

**E9 IAG – Coosa Fish Passage Working Group
Meeting Summary: June 18, 2003**

Revision 7-10-03

Meeting Location – APC Corporate Headquarters – Birmingham, AL

Warrior and Coosa Relicensing Projects Combined

Work Group Members

Jim Crew - APC	Larry Goldman - USFWS	Stan Cook - ADCNR
John Grogan - APC	Malcolm Pierson - APC	Jim Lochamy - APC
Patric Harper - USFWS	Ralph Thompson - USFWS	Henry Mealing - KA
Andy Sheppard - APC	Jim Hancock – B&B	Scott Mettee - ALGS

Other Attendees

Jerry Moss - ADCNR	Steve Rider – ADCNR	Jason Moak – KA
Corey Wigginton - USFWS	Ed Tyberghein – APC	John Eisenbarth - TU
Shane Boring - KA	Mike Akridge - APC	Jim Moore - ADEM

By telephone: Kelly Schaeffer- KA, Mike Eubanks - ACOE, Steve Hrabovsky - ACOE, Steve Kartalia - FERC

Action Items

- Draft and distribute meeting minutes to Work Group members for review and comment
Jim Crew: Due – July 14, 2003
- Distribute draft copy of ACOE benefit analysis of fish passage at Claiborne
Mike Eubanks, Jim Crew: Done – June 18, 2003
- Investigate legal questions regarding Section 18 prescriptions
Jim Hancock, Larry Goldman: Due – July 18, 2003
- Draft outline for potential decision making tool-document
Henry Mealing: Due – July 18, 2003

Meeting Notes

These notes summarize the major items discussed during the meeting and are not intended to be a transcript or analysis of the meeting.

Jim Crew began the meeting by summarizing the group’s activities to date and reviewed the meeting agenda.

Alabama River Dams

Mike Eubanks and Steve Hrabovsky provided a summary of the Army Corps of Engineers’ (ACOE) Section 1135 investigation of fish passage at Claiborne Lock and Dam on the Alabama river. Mike explained that the World Wildlife Fund originally requested the investigation. The ACOE and U.S. Fish and Wildlife Service worked together to produce a conceptual design and cost estimate for fish passage at Claiborne. Due to the cost estimates, the ACOE determined that fish passage at Claiborne was not feasible under Section 1135 guidelines and ended the investigation. Mike explained that due to the costs, such a project would require action by the U.S. Congress. Mike also noted that the ACOE has drafted a report on the cost-benefit analysis of fish passage. Although the report is under internal review, Mike pointed out that the ACOE estimates the annual benefit of fish passage at Claiborne to be \$2 million. Mike agreed to send a draft copy of the report to Jim Crew for distribution to IAG members.

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U.S. Fish and Wildlife Service (USFWS)

Larry Goldman summarized the USFWS' December 4, 2002 letter regarding fish passage for Coosa River Projects. Larry indicated that the USFWS remains interested in examining the feasibility of providing fish passage at the ACOE dams on the Alabama River (Claiborne, Miller's Ferry, & Jones Bluff). Mike Eubanks noted that the cost estimate for passage at Claiborne could be easily used to develop estimates for Miller's Ferry and Jones Bluff. Larry noted that the USFWS is currently drafting fish restoration/management plans for the basin. In concept, Larry agreed that the USFWS would be amenable to considering APC's assistance with fish passage on the Alabama River as mitigation in-lieu of providing fish passage at the Coosa River Projects. Larry wasn't sure of the legal ramifications associated with the Section 18 reservation clause and restrictions of it in a FERC license. APC asked Jim Hancock (Balch & Bingham) to work with the USFWS in investigating this issue. Larry noted that the USFWS has been communicating with the National Marine Fisheries Service to keep them informed of the relicensing efforts.

General Discussion of Passage on Alabama River

Attendees engaged in a general discussion of the potential benefits of fish passage at the ACOE dams on the Alabama River. It was noted that fish passage at both Claiborne and Miller's Ferry would provide downstream fish access to approximately 200+ miles of the Alabama and Cahaba Rivers. Dr. Mettee noted that it could potentially take 30 – 40 years to evaluate the effectiveness of fish passage at the two dams, combined. Mike Eubanks noted that the type of passage device recommended and analyzed by the ACOE, a fish elevator, is capable of passing a wide variety of fish species. Mike also noted that the ACOE's cost-benefit analysis focused on several "keystone" fish species, including striped bass, Alabama shad, paddlefish, blue sucker, gulf sturgeon, smallmouth buffalo, and river herring. Steve Kartalia noted that the FERC prefers a basinwide approach when considering fish passage, and stressed that any approach should set clear goals and alternatives. Steve also noted that FERC is amenable to license conditions that require the development of fish passage plans after the license is issued.

Decision Making Tool

It was reiterated that providing passage at the ACOE dams would require federal legislative action, specifically, a General Investigation Authority would need to be requested. The ACOE and USFWS representatives noted that they are forbidden by law from lobbying legislators for such action, but could definitely assist in preparing a formal request. Alabama Power representatives indicated a willingness to present such a formal request, should it be deemed feasible. The attendees recommended that a document be prepared as a decision making tool. Specifically, members agreed this document should identify existing baseline information and additional information needs, and outline the process for requesting congressional action. Some types of information to be included in the document are: Basin recovery plans, T&E species recovery plans, Fisheries and water quality data available for the river sections, Section 18 legal information, ACOE funding opportunities, ACOE economic analyses.

Conclusion and Next Meeting

The next meeting of the Fish Passage Work Group will be determined at a later date. Meeting minutes will be posted on Alabama Power's Hydro Relicensing website (www.southerncompany.com/alpower/hydro).