

**Black Warrior River Hydroelectric Project  
Cultural Resource Meeting Summary  
Held August 12, 2003  
Project No. 2165-015**

Meeting Attendees:

Janet Hutzell - Federal Energy Regulatory Commission  
Patti Leppert - Federal Energy Regulatory Commission  
Tom Maher - Alabama Historical Commission  
Amanda McBride - Alabama Historical Commission  
Bill Gardner - Alabama Power Company  
Barry Lovett - Alabama Power Company  
Kenny Lowe – Alabama Power Company  
Bill Sim - Alabama Power Company  
Tina Waters – Alabama Power Company  
Kelly Schaeffer - Kleinschmidt Associates  
John Peconom – Kleinschmidt Associates  
Carey B. Oakley - MACTEC  
Kenneth H. Carleton - Mississippi Band of Choctaw Indians  
Jean Allan - U.S. Forest Service  
Elrand D. Denson - U.S. Forest Service  
Darryl Harley - U.S. Forest Service  
Bob Pasquill - U.S. Forest Service

After introductions, the attendees were informed that the June 27, 2003, meeting summary had not been drafted, but once the summary was available, everyone would have three weeks to review it and make any necessary corrections.

Prior to the August meeting, the participants on the Black Warrior River Restricted Service List (participants) received an updated version of the *Smith Project Lands Viewer containing GIS Layers DVD* (DVD).<sup>1</sup> Kenny Lowe provided a brief tutorial about how to access the new information.

Tom Maher and Amanda McBride described how they had used pre-project and post-project topographic maps and satellite imagery from the DVD to determine the areas

---

<sup>1</sup> The DVD contained soils maps, satellite imagery, topography maps, and the location of cultural resources for the Lewis Smith Development (Smith Development) of the Black Warrior River Project (P-2165).

within the Lewis Smith Development (Smith Lake Development) that may have a high potential for archeological sites<sup>2</sup>. Maps with the high potential areas highlighted were available for viewing by the participants. Though Mr. Maher acknowledged that refinement was needed to accurately define the high potential areas, he thought this was a useful indication of areas that could qualify for a Phase I survey. Bill Sim offered to provide the AHC with a computer and a GIS technician in order to refine these areas.

Mr. Sim questioned the possibility of conducting a sub-sample of the high potential areas. Currently 103.9 miles (20.8%) of the Smith Lake Development Project lands have been surveyed. For the Forest Service lands within the project boundary, 75 miles (50.6%) have been surveyed. Since the AHC had not refined the high potential areas, Mr. Maher was unable to commit to sub-sampling. Kenneth H. Carleton stated that the Alabama Power Company (APC) would not be in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) if sub-sampling occurred, and therefore, he could not support Mr. Sim's request. Patti Leppert stated that the Programmatic Agreement and the Historic Properties Management Plan for the Smith Lake Development would address NAGPRA.

The participants discussed the need for a Phase I survey prior to the APC's proposed Phase II survey. Mr. Maher stated that a Phase II survey of 17 sites would probably not provide enough information to develop decisions, and that a Phase I survey was more appropriate at this time for the Smith Lake Development. The information gathered from the Phase I survey would provide a better basis for decisions. Mr. Carleton, Jean Allan, Bob Pasquill, and Elrand Denson concurred with Mr. Maher.

During the Phase I survey discussion, Mr. Denson commented on the U.S. Forest Service's Section 4(e) conditions and how they relate to a Phase I survey. Ms. Leppert stated that for lands within the project boundary that are Forest Service land, there is Section 4(e) conditioning authority. For Forest Service land outside the project boundary, no such authority occurs. The Commission would consider those conditions under section 10(a) of the Federal Power Act.

After a brief caucus, APC withdrew their proposal for a Phase II survey at this time, and agreed to conduct a Phase I survey. Prior to the next meeting, APC will send the scope of work for a Phase I survey to the participants for their review. To survey Forest Service lands, APC must acquire an Archaeological Resources Protection Act (ARPA) permit. Mr. Pasquill will provide APC with the appropriate form(s).

---

<sup>2</sup> High potential areas include areas with a water source and access to the valley floor.

The next cultural resource meeting for the Warrior River Project is scheduled for September 24, 2003, at APC Corporate Headquarters. Also, the first cultural resource meeting for the Lower Coosa River Project is scheduled for October 9, 2003.

Action Items:

1. APC will provide the AHC with a computer and GIS technician.
2. APC plans to provide the Phase I scope of work for the Smith Lake Development to the participants prior to the September 24, 2003, meeting.
3. The AHC will refine the high potential areas prior to the September 24, 2003, meeting.
4. Mr. Pasquill will provide APC with the ARPA permit form(s).