

**Black Warrior River Hydroelectric Project
Cultural Resource Meeting Summary
Held May 29, 2003
Project No. 2165-015**

Meeting Attendees:

Janet Hutzel - Federal Energy Regulatory Commission
Patti Leppert - Federal Energy Regulatory Commission
Lindsey Breithaupt - Alabama Historical Commission
Tom Maher - Alabama Historical Commission
Amanda McBride - Alabama Historical Commission
Bill Gardner - Alabama Power Company
Barry Lovett - Alabama Power Company
Bill Sim - Alabama Power Company
Kelly Schaeffer - 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
Bob Pasquill - U.S. Forest Service

After introductions, the attendees were informed that the March 25, 2003, meeting summary has not been drafted, but once the summary is available, the participants would have three weeks to review it and make any necessary corrections.

The discussion of the draft Programmatic Agreement (PA) for the Lewis Smith development of the Black Warrior River Project (P-2165-015) began with Janet Hutzel, of the Federal Energy Regulatory Commission (FERC or Commission), explaining that most of the language in the draft PA is standard language. The Commission and the Advisory Council on Historic Preservation had developed the language, and with the exception of the *Whereas Clauses* and section I. *Historic Properties Management Plan*, the language is usually not changed. Ms. Hutzel also informed the participants that the draft PA's Appendix A, which contains information about the development, Historic Properties identified, and anticipated effects, will be developed at a latter date. Participants were then invited to provide comments on the draft PA.

Kenneth H. Carleton, of the Mississippi Band of Choctaw Indians, started by stating the tribes were to be signatories of the final PA, and not concurring parties.

Participants also responded that they would prefer to alter Section III., *Interim Treatment of Historic Properties*, in addition to the above mentioned sections. In section III A (3), participants questioned why Alabama Power Company (APC) does not have to address effects caused by natural phenomena. The Commission staff provided an Order from February 21, 1986 which addressed the existence of the project and why mitigation measures are not required for natural phenomena. The participants also decided to remove the text *erodible soils* from the section.

In Section I C (3), participants stated that the clause was hard to understand and they requested the wording be changed to make it clearer. Jean Allan, of the U.S. Forest Service submitted alternative language to the participants for their review. In Section I C (6), the wording was changed to reflect that Federal lands are within the project boundary. The Commission staff would incorporate all changes and provide the participants with a revised draft PA.

The participants also discussed the need for further cultural resource studies. APC proposed to conduct a phase II survey for a certain percentage of known archeological sites to determine if they are eligible for the National Register of Historic Places. APC theorized if these sites are not eligible, than probably the remaining sites are also not eligible. Many of the participants objected to this proposal because they stated that not enough information is available to sign the PA or draft a Historic Properties Management Plan. Tom Maher, of the Alabama Historical Commission, proposed that APC survey the high probability areas around the reservoir to help close the information gap. For the next meeting, APC proposed to bring topographic maps, Natural Resource Conservation Service maps, and aerial photos to help the participants decide where the high probability areas are located.