



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Richard B. Russell Federal Building  
75 Spring Street, S.W.  
Atlanta, Georgia 30303



ER 08/807

October 2, 2008

Ms. Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

RE: NOI to File License Application for a New License, Pre-Application Document; Commencement of Licensing Proceeding; Scoping; Soliciting Comments on the PAD and SD; Study Requests; Martin Dam Hydroelectric Project; FERC No. 349-150; Tallapoosa, Coosa, and Elmore Counties, Alabama

Dear Ms. Bose:

The Department of Interior (Department) has reviewed the Notice of Intent (NOI) to file a license application for a new license and commence licensing proceedings for the Martin Dam hydroelectric project (FERC No. 349-150). You specifically request comments on the Pre-Application Document (PAD) and Scoping Document (SD) and any outstanding issues or study requests. The following comments are provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C 661 et seq.), Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) (ESA), and the Federal Power Act (41 Stat. 1063, as amended; 16 U.S.C. 791-828c et seq.).

The Fish and Wildlife Service (Service) has participated in the Lake Martin re-licensing since early 2006 and has been an active participant in the development of the PAD and SD and its associated study plans. The potential issues associated with this project are complex and nationally important. It should be noted that Lake Martin contains nearly ½ of the total storage in the entire Alabama-Coosa-Tallapoosa (ACT) Basin and its operations and management are vital to providing flows for navigation, waste assimilation, water supply, and ecological needs in the Tallapoosa River, as well as the Alabama River. Therefore, we encourage Alabama Power Company (APC) and Federal Energy Regulatory Commission (FERC) to recognize that operations at Lake Martin extend much further downstream than the tailrace of Martin Dam, or even the next downstream hydropower project, but instead, down the Alabama River.

## **General Comments**

### Water Resources

The operation of Lake Martin has a direct effect on the quality and quantity of water that's available downstream in the Tallapoosa and Alabama rivers. Releases from Martin Dam contribute to municipal and industrial water supply, waste load assimilation, navigation, and ecological needs. Therefore, the Service encourages APC and FERC to consider these competing demands and recognize that the action area for Lake Martin extends much farther upstream and downstream than the FERC designated project boundaries and a basin-wide approach should be used in the evaluation of any proposed action that inhibits a natural flow pattern from occurring in the Tallapoosa River. The Service also believes an acceptable drought contingency plan should be properly evaluated and incorporated into the new license. The Alabama Drought Response Operating Proposal (ADROP) is an example of such a plan and we encourage APC and FERC to continue refining this proposal and incorporating the appropriate parts into the new license.

### Fish and Aquatic Resources

*Migratory Fish:* Although the Service generally agrees with the development of goals and objectives of the study plan thus far, we respectfully request that APC and FERC consider migratory fish movement, and other possible ecological effects, downstream of Martin, as a key component in the Martin re-licensing. The two hydropower projects located immediately downstream of Martin (Thurlow and Yates) have very little storage capacity and are completely dependant on releases from Martin Dam. Therefore, we request that APC and FERC recognize that releases from Martin can have an effect on fishes moving up and down the Tallapoosa and Alabama rivers, as well as the potential benefit a more natural flow regime could provide other riverine fishes (e.g., blue sucker, paddlefish, American eel, crystal darter, and Alabama sturgeon) inhabiting the lower Tallapoosa and Alabama rivers. The Service would also like to note that although we agree with developing a similar type of "fish passage concept document" for Lake Martin, as was developed for the Coosa re-licensing, we do not want to suggest that a fish passage prescription at the Corps' projects in the Alabama River would be made in lieu of a prescription at Lake Martin as part of this re-licensing process.

*Project Operation and Minimum Flows:* As indicated in the Study Plan, the Service would like to understand the relationship between project operations and the potential impacts hydro peaking has on the aquatic fauna and habitat in the tailrace area downstream of Martin Dam, as well as downstream in the Tallapoosa River below Thurlow Dam. The primary goal of this study would be to determine how a more natural flow regime could potentially benefit aquatic organisms and their habitat downstream of Martin Dam.

*Fish Entrainment and Turbine Mortality:* The Service agrees with the goals and objectives set forth in the study plan to understand how project operations impact entrainment and turbine mortality of fishes on Lake Martin.

## Wildlife Resources

*Wildlife Management:* As indicated in the Proposed Wildlife Management Plan, the Service continues to encourage APC to identify existing and adjacent properties that can be managed for longleaf pine. This includes a continued effort to survey and identify potential habitat for the red-cockaded woodpecker, as well as other species dependant on the longleaf pine ecosystem. The first step in this process is to coordinate with the Alabama Department of Conservation and Natural Resources (ADCNR) and Service to develop a detailed list of covertime maps and identify existing timber management goals and objectives that will benefit longleaf dependant species.

## Threatened and Endangered Species

*Rare, Threatened, and Endangered (RTE) Species Surveys:* As noted in the Study Plan, the Service encourages APC to continue coordinating with the Service and ADCNR to identify and conduct RTE surveys in areas affected by the operation of Lake Martin. This includes red-cockaded woodpecker and plant surveys, as appropriate, as well as aquatic surveys in tributaries that may be impacted by the Lake Martin pool elevation and other areas downstream of Martin Dam that may be impacted by operations. Studies should include community-level sampling for fish, mussels, and snails and should address the adverse effects of project operations on habitat fragmentation and isolation. The desired goal would be to identify key restoration areas and protect habitats from further degradation. One of these studies discussed includes an inventory of low head dams in tributaries flowing into Lake Martin. Removal and/or enhancement of these areas could have a significant benefit to the aquatic fauna.

We appreciate the opportunity to comment on the Lake Martin SD and PAD. If you have any questions regarding our comments, please contact Jeff Powell of our Alabama Ecological Services field office by telephone at (251) 441-5858.

Sincerely,



Gregory Hogue  
Regional Environmental Officer

cc:  
FWS, Daphne  
OEPC, Atlanta