

LAKE WEDOWEE PROPERTY OWNERS' ASSOCIATION

P. O. Box 55
Wedowee, Alabama 36278

October 10, 2008

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

Re: Martin Dam Project (P-349-150)

Dear Secretary Bose,

This petition is submitted by the **Lake Wedowee Property Owners' Association (LWPOA)** and its 600+ member units. The LWPOA Articles of Incorporation and By-Laws state, "the purpose of the organization is to enhance, improve, and protect the quality of Lake Wedowee, to promote the welfare and propensity of the residents of Lake Wedowee, and to stimulate public sentiment to these ends through education and outreach." The LWPOA has emphasized water quality and water quantity; i.e., the two elements that give a lake its aesthetic value. Presently, Lake Wedowee water quality is excellent and water levels are fairly good.

LWPOA members have been participating in the Martin Dam Relicensing meetings to understand the process and to ensure that changes to the new Martin Dam License will not adversely affect present operating conditions of Harris Dam. The LWPOA is not submitting this petition to try to deny or alter the changes sought by the Martin HOB Association except where changes may adversely affect Lake Wedowee lake level management. In fact, our Association has been requesting similar improvements for Lake Wedowee through Alabama Power Company since 2002.

Lake Wedowee uniquely sits in the headwaters of the Tallapoosa River Basin and serves many functions that affect Lake Martin; namely, flood control, river water filter, and provides nearly 50% of Lake Martin's make-up water. The Martin HOB Association has requested an earlier fill period, extending the operating curve and summer pool period, along with raising the winter pool rule curve five feet. The LWPOA is afraid that the proposed changes if accepted could affect the Lake Wedowee water level management as well as proposed changes that the LWPOA has been requesting.

In developing the study plan for the proposed Martin rule curve changes, Alabama Power placed the emphasis on the section of river below Martin Dam (flood control), and Harris Dam operation was not to be included as part of the study. The LWPOA saw several potential problems as based on both historical and recent Lake Wedowee lake water level experience. By permission, a recent Alabama Power rule curve (dated 9/25/08) for Lake Wedowee is enclosed for reference.

1. The Lake Wedowee river make-up flow is not sufficient to support the flow requirements placed on Harris Dam after mid-May and until November each year. Of course, the 2007-08 drought magnified this situation when Alabama Power could only fill Lake Wedowee to 2.6 feet

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below the summer pool level in the spring of 2007. The rule curve shows that the historical average level starts declining at the beginning of June and is down five feet at the end of the summer pool period. The tropical storm, Fay, provided a big boost for Lake Wedowee in August of this year.

In the future, Tallapoosa River make-up water may be even scarcer since Carroll County Water Authority in Georgia is planning a \$99 million, 9.4 billion gallon reservoir on Indian Creek tributary which empties into the Little Tallapoosa River. Their future need equivocates to 28 cfs which is more than either of the Tallapoosa River flows in drought type conditions. The severity of Lake Wedowee water level decline in the summer starts with a lack of rainfall; and a rainfall deficit is more an annual affair than an exception.

2. Harris Dam operation is also subjected to excessive downstream flow requirements. It is clear to us that the Alabama River water flow is crucial to support both the needs of the Alabama River and Alabama's economy. The LWPOA understands the need to provide this flow when there is ample rain fall. But during drought type periods, these flow requirements should be reduced to balance water quantities from the top of the Tallapoosa Basin to the bottom of the Mobile River, and not just below Montgomery.

The 7Q10 flow for Wadley before Harris Dam was built was ~160 cfs. This flow is maintained now as a minimum flow to improve the river water ecology between the dam and Wadley. There didn't seem to be a problem with the Alabama River flow back then; so why is it such a critical issue now?

It is our understanding that the US Fish and Wildlife agency is presently proposing to set a rigid flow requirement of 4,640 cfs in the Alabama River at Montgomery to support the habitat of the Alabama sturgeons. This action, if allowed, will issue a death warrant for the lakes up-stream. Why is a nearly vanished fish more important than whole lake communities that depend on their lakes for property value and economic success?

The flow variances that were granted in 2007-08 to reduce downstream flow requirements saved Lake Wedowee (and Lake Martin) from severely reduced lake levels. And when combined with Alabama Power's action to minimize hydro operation (to help protect lake levels), a **model** has been developed that would serve the Alabama Power lakes well in future operation.

3. The LWPOA has requested that Alabama Power raise the Lake Wedowee winter pool elevation four feet, from 785 to 789 feet. This request has not been acted upon due to the Corps of Engineers position to wait until the water war situation is resolved and the ACT Operating Manual is rewritten.

Our concern with the Martin Relicensing Permit process is that a big change at Martin would reduce their holding capacity; and that could possible put more pressure for Harris Dam to hold back more water during flood events. Since Harris Reservoir is a small reservoir (one-fourth the size of Lake Martin), a lower (instead of higher) Harris winter pool rule curve might be needed to accommodate Martin. Lake Wedowee also wants the higher winter pool elevation since the upper lake areas are filling with sediment and boat access is a problem. This is the reason that the LWPOA requested that Harris Dam be included in the Martin rule curve study so that there would be a **Tallapoosa River Basin-wide flow plan** that is fair to all Tallapoosa River lakes.

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4. The LWPOA has also requested that an operating range curve, similar to Martin, be included in the Lake Wedowee rule curve. The Martin operating range provides a guide for operating close to full summer pool elevation. Harris Dam operates more closely to the historical average water level curve which is much lower than Martin lake levels. We have repeatedly requested higher mid to late summer water levels but with little success. Again, the low rainfall pattern in this area, along with the high downstream flow requirements, makes Alabama Power's ability to maintain high lake levels almost impossible. Lake Wedowee needs relief in the downstream flow requirement area.

5. The economy of the lake communities also suffers during severe lake draw-down events. Lake Wedowee is located in Randolph County, a very rural area, where the lake has become the main source for county growth. From 1990 to 2005, the population grew 14.26% to 22,717 people, and the number of employees grew 32.5% to 5,175 workers. (Source: Comprehensive Economic Development Strategy for the East Alabama Region, August, 2007) In addition, all the marinas, the building industry, and town businesses prosper when lake conditions are good.

Mr. Josh Burns, Randolph County Tax Revenue Commissioner, has reported that the total 2008 Randolph County tax revenue is \$8,959,036.64. Of this total, Lake Wedowee property owners paid 34% of this amount as follows: individual lake property owners paid \$1,576,819.16 and Alabama Power Company paid \$1,507,008.36. If the aesthetic value of Lake Wedowee changes because of extremely low lake levels, then property values, tax revenues, businesses sales and employment will decline, harming the local economy.

In conclusion, we want to thank the Federal Energy Regulatory Commission for your role in regulating important issues such as these reservoir systems. As times have changed, the lake communities along with recreational activities have grown to be powerful economical factors for regions that use the rivers and streams of Alabama. We respectfully request that the FERC consider our comments regarding conserving and protecting the quality of life for Lake Wedowee, the Town of Wedowee and the local communities.

Please contact me at 256-363-1255 or Charles Sut Smith at 256-357-4273 for questions about our petition or if you need more information.

Yours truly,

Gary Cockrell
LWPOA Chairman

cc: Mr. Willard Bowers, Alabama Power Company
Mr. Jim Crews, Alabama Power Company
Mr. Richard Laird, Alabama State Representative
Ms. Kim Benefield, Alabama State Senator
Mr. Tim Coe, Mayor of Town of Wedowee
Mr. Larry Raughton, Randolph County Commission