

Coosa & Warrior Hydropower Relicense
Section 7 Meeting – December 16, 2004 – via conference call

Revision 12-22-04

Attendees

Jeff Powell	USFWS	Patric Harper	USFWS	Bill Sim	APC
Malcolm Pierson	APC	Shane Boring	Kleinschmidt	Jason Moak	Kleinschmidt
Henry Mealing	Kleinschmidt				

Action Items

Due Date

- Coordinate a date and time for next Section 7 meeting during 2005 AFA Meeting
Shane Boring January 14, 2005
- Incorporate comments on Draft BA's and distribute prior to meeting at AFA
Shane Boring January 14, 2005
- Draft meeting notes from 12-16-04 and distribute to attendees for comment
Shane Boring December 22, 2004
- Draft Cumulative Effects Analysis for the Warrior BA.
Jason Moak January 14, 2005
- Distribute final Flattened Musk Turtle Study Report to group
Malcolm Pierson ASAP
- Update Warrior Species Tracking Tables relative to Indiana bat
Shane Boring January 5, 2005
- Continue filling in Species Tracking Table and work on BA
Shane Boring and Jeff Powell January 24, 2005 – provide update
- Continue to investigate USFWS coordination with USFS and NOAA Fisheries
Jeff Powell, Patric Harper, or Larry Goldman ASAP

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.

Shane opened the meeting with an update of the status of meeting notes to date. Specifically, both the September 30, 2004 and October 14, 2004 notes have been finalized and were distributed to the group via e-mail on December 14, 2004.

Review of Action Items from last meeting:

- Draft the introductory sections for the Warrior BA and distribute to the group for review
These sections have been drafted and will be included in the next draft of the BA's.

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- Complete draft Coosa BA and distribute to APC for internal review
This task is complete.
- Draft meeting notes from 10-14-04 and distribute to attendees for comment
This task is complete.
- Continue filling in Species Tracking Table and work on BA
Jeff, Shane and Patric are continuing to work on this task. See update included in these notes.
- Check with APC to determine if Smith Project Boundary extends into Lawrence County
This task is complete. See update provided by Patric Harper below.
- Double-check USFWS records regarding occurrence of Indiana bat in Winston County
This task is complete. See update provided by Patric Harper below.
- Contact Malcolm for any updates on the flattened musk turtle studies
This task is complete. See update provided by Malcolm Pierson below.
- Provide comments and finalize 09-30-04 Section 7 meeting notes
This task is complete.
- Continue developing the list of potential impact to T&E Species
Jeff, Shane and Patric are continuing to work on this task.
- Provide update to Warrior Species Tracking Table
Patric Harper and Shane are continuing to work on this task. See update below.
- Continue to investigate USFWS coordination with USFS and NOAA Fisheries
Jeff Powell, Patric Harper, or Larry Goldman are working on this coordination.

Review of Draft Biological Assessments (BAs)

Patric Harper and Jeff Powell provided comments on the draft Coosa and Warrior Biological Assessments, which were distributed to the USFWS for review on November 22 and December 6, 2004, respectively. Jeff and Patric noted that they would like to see the analyses for both the Coosa and Warrior BA's restructured to have the affects broken down by development, particularly for freshwater mussels. Jeff indicated that he had drafted a proposed framework that he will pass on to Henry, Jason, and Shane. While both Jeff and Patric indicated that they had a number of specific comments, which they will provide as track changes, the following general comments were provided regarding the BA's:

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Coosa BA

Jeff noted several potential cumulative impacts that he would like to see addressed in the Cumulative Effects Analysis, such as PCBs in Choccolocco Creek and impacts of the transmission line right-of-way maintenance (i.e., mowing, aerial herbicide spraying). In regards to right-of-way maintenance, Bill Sim noted that, to the best of his knowledge, transmission lines beyond the powerhouse are outside of the project boundary and thus are not subject to the relicensing process. Jeff noted that, although this is outside the project boundary, it could still potentially be a cumulative impact and suggested possibly listing such impacts in a table in the BA. The group discussed this and decided that these items could be listed in the cumulative impacts section, but would not receive a thorough analysis. Providing the basic information available for each impact should be sufficient.

Jeff also noted that one recent addition to the Coosa Species Tracking Table, the Georgia pigtoe, had not been analyzed in the BA. Shane added that Georgia pigtoe was one of four species that were recently added to the species list (along with the teardrop elimia, cobble elimia, and ribbed elimia) but were awaiting positive identification through DNA testing and other methods (See 9/30/04 Section 7 Meeting Notes). Jeff indicated that this was the case for the three snail species (teardrop, cobble, and ribbed elimia), but that Georgia pigtoe was added as the result of a change in nomenclature. Shane stated that we would incorporate an analysis for Georgia pigtoe in the next draft of the BA. Jeff reminded the group that Georgia pigtoe is a candidate species and should be analyzed accordingly.

Warrior BA

Patric noted that he did not see a Cumulative Effects Analysis included in the Warrior BA for freshwater snails and mussels. Jason agreed to prepare a Cumulative Effects analysis and incorporate it into the next draft of the Warrior BA. The group also discussed APC ownership on the Bankhead Development. The Bankhead Project (dam, lake, and lock) is owned and operated by the Army Corps of Engineers. APC owns and operates a powerhouse on the dam and only uses “excess water” for generation as defined by the Corps. Therefore, APC’s impact is only related to passing water through the turbines – not the impacts caused by the presence or operation of the lake. The Warrior BA will be structured to reflect this fact.

Species Tracking Tables

Malcolm provided a brief update of the status of the flattened musk turtle (FMT) studies being conducted on Smith Lake and Bankhead National Forest. Malcolm has spoken with Ken Marion (UAB) and Ken’s group is putting the finishing touches on the final FMT report. Malcolm will pass on the final report to the group as soon as he receives it from Ken.

The group also discussed the status of Indiana bat in the vicinity of the Lewis Smith Development. Specifically, the USFWS’s County listings indicate that Indiana bat is known only from Lawrence County in the basin, while the final species list provided by USFWS listed the species as occurring in Lawrence and Winston Counties (See letter from USFWS dated April

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14, 2004). Patric indicated that he had double-checked USFWS's occurrence records and found no record of the species inhabiting Winston County. Patric suggested that the Indian bat may have been listed for Winston County in error. Shane added that he had also double-checked the extent of the Lewis Smith Project Boundary and that it does not extend into Lawrence County (where Indiana bat has been documented as occurring). Henry added that a map of the Smith Project Boundary should have been included the draft License Application and Environmental Assessment that were distributed on December 10th. Patric agreed that (based on current information) the species appears to be well removed from the Project Boundary and would likely not be affected by the relicensing. Shane agreed to update the Warrior Species Tracking Table to reflect this information.

Future Meeting Schedule

Several group members indicated that they will be attending the Alabama Fisheries Association (AFA) meeting in Auburn on January 24th and 25th, 2005 and proposed a face-to-face meeting at that time. The group agreed to meet at the AFA meeting and Shane will coordinate a date and time for our meeting via e-mail.