



October 13, 2008

RE: Martin Dam Project (FERC No. 349)

Ms Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, DC 20426

Dear Secretary Bose:

The Lake Martin Home Owners and Boat Owners (HOBOS) Association, a non-profit organization dedicated to preserving Lake Martin for future generations, submits the following comments concerning the Relicensing of Martin Dam (FERC No. 349). The Lake Martin HOBOS have over 2,000 members that are stakeholders in Lake Martin or businesses that earn their living around the Lake Martin area. Representatives of the HOBOS have attended each meeting offered by Alabama Power Company (APCo) over the past twenty months and we would like to commend Alabama Power managers and representatives for the openness of the meetings and their willingness to listen to the ideas and suggestions of all stakeholders.

Also, we thank Lee Emory and the FERC representatives attending the Scoping Meeting in September, for their interest and patience to allow all stakeholders to be heard. We look forward to working with both APCo and FERC personnel in the coming months to reach a relicensing solution that will be of the most value for all concerned.

The HOBOS have made many suggestions during the process to date, most of those ideas have been incorporated into the MIG Study Groups; there will be no need to discuss those issues further. Below are our comments listed according to MIG:

**MIG 1:** No additional comment.

**MIG 2:** Water Quality and Quantity

Lake Martin HOBOS and Lake Watch of Lake Martin recommend the following new paragraph be added to paragraph 6.

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6.3 Several organizations have expressed strong interest in having the Alabama Department of Environmental Management (ADEM) assign the water use classification “Outstanding Alabama Water” (OAW) to Lake Martin. Informal discussions with ADEM indicate there may be sufficient water quality data available to make the decision but more data is desired on nutrient and chlorophyll *a* levels, particularly in the upper embayments. While attainment of OAW status for Lake Martin is not an objective of relicensing, it is acknowledged that water quality data obtained in efforts described in 6.1 and 6.2 above may provide that information.

### **MIG 3: Project Operations**

With FERC’s recommendation Study Plan 12 has been greatly altered. To better study the effects of any rule curve change authorized during the Relicensing of Martin Dam many variables will be studied to determine what effects, if any, a rule curve change may have.

The HOBOS feel that a change in the winter rule curve will have a very positive effect on economy of the entire area. We conducted a survey of our entire membership and found that most favored a later drawdown beginning around October 15, each year. The lake would be lowered five feet to 486’ msl instead of the currently authorized 481’ msl. The lake would reach winter pool in early December and begin refilling in late January each year. Summer pool would be reached by April 1. Please see the Rule Curve attachment.

Two observations by our members that should be noted here are:

- We can find no scientific data supporting the current winter rule curve of 481’ msl. By all accounts this level was reached as a compromise during the prior relicensing, yet FERC, Corps of Engineers, and APCo all treat this curve with great reverence. Even in this relicensing process all suggested changes must be justified against this “standard”.
- The “Flood Frequency Analysis” (FFA) prepared by APCo consultants is a flawed study and should not be used in the rule curve analysis modeling because this model assumes that any historically significant flood can occur on any day of the year, which, in theory may be true, but many years of historical data of Lake Martin and the rivers and waters downstream prove that the greatest floods that occurred in late March or even May, have never occurred in the months of the winter rule curve (December, January, and February).

Based on the observations above, we ask that the decision makers at FERC recognize the limitations of prior decisions made concerning the Lake Martin Rule Curve. Stakeholders have been requesting a rule curve change for many years. We applaud APCo for their efforts to produce a complete view of the effects of a rule curve change. Hopefully, the final decision will be to weigh the good effects and bad effects, and then decide in favor of those who will gain the greatest good from the change.

Additionally, the “operating rule curve” (the minimum level) of the new rule curve should maintain the same variance from the upper rule curve as the current rule curve.

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MIG 3 Study Plan 12 (g) calls for a comprehensive economic study of the Lake Martin area with the goal to determine the possible economic impact on the three county area, if the winter rule curve is changed. While we appreciate that APCo agreed to our request to conduct this study, the final proposal and study plan has not been made available, due to time constraints. We must reserve comment until we have the opportunity to review the detailed proposal which APCo has agreed to provide.

**MIG 4: Shoreline Management**

The HOBOS are in general agreement with the land use maps as provided by APCo.

We recommend that an additional public boat ramp be authorized and constructed by APCo in the Blue Creek area on the west side of Alabama Highway 49, on APCo owned property. Stillwaters Subdivision has over 1,000 residences without a public ramp within five miles.

**MIG 5: Recreation**

Per the APCo Draft Study Plan 12 (g), dated September 29, 2008, a full and comprehensive Economic Analysis of the three county economic impact area of Lake Martin will be commissioned by APCo to an independent contractor. We recommend that this proposed study be incorporated into MIG 5 as well. With approximately 7,840 parcels of improved property fronting the lake, of which, an estimated 34% (2,650 homes) are occupied by full time residents. The inclusion of this group in recreation data is often lost and only the visitor is considered. Any study authorized by FERC should be completely inclusive of all sources of recreation on the lake.

**MIG 6: No additional comments.**

Our organization appreciates this opportunity to participate in the relicensing of Martin Dam and our much loved lake. We truly value this opportunity to be an influencer in the process. Please remember that when these meetings are conducted, hundreds of volunteers give untold hours of time to gain the knowledge necessary to try to protect Lake Martin.

FOR THE BOARD OF DIRECTORS

Sincerely,

Jesse M. Cunningham  
President  
Lake Martin HOBOS

Attachment – 1

# Lake Martin Rule Curve Change Study Plan

## Lake Martin HOBOS and Lake Watch Proposed Guide Curve Alternative

