

## WCRT & CCRT Meeting

### Meeting Summary: Alabama Power Headquarters, Birmingham, Alabama January 22, 2003

Final 05-15-03

#### Warrior and Coosa Relicensing Projects Combined

#### List of Attendees

<b>Attendee</b>	<b>Organization</b>	<b>Attendee</b>	<b>Organization</b>
Jerry Moss	ADCNR	Brad McLane	Alabama Rivers Alliance
Stan Cook	ADCNR	Adam Snyder	Alabama Rivers Alliance
Joe Addison	ADCNR	Kelly Schaeffer	Kleinschmidt
Keith Floyd	ADCNR	Bruce DiGennaro	Kleinschmidt
Dan Catchings	ADCNR	Jason Moak	Kleinschmidt
Rick Claybrook	ADCNR	Henry Mealing	Kleinschmidt
Keith Guyse	ADCNR	Ron McKittrick	FERC
Jim McHugh	ADCNR	Heather Seiders	E/PRO
Dan Thompson	ADCNR	Bill Campbell	E/PRO
Jessica Dent	ADECA	Jack Blackburn	Neely Henry Lake Association
Jim Crew	APC	Dick Whatley	Neely Henry Lake Association
Jim Lochamy	APC	Don Greer	Neely Henry Lake Association
Walter Ramey	APC	William Copeland	Neely Henry Lake Association
Tom Cooper	APC	Hap Bryant	Neely Henry Lake Association
Rick Allums	APC	John Eisenbarth	Trout Unlimited
Sheila Smith	APC	Ray Cline	Federation of Fly Fishers/Trout Unlimited
Stephanie White	APC	Jim Beason	Smith Lake Civic Association
Keith Bryant	APC	Deb Berry	Smith Lake Environmental Preservation Committee
Charles Mauldin	APC	Patric Harper	USFWS
Gala Wheat	APC	Ralph Thompson	USFWS
Willard Bowers	APC	Elrand Denson	USFS
Alan Peeples	APC	Sarah Chubb	USFS
Ashley McVicar	APC	Darryl Harley	USFS
Roger Yeargan	APC	Dan Murchison	Lake Mitchell HOBO
Malcolm Pierson	APC	George Jackins	Lake Mitchell HOBO
Bill Sim	APC	James D. Austin	Lake Mitchell HOBO
Darrin DeLoach	Logan Martin Lake Protection Association	Isabella Trussell	Logan Martin Lake Protection Association
Chuck Jensen	Lay Lake HOBO	Larry Martens	Logan Martin Lake Protection Association
Dave Cunningham	Lay Lake HOBO	Bob Huffaker	Marine Police
Lynn Cunningham	Lay Lake HOBO	Jim Howard	AL B.A.S.S. Federation
Bert Thaxton	Lay Lake HOBO	Jeff Duncan	NPS
Joe Young	Lake Jordan HOBO	Lonnie Carden	American Whitewater, CRPC, Southern Trails



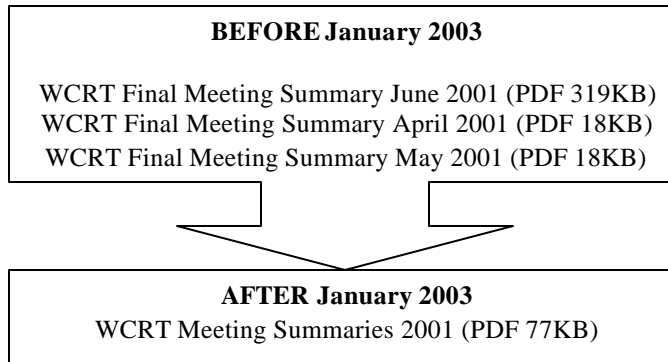
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Coosa: [http://www.southerncompany.com/alpower/hydro/RTI\\_coosa.asp](http://www.southerncompany.com/alpower/hydro/RTI_coosa.asp)  
Warrior: [http://www.southerncompany.com/alpower/hydro/RTI\\_warrior.asp](http://www.southerncompany.com/alpower/hydro/RTI_warrior.asp)

Jason also noted that in an effort to reduce the number of hyperlinks on the website, individual WCRT and CCRT meeting notes and mailouts for 2001 have been consolidated into single files.

#### **EXAMPLE:**



### **Ecological and Recreation IAG Recommendations**

#### *Ecological Recommendations*

Henry Mealing presented several issue recommendations to the WCRT and CCRT. Henry noted that accepting these IAG recommendations does not preclude further action and consideration of additional aspects of certain issues by those IAGs.

#### E1 – Point Source and Non-point Source Pollution

##### Recommendations:

1. The IAG recommends that APC use the Coosa Basin Assessment, the Warrior Basin Assessment, the ADEM 303(d) list, and the NPDES information for developing the Coosa and Warrior Environmental Assessments. Additional information identified by the IAG will also be used in this effort.
2. The IAG recommends that APC continue to stay involved with the Clean Water Partnership (CWP) process.
3. The IAG recommends that APC share technical data with the CWP.
4. The IAG recommends that APC coordinate with ADEM and ADECA to cooperate on public education efforts at the state and local levels.
5. The IAG recommends that APC incorporate ADEM and ADECA public education information into their Shoreline Management Plan.
6. The IAG recommends that this IAG consolidate its efforts with those of the E3 IAG.

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#### Discussion:

Members of the WCRT and CCRT generally agreed with the recommendations. One team member suggested that NPDES permit violations be discussed with ADEM and added to the Shoreline Management Plan if possible. It was agreed that permit violations be included on the next meeting agenda of the E3 group and that APC will contact ADEM personnel to encourage them to participate in that meeting. (Note: E1 and E3 now combined).

#### E6 – Threatened and Endangered Species

##### Recommendations:

1. Make the TE&S Species database available to other IAGs within the relicensing process.
2. Reconvene the E6 IAG should TE&S Species need further analysis as to the effects of project alternatives and recommendations.

#### Discussion:

Members of the WCRT and CCRT generally agreed with the recommendations. There was a suggestion by one team member to consider TE&S species outside the project boundary. The FWS recommended omitting “should” in the second recommendation above to reflect the need to consult with the FWS on TE&S species under Section 7 of the Endangered Species Act. The recommendation will be revised to the following:

2. Reconvene the E6 IAG to further analyze the effects of project alternatives and recommendations on TE&S species.

APC will begin drafting the TE&S species existing environment section of the Environmental Assessment. The existing environment section characterizes the TE&S species within project boundaries. One team member suggested adding the following language to follow “boundaries”: “as well as consider populations affected by the project.”

#### E7 – Exotic Species and Aquatic Plant Management Programs

##### Recommendations:

1. Alabama Power will continue to administer its Aquatic Plant Management and Mosquito Control programs on the Coosa and Warrior Projects as described in the E7 Issue Report.
2. Alabama Power will use the E7 Issue Report to prepare relevant sections of the Environmental Assessments for the Coosa and Warrior Projects.

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3. Alabama Power will include the E7 Issue Report as part of the Shoreline Management Plans for the Coosa and Warrior Projects.

#### Discussion:

Members of the WCRT and CCRT generally agreed with the recommendations. Some members expressed a desire that APC expressly prohibit aquaculture in its reservoirs. There was agreement that APC will work with the ADCNR to revise the Exotic species control section of the report to reference newly revised state regulations and to specifically reference control of aquaculture on the lakes.

#### E12 – Wetlands

#### Recommendations:

1. The E12 IAG recommends that APC provide protection for wetlands located within the project boundaries of the Warrior and Coosa hydroelectric projects. Specifically, APC should:
  - a. Incorporate the wetlands database into APC's GIS database as a tool for administering the Shoreline Management Plan.
  - b. Continue to cooperate with the ACOE wetland permitting process for developments that impact jurisdictional wetlands.
  - c. As part of the Shoreline Management Plan, APC will investigate guidelines to protect riparian zones located within the project boundary.
2. The E12 IAG recommends that the R8 IAG identify existing material or programs that can be used to provide public education on wetlands and determine if additional education materials/programs should be developed. This effort should include:
  - a. Providing the E12 IAG Public Education Outline to the R8 IAG to provide direction,
  - b. 1 to 2 members of the E12 IAG working with the R8 IAG.

#### Discussion:

Members of the CCRT and WCRT generally agreed with the recommendations. Henry noted that the E12 Public Education outline and October 23, 2002 meeting notes were inadvertently omitted from the recommendations package, but will be included in the final version on the website. Some members suggested using "riparian zones & wetlands" when referring to shoreline areas to be protected. On the item "c" above, several team members indicated a desire to have the IAG consider some method of protecting wetlands on APC-owned lands outside of the project boundary and that methods for protection be included in the shoreline management plan.

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#### *Recreation Recommendations*

##### Lake Cleanups

###### Recommendation:

“A general statement will be put in the project recreation plans that states that Alabama Power Company will continue to help promote and assist lake reservoir groups and other stakeholders in their efforts to remove trash and litter from APC reservoirs, as long as volunteer participation remains reasonable.”

###### Discussion:

Members of the WCRT and CCRT generally agreed with the recommendation. A couple of team members did not initially understand why APC was opposed to being mandated by the license to assist in the lake clean-ups. Barry Lovett explained that APC is concerned that such a mandate would ruin the spirit of environmental stewardship and volunteerism which spawned and has sustained the lake clean-ups since their inception as citizen-based effort. Several IAG members expressed a strong desire to not mandate APC's involvement in the lake clean up and that the existing APC support was appreciated. Some questioned the need for the "...as long as volunteer participation remains reasonable" phrase in the recommendation. After some discussion, it was agreed that this phrase would be deleted from the final version of the recommendation. The recommendation will read as follows:

“A general statement will be put in the project recreation plans that states that Alabama Power Company will continue to help promote and assist lake reservoir groups and other stakeholders in their efforts to remove trash and litter from APC reservoirs.”

##### Woody Debris

###### Recommendation:

“A general statement will be put in the project recreation plans that states that Alabama Power Company in coordination with Lake Associations, and the Marine Police Division will periodically monitor and review the amount, location and origin of woody debris on APC reservoirs. Should an inspection lead the Marine Police Division to conclude that a significant public safety issue might exist because of APC's practice of releasing woody debris and trash accumulations from its dam trash racks downstream, APC will, at the request of the Marine Police Division, reopen this issue for discussion and resolution. Similarly, should the Alabama Department of Environmental Management conclude that a significant water quality issue might exist for the abovementioned reason, APC will, at the request of the Alabama Department of Environmental Management, reopen this issue for discussion and resolution.”

###### Discussion:

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Bruce DiGennaro noted that this recommendation only pertains to the Coosa River projects, since this is not an issue on the Warrior (Smith Project). Some members expressed an interest in the development of an implementation plan to monitor the woody debris situation including a contact person in the event a HOBO and/or agency representative notes woody debris. It was noted that this issue may be folded into the broader discussions of Public Safety (R2). One meeting participant did not agree with the woody debris recommendation and suggested that the IAG members reconsider the recommendation. However, while not unanimous, there was general consensus on the recommendation.

#### *General Comments on the Recommendations Process*

Bruce asked the team members for suggestions on how the recommendations process could be improved. Suggestions included the following:

- Present more background on the discussions that led to the recommendations in order to reduce uncertainty and to clarify how decisions were reached
- Make clear who is on the CCRT and WCRT and who they represent when making comments on proposed recommendations.

Other comments raised by team members included a desire to have a thorough alternatives analysis. Also, it was noted that APC would need to, at some point, present all the recommendations to the CCRT/WCRT for “balancing” and to allow team members an opportunity to view and analyze the recommendations as a “package”.

#### **Shoreline Management Plan**

Bruce reviewed the Shoreline Management Plan (SMP) outline and noted that few comments were received. Some members provided comments on the Land Classification scheme, indicating that the Sensitive Resources category (Class 5) may need to include sub-categories that delineate between various levels of allowable development. Others noted that the scheme should include a cultural and historic resources class.

#### *Existing Permitting Program*

Walter Ramey and Sheila Smith (APC) presented APC’s existing shoreline use permitting program. Copies of permit applications and guidelines for individual reservoirs were made available to those in attendance. Rather than reproduce the presentation in this meeting summary, a copy of the presentation will be placed on the hydro relicensing website on the Coosa and Warrior Team Information pages under the Special Presentations heading at the following addresses:

Coosa: [http://www.southerncompany.com/alpower/hydro/RTI\\_coosa.asp](http://www.southerncompany.com/alpower/hydro/RTI_coosa.asp)  
Warrior: [http://www.southerncompany.com/alpower/hydro/RTI\\_warrior.asp](http://www.southerncompany.com/alpower/hydro/RTI_warrior.asp)

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### *Next Steps – Shoreline Management Plan*

Members of the CCRT and WCRT agreed that an IAG(s) should be formed to address the SMP issues. Some members suggested that initial SMP IAG efforts remain broad, focusing on policies and the definition of future responsibilities. Subsequent, narrower discussions of policies and practices on individual reservoirs should be handled by the individual IAGs that were formed to address recreation management issues on each reservoir.

### **Conclusion**

WCRT and CCRT documents and materials are posted on the Internet at [www.southerncompany.com/alpower/hydro](http://www.southerncompany.com/alpower/hydro).



## WCRT & CCRT Meeting

### **Meeting Summary: Alabama Power Headquarters, Birmingham, Alabama June 19, 2003**

- Comments on the DRAFT Shoreline Management Plan Outline should be sent to Bruce DiGennaro and Barry Lovett.  
WCRT & CCRT Members Due – July 25, 2003
- Distribute the E5 Toxins Issue Report to the WCRT and the CCRT for their review.  
APC Staff Due – September 01, 2003

### **Meeting Notes**

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

### **Relicensing Process Update**

Kelly Schaeffer summarized the progress made to address relicensing issues. This process has utilized Issue Action Groups (IAG) to address most relicensing issues and the larger WCRT and CCRT groups to address other resource issues. Using a bar chart to graphically illustrate this progress (attached at the bottom of this summary), Kelly informed the two groups that some relicensing issues are almost completed and that others still need work. Kelly also pointed out we are just over half-way through this relicensing process which will end in June 2005 when APC files the Applicant Prepared Environmental Assessments (APEA) and License Applications (LA) for the Warrior and Coosa River Hydroelectric Projects with FERC.

In response to a question from Isabella Trussell regarding toxins issues, APC relicensing staff stated that IAGs are formed on an as needed basis. Some issues are being addressed at the WCRT and CCRT level because detailed IAG analyses are not required for all the relicensing issues. "Issue Reports" have been presented to the WCRT and the CCRT as the first step in addressing specific relicensing issues.

### **APC Water Withdrawals Presentation**

Alan Peeples presented a summary of, the E4 Water Quantity, Use and Withdrawals Issue Report. This report included APC's water withdrawals policies, FERC required project releases, and drought planning. Copies of Alan's presentation can be found on APC's relicensing website.

Alan discussed the challenges APC faces managing their part of Alabama's water resources. The pending ACT agreement (which may have an effect on APC's policies), existing minimum flow requirements, reservoir uses and water withdrawals all need to be taken into consideration when managing APC assets.

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Individual homeowners may be withdrawing water from the system; however, these minor withdrawals are not managed through APC's water withdrawal permit system at this time.

FERC, through its Standard Land Use license article, has granted APC the authority to permit certain types of water withdrawals. APC may approve water withdrawals up to 1-million-gallons-per-day (mgd). Proposed water withdrawals over 1-mgd must be approved by FERC. APC's water withdrawal permit system outlines the specific steps involved in obtaining a water withdrawal permit. In addition to FERC regulation, water withdrawal permits also require a Certificate of Beneficial Use from the Alabama Office of Water Resources.

#### *Compensation*

Prior to 1989, APC rate payers were subsidizing water withdrawals; however, due to this inequity and supply concerns exacerbated by drought conditions, APC developed the existing compensation methodology.

The three main components of APC's compensation methodology are lost energy, water storage and reservation:

- Water withdrawals remove water that would otherwise be used for hydroelectric generation. This lost energy must be made up from another generation resources. The lost energy and the cost to replace it is calculated and included in the compensation methodology.
- APC project reservoirs provide water storage. This storage is also reflected and accounted for in APC's compensation methodology.
- The reservation fee is designed to help withdrawers plan for future needs. Water is at a cost, reserved for future uses.

Also considered in the water withdrawal permit decision process and the compensation methodology is returned water. The location of the water return and the quality of the return are both considered in these combined processes.

The desired results of the compensation methodology are expected to:

- recover generation losses,
- encourage consideration of alternative generation resources, and
- promote water conservation.

#### *Required Project Releases*

In addition to permitted water withdrawals and power production, the Warrior and Coosa Hydroelectric Projects provide recreational, navigational and ecological enhancement flows through controlled water releases.

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The Jordan Development is the only APC development on the Warrior/Coosa system that has specific mandatory minimum flow requirements for ecological and recreational uses. Flows released from Jordan Dam enhance downstream water quality and water-based recreation activities including fishing, boating, swimming, canoeing, and kayaking. The E4 Issue Report includes a copy of the specific release schedule.

Other required project releases are designed to maintain downstream commercial navigation. Specific release requirements are different for each river system due to basin size, hydrology and project design. Additional information on these releases can also be found in the E4 Issue Report.

#### *Drought Operations*

Prolonged droughts can seriously impair hydroelectric operations. The most significant ecological impact resulting from drought conditions is impaired water quality. Other ecological impacts associated with drought conditions include elevated water temperature, loss of riparian vegetation, lowered dissolved oxygen levels, and stranding of aquatic organisms. At each storage reservoir, a drought contingency operating guideline curve has been established. These curves were proposed by the State of Alabama with input from APC, and are a part of the ACT Compact process. Each drought contingency curve reaches a high point on June 1st, coinciding with the highest water level reached during the spring of the 1988 drought and the lower end of the curve is 2-3 feet below the normal winter level.

#### **Shoreline Management Plan Presentation**

Bruce DiGennaro began the discussion on the Draft Shoreline Management Plan Outline, which was prepared by Kleinschmidt, and noted that it takes into consideration other FERC approved shoreline management plans from throughout the country and stakeholder comments that were received after the November 2002 and January 2003 shoreline management plan discussions. Kleinschmidt's revised outline was distributed to meeting participants for their review. As previously discussed by the group, the purpose of the SMP is to provide direction and guidance for future shoreline activities on APC shoreline properties as well as other properties within APC's FERC approved project boundaries, specifically the traditional shoreline edge.

#### *Overall Process*

Bruce reviewed the overall process in which reservoir specific shoreline management plans will be completed and presented a two-tiered approach to developing the shoreline management plans that consists of 1) all reservoirs and 2) reservoir specific.

All reservoirs will share some of the same SMP components:

- general background information,

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- a shared Shoreline Conservation Policy,
- Best Management Practices (BMPs); and
- a land use classification system.

Reservoir specific components of the SMP include:

- lake Vision Statement,
- designated shoreline lands, and
- resource specific protection and enhancement measures and considerations.

Bill Campbell stated that land classifications and designations will be based in part on aerial interpretations and that this intensive GIS effort will work to identify shoreline characteristics as far back as 500-ft from the project boundary, though the SMP itself will only apply within the project boundary.

#### *Revised Outline*

Kleinschmidt made several changes to the Draft Shoreline Management Plan Outline specifically in *Section 3-Existing Shoreline Uses* and *Section 4-Shoreline Management Program*. Kleinschmidt added text to Section 3 to better clarify existing shoreline uses and how they will be managed under this plan. Section 4 includes several sub-sections which were revised based on stakeholder comments. Changes to these sections are highlighted below:

- Section 4.1-Shoreline Conservation Policy

This overarching policy promotes regulatory and voluntary management cooperation between stakeholders, identifies the immediate shoreline edge and the project boundary as the applicable areas managed under this plan, and specifies the shoreline classification system and best management practices.

- Section 4.2-Land Classification System

This system designates shoreline lands for future management purposes into five classes: 1) APC Project Operations, 2) Developed Recreation, 3) Multiple Use Lands, 4) Sensitive Resources/Natural Undeveloped Lands and 5) National Forest Lands. In the Draft Shoreline Management Plan Outline, each classification also includes an additional description of specific properties that should be designated under each classification.

- Section 4.3-Best Management Practices

The BMPs proposed in the revised outline are designed to help protect valuable shoreline resources. The BMPS focus on buffer zones, vegetation management, water quality and property development and were developed based on other SMPs as well as other conservation efforts from throughout the country.

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- Section 4.4-APC Lake Shore Use Permitting Program

Additional text was added to this section to better clarify APC's Lake Shore Use Permitting Program.

#### *“Break-Out” Groups*

After reviewing the changes, meeting attendees were divided into three smaller “break-out” groups to discuss specifics of the revised outline. The “break-out” groups individually discussed the Draft Shoreline Management Plan Outline and then came back together and shared the results of their discussions. The following bullets summarize the discussions that each group put forward when they came back together:

#### Break Out Group 1

- The structure of Section 4 is good
- Modify BMPs to create compliance incentives
- Consider the cumulative effects of shoreline activities when permitting uses
- Public education will be a very important component of this plan
- Habitat enhancements should be evaluated for incorporation into this plan
- Development restrictions might be a good tool
- Effective monitoring and enforcement will be essential
- A permit fee program should be instituted
- Conservation policy was ok

#### Break Out Group 2

- Work with the Clean Water Partnership on BMPs
- Need to better define SMP boundaries specifically at Smith Lake
- Lake aesthetics need to be emphasized
- Establish commercial and residential BMPs
- Emphasize the importance of BMPs
- Ensure that state and federal agencies are included in the permit process where applicable
- Make some distinctions between sea walls and rip-rap
- Consider mitigation measures
- Work with the R8 Public Education IAG to focus on public education efforts
- Consider incorporating the internet into application, monitoring and enforcement of the SMP
- Consistency check SMP with reservoir Vision Statements
- Solicit more resource agency input on BMPs

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#### Break Out Group 3

- The description of the SMP could be improved and FERC guidelines should be included
- A strong public education effort is necessary
- Construction BMPs
- A shoreline use fee permit program should be started
- Continued consultation and stakeholder cooperation
- Address water quality specifically relating to septic tanks
- Address trash *i.e.* fishing jugs, shoreline litter and tires
- Explore bonding developers so that they adhere to SMP guidelines
- Consider development restrictions
- Address cumulative effects of sea walls
- A strong enforcement program is necessary
- Include wetlands into SMP protections

Bruce DiGennaro agreed to consider all these comments as well as those made over the next month into the next draft of the Shoreline Management Plan Outline.

#### Conclusion

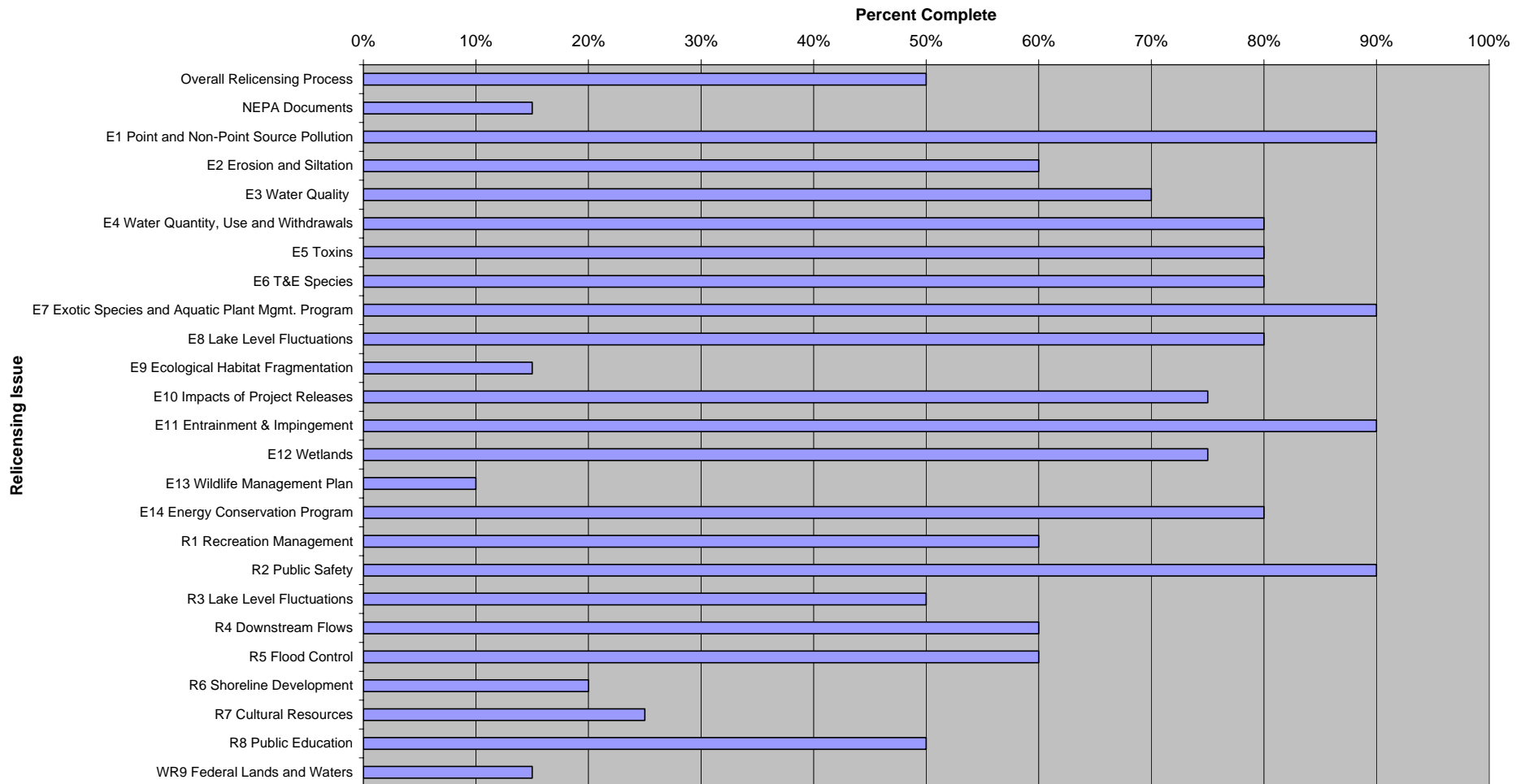
July 9<sup>th</sup> and 10<sup>th</sup> as well as August 20<sup>th</sup> and 21<sup>st</sup> have been identified as potential dates for future relicensing meetings.

The E4 Water Withdrawals PowerPoint Presentation, the Shoreline Management PowerPoint Presentation, and all other WCRT and CCRT meeting notes summaries and materials are posted on the Internet at [www.southerncompany.com/alpower/hydro](http://www.southerncompany.com/alpower/hydro).

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### Warrior and Coosa Issue Status Update



## Shoreline Management Plan Workshop

### Meeting Summary: Alabama Power Headquarters, Birmingham, Alabama September 17, 2003

Final 11-13-03

#### Warrior and Coosa Relicensing Projects Combined

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#### List of Attendees

Attendee	Organization	Attendee	Organization
Adam Snyder	Alabama Rivers Alliance	Jim Copeland	Neely Henry Lake Assoc.
Alan Peoples	APC	Jim Crew	APC
April Hall	Alabama Rivers Alliance	Jim Hancock	Balch & Bingham LLP
Bert Jones	Smith Lake Homeowner	Jim Howard	AL BASS Federation
Bill Campbell	E/Pro Consulting	Joe Addison	ADCNR
Bill Sim	APC	Joe Young	Lake Jordan HOBO
Bob Ransom	Lay Lake HOBO	John Eisenbarth	Smith Lake
Bruce DiGennaro	Kleinschmidt	John Peconom	Kleinschmidt
Charles Dixon	Neely Henry Lake Assoc.	Keith Bryant	APC
Charles Farrell	Lay Lake Homeowner	Kelly Schaeffer	Kleinschmidt
Dan Catchings	ADCNR	Len Simmons	APC
Dan Murchison	Lake Mitchell HOBO	Lynn Cunningham	Lay Lake HOBO
Dan Thompson	ADCNR	Malcolm Pierson	APC
Dave Cunningham	Lay Lake HOBO	Mike Akridge	APC
Deb Berry	Smith Lake EPC	Pam McDaniel	APC
Duncan Austin	Lake Mitchell	Rick Allums	APC
Hap Bryant	Neely Henry Lake Assoc.	Rick Claybrook	ADCNR
Heather Seiders	E/Pro Consulting	Roger Yeargan	APC
Henry Mealing	Kleinschmidt	Shannon Dewberry	APC
Jason Redmond	APC	Sheila Smith	APC
Jeff Nield	Kleinschmidt	Stan Cook	ADCNR
Jerry Howell	Neely Henry Lake Assoc.	Tim George	APC
Jerry Moss	ADCNR		

#### Action Items

- Prepare and distribute workshop summary.  
APC Staff Due – October 03, 2003
- Distribute revised Draft SMP Outline originally handed out at September's workshop.  
APC Staff Due – October 03, 2003
- Revise the Draft SMP Outline.  
APC Staff Due – November 06, 2003
- Propose Best Management Practices and possible adjustments to APC's existing Lake Use Permitting Program.  
APC Staff Due – November 06, 2003

## Shoreline Management Plan Workshop

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- Continue to review stakeholder comments to the SMP  
APC Staff Due – November 06, 2003

#### Meeting Notes

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

#### **Shoreline Management Plan Plenary Session**

##### *Meeting Agenda*

1. Review SMP Process
2. Summarize Comments
3. Review Edits and Land Classification Method
4. Breakout Groups
  - Review Edits
  - Discuss Classification Method
5. Report Back
6. Next Steps

After general introductions were made, Jim Crew introduced Alan Peoples as the APC staff person who will be responsible for organizing the SMP.

Bruce informed everyone that today's workshop would not focus on reservoir specific issues, but that these conversations would be held very soon. The goals of today's workshop are to focus on overarching issues that apply directly to all the SMPs.

##### *Review of SMP Process*

Relicensing stakeholders have expressed a lot of interest in the development of shoreline management plans for the Warrior and Coosa project reservoirs. As a result of this interest, APC held this meeting to build upon previous efforts and will hold several more meetings in the near future to continue with this effort. Bruce DiGennaro reviewed a number of topics relative to the SMP including:

- The purpose of an SMP:
  - An SMP is not a regulatory document
  - An SMP is a guidance tool that provides further management direction
  - The SMP applies only to lands within the FERC project boundary
  - The SMP is complimentary to other management efforts and will be designed to work in coordination with other shoreline management actions

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- The process for developing an SMP:

- Provide stakeholders with the necessary background information
- Have a large group develop overarching themes and policies
- Create a Shoreline Conservation Policy
- Come to agreement on Best Management Practices (BMPs)
- Review APC's existing lake shore use permitting program
- Use smaller groups to focus on reservoir specific issues (vision statement and other reservoir specific measures)

Bruce summarized the development of this process as a type of "umbrella" with the Goals and Policy and Land Classifications System at the top being completed first, followed by the BMPs and Permitting Program underneath, followed by the Reservoir specific issues, and finishing with the program Implementation as the final step.

- The SMP outline: (Table of Contents from the current draft of the SMP)

- Introduction
- Goals and Objectives
- Existing Shoreline Uses
- Shoreline Management Program
- Reservoir Specific Issues
- Implementation and Review

#### *Summary of Comments to the SMP*

Stakeholder comments (approximately 85 individual comments) from the June 19<sup>th</sup> SMP workshop and comments submitted in response to the Draft SMP Outline (from approximately 10 individuals and the three breakout groups) were compiled into one table and distributed to stakeholders prior to the workshop. A revised table was distributed at the meeting because one stakeholder's comments were inadvertently left out. Approximately 50 percent of the comments addressed the introduction, goals, shoreline conservation policy and the land classifications. The remaining comments addressed the best management practices and APC's existing shoreline permitting program.

APC has reviewed many of these comments and incorporated a majority of them into the SMP outline. Other comments were not incorporated because APC needs additional clarification or has some concerns about their applicability to the SMP. These comments will be reviewed and discussed further in the upcoming weeks with those individuals who submitted them.

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#### *Edits to the Draft SMP Outline*

Based on the stakeholder comments, Kleinschmidt made several edits to the Draft SMP outline distributed at the June 19<sup>th</sup> SMP meeting. Edits were made through section 4.2 and include:

- Section 1.0 Introduction
  - Clarified the project description and definitions of project lands and boundaries; project lands include, fee title and easement lands
  - Inserted placeholders for reservoir specific descriptions
  - Added text clarifying the purpose and content of the SMP
- Section 2.0 Goals & Objectives
  - Rearranged text, reinforced the concept of non-project uses
  - Objectives were removed
  - Revised list of goal statements
- Section 3.0 Existing Shoreline Uses
  - Added the term “non-project uses” into the text
- Section 4.0 Shoreline Management Program
  - Revised the Shoreline Conservation Policy statement
  - Added minor revisions to the lands classifications descriptions

#### *Land Classification Methodology*

Existing APC land classifications prepared by E/PRO Consulting have been modified to apply to the shoreline management plan.

<u>Existing APC Land Classification</u>	→	<u>SMP Land Classification</u>
APC Operations		APC Operations
Developed Recreation		Developed Recreation (existing & potential)
Residential		Multiple Use (adjacent homes and docks)
Municipal/Industrial		Multiple Use
Agricultural		Multiple Use
Forest Management/Undeveloped		Sensitive/Undeveloped
Sensitive Resources		Sensitive/Undeveloped (T&E, wetlands, etc)

The SMP land classifications will apply only to lands within the FERC project boundary.

Bruce used several drawings to illustrate the connections and applicability between the existing APC land classifications and the SMP land classifications.

## Shoreline Management Plan Workshop

### **Meeting Summary: Alabama Power Headquarters, Birmingham, Alabama September 17, 2003**

Stakeholders discussed several aspects of the SMP lands classifications system. The FERC project boundary can be variable depending on project operations and topography. The multiple use lands category was created to address adjacent land management activities that APC is unable to control, but realizes has an effect on the project reservoirs. Land currently classified as forest management/undeveloped, after further review, may be either reclassified under multiple use or sensitive undeveloped.

#### **Shoreline Management Plan Breakout Groups**

Meeting attendees divided into smaller breakout groups and reviewed the edits to the Draft SMP outline as well as the proposed SMP lands classification system. A summary of each breakout group's discussion is provided below.

##### **Break Out Group 1 – Bruce DiGennaro**

- Goals
  - Liked the old goals statement
  - Want a mission statement on top of goals (see Jim Howard's suggestion)
  - Consider adding an objective controlling residential development
- Land Classifications
  - Make "sensitive/undeveloped" the default lands classifications
  - Further define/split multiple use lands
  - Determine a process for changing land classifications, Section 6.0 Implementation, adaptive management
  - Consider splitting/redefining the sensitive/undeveloped lands classification
- Other
  - Enforcement issues concerning the Shoreline Permitting Program need to be addressed

##### **Break Out Group 2 – Kelly Schaeffer**

- Determine definition of Neely Henry reservoir – is it storage or run-of-river (contact FERC for determination)
- Need additional resources to implement shoreline permit program
- Goals
  - Revise goal 5, remove the word "appropriate"
  - Change language to "minimize" adverse scenic impacts
  - Add text "provide safe reservoir for activities"
- Land Use Classifications
  - Think about multiple use lands classification
  - Better explain sensitive/undeveloped lands classification
- Best Management Practices need to be developed
- Shoreline Permit Program

## Shoreline Management Plan Workshop

### **Meeting Summary: Alabama Power Headquarters, Birmingham, Alabama September 17, 2003**

- Lack of legal authority held by APC is an issue
- Explore moving disputes from local to federal courts
- HOBOS need to be part of enforcement program, can help APC

#### Break Out Group 3 – Henry Mealing

- Goals
  - Goals should be expanded upon later in the document
  - Reconsider instances where the word minimize occurs
  - Emphasize water quality and scenic values
- Land Classifications
  - Would like the default land classification to be more restrictive

#### *Next Steps*

Meeting Attendees agreed that the next steps in this process should include:

- Develop BMPs and adjustments to the shoreline permitting program
- Review reservoir specific land classifications
- Hold another SMP Workshop in November
- Distribute edited version of the Draft SMP Outline
- Stakeholders to provide written comments on the revised Draft SMP outline

#### **Conclusion**

All written comments should to be sent to Alan Peeples at [ALPEOPLE@southernco.com](mailto:ALPEOPLE@southernco.com) by October 13, 2003.

The next SMP Workshop/Meeting will be tentatively set for November 12 or 13 (exact date and times TBA), where attendees will discuss BMPs, APC's existing lake shore use permitting program and reservoir specific issues.

Additional information regarding the SMP and other relicensing efforts can be found at APC's hydro relicensing website on the internet at: [www.southerncompany.com/alpower/hydro](http://www.southerncompany.com/alpower/hydro).

## Shoreline Management Plan Workshop

### Meeting Summary: Alabama Power Headquarters, Birmingham, Alabama November 13, 2003

#### Warrior and Coosa Relicensing Projects Combined

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#### List of Attendees

Attendee	Organization	Attendee	Organization
Andy Sheppard	APC	Jim Hancock	Balch & Bingham LLP
April Hall	Alabama Rivers Alliance	Jim Howard	AL BASS Federation
Bill Campbell	E/Pro Consulting	Joe Addison	ADCNR
Bill Thrasher	NHLA	Joe Young	Lake Jordan HOBO
Bob Ransom	Lay Lake HOBO	John Peconom	Kleinschmidt
Bruce DiGennaro	Kleinschmidt	Keith Bryant	APC
Chuck Shirah	APC	Keith Floyd	ADCNR
Connie Thrasher	NHLA	Kelly Schaeffer	Kleinschmidt
Dan Catchings	ADCNR	Len Simmons	APC
Dan Murchison	Lake Mitchell HOBO	Lynn Cunningham	Lay Lake HOBO
Danny Tignor	APC	Mack Thomas	APC
Darryl Harley	US Forest Service	Mike Godfrey	APC
Dave Cunningham	Lay Lake HOBO	Rick Allums	APC
Deb Berry	Smith Lake EPC	Rick Claybrook	ADCNR
Elrand D. Denson	US Forest Service	Roger Yeargan	APC
Harlom Baker	APC	Sandi G. Robinson	APC
Heather Seiders	E/Pro Consulting	Shane Boring	Kleinschmidt
Henry Mealing	Kleinschmidt	Shannon Dewberry	APC
Isabella Trussell	LM Lake Prot. Assoc.	Sheila Smith	APC
J. Duncan Austin	Lake Mitchell HOBO	Stephen Gidiere	Balch & Bingham LLP
Jason Redmond	APC	Viki Jenkins	APC
Jeff Powell	USFWS	Walter Ramey	APC
Jerry Moss	ADCNR		

#### Action Items

- Prepare and distribute workshop meeting notes.  
APC Staff Due –December 10, 2003
  
- Submit comments on Sections 4.2 - 5.2 to Alan Peeples.  
Stakeholders Due – December 19, 2003
  
- Revise the Draft SMP Outlines and consolidate them into one Warrior and one Coosa working document.  
APC Staff Due – January 14, 2004

## Shoreline Management Plan Workshop

### **Meeting Summary: Alabama Power Headquarters, Birmingham, Alabama November 13, 2003**

- Draft Section 6.0 Implementation and distribute to stakeholders for their review.  
APC Staff Due – January 14, 2004

#### **Meeting Notes**

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

#### **E5 Toxins Issue Report Presentation**

Shane Boring of Kleinschmidt summarized the Draft E5 Toxins Issue Report. Shane reviewed the relicensing issue statement and introduced and described specific toxins issues including the presence of toxins in the environment, toxins regulation and monitoring, Alabama's fish tissue monitoring program, fish consumption advisories and lake stratification. Shane also discussed report conclusions and potential recommendations (see details on the issue statement and recommendations in Attachment A).

Several stakeholders have already commented on the report and any additional comments to the report should be sent to Jim Crew of APC by December 19, 2003.

#### **Shoreline Management Plan Plenary Session**

The goal of this workshop was to educate and gain feedback from stakeholders concerning the information provided in the following sections of the Shoreline Management Plan (SMP):

- 4.2 – Shoreline Classification System;
- 4.3 – Best Management Practices;
- 4.4 – Shoreline Permitting Program; and
- 5.0 – Reservoir Specific Issues.

#### *Review of SMP Planning Process*

Bruce DiGennaro reminded stakeholders that they have been working on this issue for over a year and that these SMPs are designed to serve as a tool to assist with shoreline development and management actions. Each section of the SMP has been revised several times based in-large-part on stakeholder input. Submitted written comments and those comments provided at the SMP workshops have been compiled and are being used by APC staff as they continue to prepare these SMPs. A vast majority of stakeholder comments have already been incorporated into the SMPs and those comments not yet reflected in the SMPs will be addressed directly to the commenter by APC staff, who may need additional information before determining how to proceed with these comments.

## Shoreline Management Plan Workshop

### **Meeting Summary: Alabama Power Headquarters, Birmingham, Alabama November 13, 2003**

#### *Shoreline Classification System*

Jim Crew presented and discussed a number of revisions to the shoreline classification system. According to Jim, brief ownership descriptions were added to each classification to give stakeholders a better understanding of land ownership within each classification. Ownership ultimately determines applicable management actions. APC has more management options on the lands it owns in fee title as opposed to flood easement lands.

After discussing the ownership additions to the shoreline classifications, Jim highlighted specific changes to the classifications including:

- Project Operations – These lands will be reviewed again to ensure that there are no lands unnecessarily listed under this classification; if there are, they may potentially be removed and reclassified. Other than this additional review step, no changes were made to this classification.
- Recreation – Formerly called “Developed Recreation”; no other changes were made to this classification with the exception of the change to the title. Recreation lands include those existing and potential future lands owned and operated by APC as well as those owned by APC and leased to others.
- Multiple Use Lands – No changes were made to this classification which is designed to accommodate a wide range of development/use. Most activities within this classification fall under the authority of the shoreline permitting program.
- Sensitive Resources/ Natural Undeveloped Lands – This classification was split into two separate classifications based on typical ownership:
  - Sensitive Resources: These are typically flood easement lands in need of additional protection. Though APC has limited management authority on these lands it does encourage the implementation of BMPs.
  - Natural Undeveloped Lands: These are lands typically owned in fee by APC and their use and development is limited. A significant amount of APC lands within the project boundary are classified as Natural Undeveloped.
- National Forest Lands – No changes were made to this classification which will be primarily managed by the U.S. Forest Service in coordination with their specific management plans.

## Shoreline Management Plan Workshop

### **Meeting Summary: Alabama Power Headquarters, Birmingham, Alabama November 13, 2003**

#### Stakeholder Comments

Stakeholders suggested that APC consider classifying contaminated sediments as sensitive resources to protect them from development disturbances. APC stated that they work with the Corps of Engineers and generally refer to their authority concerning dredging projects that may disturb potentially contaminated sediments.

Stakeholders also suggested that islands be reviewed to determine how they may be managed. According to APC, managing islands is complicated and that they are generally outside of the project boundaries or sometimes viewed as a “hole” in the project boundary, but APC agreed to investigate the issue further and report back to the group.

Shoreline classification maps should be available for the next SMP meeting early next year.

#### *Best Management Practices (BMPs)*

Bruce DiGennaro presented potential best management practices that could be included in the SMPs and implemented by shoreline homeowners. Best management practices are voluntary, easy to adopt, on-site measures that have been commonly promoted throughout the state as well as the nation and have the ability to reduce potentially harmful impacts to the environment while promoting conservation values. APC will strongly encourage the use of BMPs in flood easement lands and BMPs will be mandatory in the reservoir, and on lands owned by APC.

The buffer zone and vegetation management as well as the water quality and property development/management BMPs were developed based on other BMPs promoted by such agencies as the Alabama Clean Water Partnership, Alabama Forestry Commission, Alabama Department of Environmental Management, U.S. Army Corps of Engineers, Tennessee Valley Authority and the U.S. Environmental Protection Agency. The BMPs listed in the SMP were selected to be, in-part, consistent with similar efforts ongoing throughout the state.

In regards to the shoreline permitting program, BMPs are voluntary actions and a shoreline permit will be issued whether an applicant chooses to implement a BMP(s) or not. BMPs will not be a requirement under the shoreline permitting program.

#### Stakeholder Comments

Several stakeholders suggested improvements to the seawall BMP. Jim Howard suggested that a policy statement be added to the SMP limiting the amount of seawalls permitted. Jim, along with several other stakeholders are concerned that the project reservoirs maybe become overburdened with seawalls which would reduce the overall health of the river system as well as the quality of the river experience.

## Shoreline Management Plan Workshop

### **Meeting Summary: Alabama Power Headquarters, Birmingham, Alabama November 13, 2003**

Other comments to the BMPs were that the recommended 25-ft setback might not be applicable to reservoirs with fluctuating shorelines and that this should be clarified; there should be a BMP for lawn watering and there were two omissions between this version and a previous one: language addressing septic tanks was omitted as well as language relative to APC's enforcement of BMPs on lands owned in fee title.

In response to a stakeholder question, APC informed the group that once the SMP was finalized these recommended BMPs would be available for others to use.

#### *Lake Use Shoreline Permitting Program*

Alan Peeples reviewed APC's Lake Shore Use Permitting Program also commonly referred to as the shoreline permitting program. Alan outlined the information presented in the SMP including APC's authority to manage its projects' shorelines, the general process for obtaining a permit, shoreline surveillance and enforcement, a potential permit fee structure, and public education and outreach.

The Standard Land Use Article in APC's Warrior and Coosa licenses is the basis of APC's shoreline permitting program. This standard land use article is found in almost every FERC hydro license. Alan's presentation focused on the three paragraphs (b, c and d) in the article that determine how APC manages uses along its projects' shorelines. Paragraph (b) uses typically involve relatively routine types of activity by individuals, such as non-commercial piers, boat docks, retaining walls and landscape plantings. Paragraph (c) uses involve the conveyance of easements, right-of-ways, or leases and include such uses as the replacement or maintenance of bridges and roads, storm drains and water mains, telephone, gas and electric distribution lines, minor access roads and other similar activities. Paragraph (d) uses (known as a 45-day letter) involve the conveyance of fee title, easements or right-of-ways and leases and typically includes more substantial activities such as the construction of new roads and bridges, sewer lines that discharge into project waters, marinas and other similar uses.

Alan reviewed how stakeholders can obtain a shoreline permit, how shoreline surveillance is conducted, and how enforcement is performed. The full discussion of these topics can be found in the SMP.

APC is in the process of evaluating changes to their permit program that would allow them to charge fees to cover the costs of their shoreline management program. APC will inform stakeholders of these proposed changes before they finalize them.

Alan also presented how APC addresses substandard shoreline structures. A substandard structure is one that may not meet current permitting guidelines or due to a poor state of repair can no longer be considered serviceable. When substandard structures begin to cause a hindrance to navigation or are causing a safety concern, a notice is issued to the property owner and APC attempts to resolve the issue cooperatively.

## Shoreline Management Plan Workshop

### **Meeting Summary: Alabama Power Headquarters, Birmingham, Alabama November 13, 2003**

APC has an active public education and outreach program that utilizes several mediums to share information regarding its shoreline policies. Stakeholders stressed the importance of public education as a tool to address shoreline issues.

#### **Shoreline Management Plan Breakout Groups**

Meeting attendees divided into smaller breakout groups and discussed Sections 4.2 – 5.2 as well as other concerns and issues they had regarding the SMP. A summary of these discussions is outlined below by breakout group.

##### Upper Coosa Break Out Group – Kelly Schaeffer

###### Shoreline Classification System

- The sensitive resources classification should include contaminated sediments
- Clarify the ownership and management issues surrounding islands
- Define “highly restrictive” in the sensitive resource classification

###### Best Management Practices

- More specific information on the BMP sources should be provided
- The recommended 25-ft buffer zone setback should be specifically measured at full pool
- Would like to add a BMP addressing septic systems

###### Shoreline Permitting Program

- Clarify the “FERC language” in the SMP and identify the activities (paragraph b, c and d) with the most impact
- Support fee based program with funds going to surveillance and enforcement
- The issue of seawalls should be addressed in greater detail, rip-rap placement and future development

###### Other

- The SMP should include an cumulative effects analysis
- How frequently will the SMP be updated? Perhaps in conjunction with the FERC Form 80 process

##### Lower Coosa Break Out Group – Bruce DiGennaro

###### Best Management Practices

- Emphasize the fact that BMPs work better when you apply more of them, one single BMP will not act as a fix-it-all.
- Identify specific vegetative species that can be used in conjunction with the vegetation management BMPs

## Shoreline Management Plan Workshop

### **Meeting Summary: Alabama Power Headquarters, Birmingham, Alabama November 13, 2003**

- APC's recommended 25-ft buffer strip is a good concept and should be edited to add: "if you must plant grass"
- Improve the text in the SMP so implementers understand why these BMPs work
- Would like to add a BMP addressing septic systems
- Would like to add a BMP addressing treated lumber
- Attach a target number to the BMP about impervious surfaces
- Change "rain gutters" to "drain pipe" in the property development section

#### Shoreline Permitting Program

- An educational information brochure with lots of photos provided when a homeowner purchases a property or when they apply to undertake some work would be very helpful
- Investigate changing regulations concerning seawalls, so that they require rip-rap, and provide example photographs
- There should be some level of public notification especially if affected resources are classified as sensitive resources

#### Other

- Shoreline contractors should receive more training and should interact more with local groups and be involved in relicensing meetings
- Local groups would like to help with enforcement and be educated and notified about APC leases
- Need to get realtors educated about shoreline management so they can share this information with prospective homeowners
- Demonstration projects might be nice, but may be problematic due to differences in reservoirs
- Planning efforts should include future uses as well as existing uses

#### Warrior Break Out Group – Henry Mealing

##### Shoreline Classification System

- The group would like the opportunity to review and comment on the shoreline classification maps

##### Best Management Practices

- Would like to add a BMP addressing septic systems
- The 25-ft buffer zone setback should be measured from the full-pool elevation
- Development/construction BMPs should also be encouraged i.e. silt fences, minimal tree removal and land clearing

## **Shoreline Management Plan Workshop**

### **Meeting Summary: Alabama Power Headquarters, Birmingham, Alabama November 13, 2003**

#### Shoreline Permitting Program

- Stronger enforcement of styrofoam pollution and removal of old docks
- Seawalls alone should not be permitted
- Rip-rap should be the preferred shoreline protection
- Emphasize the public education aspect of the permitting program

#### Other

- APC should look for ways to lead by example, perhaps through leased lands as APC “showcases”

#### **Next Steps**

APC will revise Sections 4.2 – 5.2 based on stakeholder comments and combine these sections with those revised at the September SMP Workshop (Sections 1.0 – 4.2). The consolidated SMPs along with a draft Section 6.0 (Implementation) will be redistributed for stakeholder review. APC staff will consider smaller reservoir specific meetings to work through the final SMPs early next year.

#### **Conclusion**

All written comments on the SMP should to be sent to Alan Peeples at [ALPEEPLE@southernco.com](mailto:ALPEEPLE@southernco.com) by December 19, 2003.

Additional information regarding the SMP and other relicensing efforts can be found at APC’s hydro relicensing website on the internet at: [www.southerncompany.com/alpower/hydro](http://www.southerncompany.com/alpower/hydro).

## Shoreline Management Plan Workshop

**Meeting Summary: Alabama Power Headquarters, Birmingham, Alabama  
November 13, 2003**

### **Attachment A – Toxins Issue (E5)**

#### *Issue Statement*

The purpose of this issue report is to educate stakeholders on the status of toxins and fish advisories in the basin and to provide a baseline of information to address specific concerns identified in the E5 Issue Sheet.

#### *Toxins Issues*

The following excerpts highlight the issues presented and discussed at the meeting:

- In the environment, toxins of concern are typically chemically stable and persistent and can accumulate in the environment at successively higher levels.
- There are several agencies responsible for regulating toxins in Alabama including the U.S. Environmental Protection Agency, the Alabama Departments of Environmental Management and Public Health.
- Alabama's Fish Tissue Monitoring Program is a joint effort between several state agencies to routinely sample fish tissue toxicities in known problem areas.
- Limited consumption and no consumption fish advisories are issued by the Alabama Department of Public Health based on data collected from the fish tissue monitoring program. These advisories do not constitute a ban on catching or consuming fish. These advisories are designed to inform the public of potential health risks.
- Lake stratification is a natural process that in the case of the Coosa project reservoirs does not typically induce strong mixing currents.

Shane also discussed the characteristics of several toxins including mercury, dioxins, arsenic (from treated lumber) and PCBs.

#### *Report Conclusions and Recommendations*

PCB fish consumption advisories have been issued for specific portions of the Upper Coosa Basin and are the only toxins of concern in either basin. PCB contamination in the Upper Coosa Basin is a result of non-project related industrial practices. Other toxins (mercury, dioxins and arsenic) have not been found in elevated levels in either the Warrior or Coosa basins. Currently there have been no fish advisories issued for project reservoirs within the Warrior Basin. A modification of project operations would not reduce the level of toxins and associated fish consumption advisories.

**Shoreline Management Plan Workshop**

**Meeting Summary: Alabama Power Headquarters, Birmingham, Alabama  
November 13, 2003**

Potential recommendations presented in the report include a partnership between APC and county health departments to address fish consumption advisory issues including advisory postings at publicly accessible areas.