

Black Warrior River Hydroelectric Project
Project No. 2165-015
Cultural Resources Meeting Summary
March 25, 2003

Meeting Attendees:

Janet Hutzell - Federal Energy Regulatory Commission
Patti Leppert - Federal Energy Regulatory Commission (via telephone conference)
Tom Maher - Alabama Historical Commission
Amanda McBride - Alabama Historical Commission
Lee Anne Hewett - Alabama Historical Commission
Lindsey Breithaupt - Alabama Historical Commission
Bill Gardner - Alabama Power Company
Bill Sim - Alabama Power Company
Kelly Schaeffer - Kleinschmidt Associates
Carey B. Oakley - MACTEC
Kenneth H. Carleton - Mississippi Band of Choctaw Indians
Joyce A. Bear - Muscogee (Creek) Nation
Jean Allan - U.S. Forest Service
Darryl Harley - U.S. Forest Service

After introductions, the attendees reviewed the November 2002 cultural resource meeting summary. There were no comments. The attendees agreed with the Area of Potential Effect defined for the project as: The Area of Potential Effects for the Lewis Smith Development (P-2165-015) includes the following: (a) lands enclosed by the Project boundary that extends to elevation 522 feet mean sea level (see map in Appendix A - Alabama Power Company will develop at a later date) and (b) lands or properties which may be outside the Project boundary, where the authorized Project uses may cause changes in the character or use of Historic Properties,¹ if any Historic Properties exist.

The attendees reviewed data collected concerning archaeological sites for the Lewis Smith development in relation to U.S. Forest Service land. The existing Lewis Smith development project boundary is located at elevation 522 feet; above elevation 522 feet is noted as outside the project boundary. Up to elevation 522 feet, Alabama Power Company (APC) has the right to flood the area. The data includes those sites recorded by Chase, Forest Service, in the 1980s and from the Alabama State Files. Some of the sites were outside the project boundary (i.e., WI-15, WI-3); others were inside the project

¹ The term "Historic Properties" refers to the definition in the regulations that define historic properties as those eligible for listing in the National Register of Historic Places.

boundary. One site (WI-295), located within the project boundary and below elevation 510 feet, is inundated. One site (WI-268), located within the project boundary, is in the flood easement and showed signs of looting. Site WI-294, recorded in February 1994, is outside the project boundary. Sites WI-1, recorded by Chase in the late 1980s, is located beyond the flood easement, while Site WI-9, recorded by Chase around 1981, is at elevation 565 feet.

The attendees discussed land ownership and land exchange. There was mention that Karen Pullim has a database of land ownership/land exchange. Ms. Allan stated that she would check with Ms. Pullim and Forest Service maps to clarify land exchange and ownership relative to the Smith Lake development and Forest Service land.

The Forest Service expressed concern regarding enforcement to prevent looting. Ms. Hutzel and Ms. Schaeffer stated that there is a shoreline management group that is taking into account this issue. There could be a two-prong approach- -education and enforcement.

The Forest Service questioned how Section 4(e) of the Federal Power Act is tied into the Programmatic Agreement. Ms. Leppert and Ms. Schaeffer explained the process, in particular to Commission cases. Ms. Leppert also explained that the Appendix A to the Programmatic Agreement (PA) is like a roadmap for the project. The Appendix A also identifies a literature search, as well as, surveys that have been conducted. A Historic Property Management Plan, as part of the PA, is project-specific.

Mr. Carleton stated that a comprehensive cultural resources survey needs to be conducted. A very small percentage of the Lewis Smith development shoreline has been surveyed. Mr. Sim disagreed. Ms. Allan commented that the Forest Service does not survey an area unless an activity will be conducted. Discussion centered around an estimate of how many miles of the 500-mile shoreline have been surveyed. Afterwards, the attendees discussed the time frame for developing a PA and Historic Property Management Plan. Ms. Leppert mentioned the Flint River Project (P-1218) in which the Cultural Resources Management Plan was developed and made part of the PA prior to license issuance. She also reiterated that, on a case-by-case basis, a Historic Property Management Plan can be developed either pre-filing or post-filing of the license application.

The next cultural resources meeting for the Warrior River Project is scheduled for April 24, 2003, at APC Corporate Headquarters. The meeting adjourned.