope remains the Martin Reservoir and the Martin Tailrace. It is clear from Montgomery Water Works hydrographs that Martin peaking operations result in river stage fluctuations up to 5 feet. It is likely fluctuations of this magnitude impact water quality including water temperature, dissolved oxygen, pH, turbidity, bacteria, chlorophyll, and nutrient levels downstream.

American Rivers recommends APC:

- Expand the geographic scope of the study to the Montgomery Water Works Station
- Study, collect, and present information that demonstrates how peaking operations do or do not affect water quality in the Tallapoosa River downstream to the Montgomery Water Works Station
- Collect and report existing water quality information in the Tallapoosa River downstream of Thurlow Dam to the Montgomery Water Works Station.
- Present findings of this study to Members of MIG 1 and solicit their opinions prior to release of the draft report.

Study Plan 10: Erosion and Sedimentation

During the October 21st, 2009 study update meeting, APC reported some progress on the study by presenting erosion hot spots within the Martin Reservoir. APC made no mention of erosion hotspots in the Tallapoosa River although FERC determined that the geographic scope of this study include up to 10 sites in the Tallapoosa River downstream to river mile 12.9. When asked about the Tallapoosa erosion sites, APC responded that they had somebody who had been studying erosion in the Tallapoosa for years and then quickly moved on to the next study plan update. American Rivers is concerned about APC's commitment to studying erosion sites in the Tallapoosa river, even though FERC determined they do so in the April 17, 2009 study plan determination.

American Rivers recommends APC:

- Thoroughly search the Tallapoosa River downstream to river mile 12.9 for erosion hotspots and provide a description of their methodology and reasoning.
- Detail how they will assess the causes of erosion at each site they examine
- Collect at least one more year of data due high water conditions in 2009

Study Plan 12(a-f): Effects of Rule Curve Change on Lake and Downstream Erosion

APC has reported little progress on study plans 12(a)-12(f) because results are contingent on the completion of operations model exercise. In order for stakeholders to better understand inputs, scenarios, and assumptions in the model APC must make the model available either online or on a CD to all interested stakeholders.

American Rivers appreciates efforts put forth by participating parties in this process. We look forward to continuing work with APC, other stakeholders, and the Commission in the Martin Project relicensing process.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Rice", is written over a light yellow rectangular background.

Matt Rice

American Rivers

Associate Director Southeast Region

Phone: 803-771-7206

mrice@americanrivers.org

CC: Jim Crew, Alabama Power Company

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