

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON D.C. 20426  
January 15, 2010

OFFICE OF ENERGY PROJECTS

Project No. 349-150-Alabama  
Martin Dam Hydroelectric Project  
Alabama Power Company

Mr. Eugene B. Allison, Hydro General Manager  
Alabama Power Company  
600 North 18th Street  
P.O. Box 2641  
Birmingham, AL 35291

**Reference: Comments on Initial Study Report and Meeting Summary**

Dear Mr. Allison:

On November 20, 2009, Alabama Power Company (Alabama Power) filed an Initial Study Report describing its overall progress in implementing the approved Study Plan for the Martin Dam Hydroelectric Project. On December 3, 2009, Alabama Power held a meeting in Alexander City, Alabama to discuss the Initial Study Report. On December 18, 2009,<sup>1</sup> Alabama Power filed its Initial Study Report Meeting Summary (Meeting Summary).

On December 1, 2009, American Rivers filed comments on the progress updates presented by Alabama Power at a preliminary study report meeting held on October 21, 2009, but Alabama Power did not file a response with the Commission. The Lake Martin Home Owners & Boat Owners Association filed comments on December 10, 2009. Alabama Power addressed these comments in its response filed with the Commission on December 21, 2009. Finally, on January 13, 2010, the Alabama Department of Conservation and Natural Resources filed comments on the Initial Study Report.

We have reviewed the Initial Study Report and Meeting Summary and provide our comments in the enclosed Appendix A, pursuant to 18 CFR § 5.15(c)(4). None of the comments involve recommendations for modifications to the approved studies, nor do they request additional studies. Rather, the comments pertain to implementation of the study plan and content of the Initial Study Report and Meeting Summary. To the extent

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<sup>1</sup> 18 CFR § 5.15(c)(1)-(3)

appropriate, you should revise the Initial Study Report to include the missing information described in Appendix A.

We recommend that Alabama Power complete the ongoing studies and file a revised Initial Study Report as soon as it becomes available, based on the results of your yet to be completed studies. Alabama Power should review the approved Revised Study Plan and the Director's Study Plan Determination before filing its revised Initial Study Report to ensure that the objectives, components, and schedules of the studies have been addressed.

If you have any questions, please contact Lee Emery at (202) 502-8379, or via email at [lee.emery@ferc.gov](mailto:lee.emery@ferc.gov).

Sincerely,

Mark Pawlowski, Chief  
Hydro East Branch 2

cc: Mailing List  
Service List

## APPENDIX A

### Implementation of the Study Plan

On April 17, 2009, the Director of the Office of Energy Projects issued a Study Plan Determination approving Alabama Power's 22 revised studies, as modified by the Commission. In our comments on the Proposed Study Plan, as well as the Director's Study Plan Determination, you were directed to implement the approved studies within the first study season. You were to summarize the results of these studies in the Initial Study Report and file it with the Commission by November 20, 2009. We noted that additional study seasons would be approved in the event of anomalous weather events, atypical project operations, or other unforeseen circumstances, or to sample for certain low probability events.

While your Initial Study Report was filed timely, in the attachments constituting the report you indicate that, for 10 of the 22 approved studies, you cannot adhere to the approved schedules. Specifically, you request modifications to the schedules of the following studies: Evaluation of Minimum Flows Downstream of Martin Dam (Study Plan 3); Fish Entrainment and Turbine Mortality (Study Plan 4); Rare, Threatened and Endangered (RTE) Species Surveys (Study Plan 5); Baseline Water Quality (Study Plan 8); Erosion and Sedimentation (Study Plan 10); Rule Curve Change Modeling Analysis (Study Plan 12(A)); Effects of Rule Curve Change on Sedimentation Rates and Nuisance Aquatic Vegetation (Study Plan 12(B)); Effects of a Rule Curve Change on Water Quality (Study Plan 12(C)); Effects of a Rule Curve Change on Federally Threatened and Endangered Species at the Martin Dam Project and in the Tallapoosa River Below Thurlow Dam (Study Plan 12(E)); and Effects of a Rule Curve Change on Downstream Recreation (Study Plan 12(F)).

The requested schedule modifications for Study Plans 3, 5, 8, 10, 12(C), and 12(E) are based on anomalous weather events, specifically higher water levels in the tailrace and the reservoir because of increased precipitation in the area. However, you do not explain why the schedule modifications are requested for Study Plans 4 and 12(B), and you provide conflicting or unclear explanations for schedule delays for Study Plans 12(A) and 12(F).

In the Initial Study Report, Study Plan 4, you indicate that you have completed two quarters of the field collections of entrainment data, using two types of hydroacoustic equipment. The methodology included in your proposed Revised Study Plan indicates that the field collection of hydroacoustic data would be performed on a seasonal basis, but it did not identify how many quarters of sampling would be needed. Your proposed modification to Study Plan 4 would result in the draft report being provided by May 2010 instead of April 2010. Because you did not explain why you request the modification to

the schedule, as required by the Commission's regulations, we see no reason why Alabama Power can not adhere to the schedule as approved in the Study Plan Determination.

Higher water levels prevented the fall 2009 sampling for aquatic RTE species in certain locations for Study Plans 5 and 12(E), as well as prevented the field surveys for Study Plan 10 that would have been conducted from September 2009 to January 2010. While anomalous environmental conditions may affect the sampling schedule for portions of these three studies, we see no reason why the results of other portions of the studies which have already been completed, such as the Lake Martin Vegetation Report, could not be distributed in draft and final reports as approved in the Director's Study Plan Determination.

In the Initial Study Report, you indicate that, as of November 2009, you had not received from the U.S. Army Corps of Engineers (Corps) a HEC Res-Sim model that would be used in concert with your Hydro Energy Model for conducting Study Plan 12(A) for the Martin Dam Project. Furthermore, you state that once the HEC Res-Sim model is released then you **may** be able to incorporate a more refined HEC Res-Sim model into your analysis for the project. You also state that the incorporation of the refined HEC Res-Sim model would depend on time constraints of the relicensing process and the time of release of the updated model. You have not indicated in your November 20, 2009 filing what the revised schedule would be for Study Plan 12(A), rather you indicate that by checking the "no" box you would not adhere to the schedule approved in the Study Plan Determination. Yet, in your December 18, 2009 filing of the Meeting Summary, you indicate that the final report for Study Plan 12(A) would be delivered on time by May 2010. The Integrated Licensing Process provides for an efficient and timely licensing process. Therefore, it is imperative that you develop whatever model is necessary for you to complete Study Plan 12(A) within the schedule approved in the Director's determination letter of April 17, 2009.

In the Initial Study Report, you request a modification to the schedule for Study Plan 12(B), but you do not justify the modification. Because we suggest that you complete Study Plan 12(A) within the schedule approved in the Director's Study Plan Determination, and because you do not justify the modification, we see no reason why the draft report cannot be completed as scheduled.

In the Initial Study Report, you indicate that by checking the "no" box, you are requesting a modification to the schedule for Study Plan 12(F). You say this modification is needed to allow the results from Study Plan 12(A) to be distributed and reviewed prior to reviewing the study results for Study Plan 12(F). However, the Meeting Summary has both Study Plan 12(A) and Study Plan 12(F) as being completed on time and within the schedule approved by the Director's April 17, 2009 letter. We

agree that the two studies should be completed according to the schedule approved in the Director's determination letter.

Content of the Initial Study Report

***Study Plan 2-Assessment of Fish Density and Species Composition Associated with Various Shoreline Types***

In section 6.2, *Data Collection Techniques for Semi-Aquatic Species*, of the Clarification of Study Plan 2, *Assessment of the Influence of Shoreline Modifications on Aquatic and Semi-Aquatic Species' Use of Various Shoreline Types for the Martin Hydroelectric Project*, filed on July 2, 2009, you state that data on the presence of birds and semi-aquatic mammals would be collected as part of the study. However, there is no such data described in the Initial Study Report. We note that all data collected should be summarized in the Initial Study Report so that it is available for Commission and stakeholder review.

***Study Plan 5-Rare, Threatened and Endangered Species Surveys***

In the Initial Study Report, you provide a summary of the field surveys in which you list some basic results of the survey for Study Plan 5. However, the summary of the field surveys excludes a complete list of all sites sampled during 2009, and sites that remain to be sampled during the spring of 2010. This is an important detail that allows stakeholders and the Commission to examine the thoroughness of, and effort extended for, the field surveys. Thus, this information should be included in the report.

For Study Plan 5 you also state that for the federally threatened plant, little amphianthus, no habitat was found in recent or prior surveys conducted in the vicinity of Lake Martin. For the candidate species Georgia rockcress, you state that no individuals were observed at any of the sites investigated. However, the methodology that was outlined in the approved study plan for these two terrestrial plant species of concern includes the use of LIDAR data, topography, and soil maps to locate suitable habitat within the project boundary, followed by presence-absence surveys conducted in any suitable habitat area. Because the information presented in the Initial Study Report is limited, it remains unclear whether all steps of the methodology were followed for either species. Further, you do not report the locations, if any, of any suitable habitat, the number of sites surveyed, or other pertinent information regarding these two plant species. We note that complete and detailed reports should be available for Commission and stakeholder review.

***Study Plan 7-Wildlife Management Program***

In the Initial Study Report for Study Plan 7, you state that you have compiled and distributed historic forest data to the Alabama Department of Conservation and Natural Resources and the U.S. Fish & Wildlife Service. In our letter issued on October 3, 2008, which enclosed Requests for Additional Information, and during the Study Plan Meeting, we requested that Alabama Power provide us with forest composition and structure data. To date, we have not received this data from Alabama Power. We remind Alabama Power that any data distributed to resource agencies also should be filed with the Commission.

***Study Plan 12(B)-Effects of a Rule Curve Change on Sedimentation Rates and Nuisance Aquatic Vegetation***

In the Revised Study Plan approved by the Director, you indicate that for Study Plan 12(B) you would use LIDAR data collected in 2007, in addition to data regarding soil types and land uses, to complete the GIS analysis portion of the study. In your Initial Study Report, you do not provide any other explanation for your requested schedule modification. Therefore, this study should proceed as scheduled.

***Study Plan 12(E)-Effects of a Rule Curve Change on Federally Threatened and Endangered Species at the Martin Dam Project and in the Tallapoosa River Below Thurlow Dam***

In the Initial Study Report for Study Plan 12(E), you state that some sites could not be sampled for mussels and snails during the fall of 2009, because of higher water levels in the tailrace and reservoir, and that those same sites would be sampled during the spring of 2010. You indicate that a list of those sites is available in the Initial Study Report. However, in reviewing the study report we did not find such a list. In addition, the report does not appear to include the list of sites sampled during 2009. We note that information such as the location of sampling sites, the number of sites sampled during 2009, and the number of sites remaining to be sampled, is basic information that should be summarized in the Initial Study Report and made available for Commission and stakeholder review.

Meeting Summary

***Study Plan 1-Migratory Fish- Tallapoosa Basin Literature Review***

In the Meeting Summary, we note that Judy Takats of the World Wildlife Fund asked when the Martin Issue Group (MIG) 1 members would receive a copy of the information regarding the American eel that was distributed to the resources agencies. Henry Mealing of Kleinschmidt Associates answered the question, stating that raw data would be synthesized into a more reviewable form which would be available in January, 2010. We remind Alabama Power that any data or information distributed to resource agencies should also be filed with the Commission and made available for stakeholder review.

***Study Plan 2-Assessment of Fish Density and Species Composition Associated with Various Shoreline Types***

In the Meeting Summary, we note that Henry Mealing of Kleinschmidt Associates stated that portions of this study were complete and that a CD containing reports of completed studies would be distributed to MIG 1 members in December 2009. We remind Alabama Power that any information distributed to resource agencies should also be filed with the Commission. However, the Commission has not received such a CD. As we state for other studies, information and reports from any study (completed or otherwise) should be made available for Commission and stakeholder review.

***Study Plan 10-Erosion and Sedimentation***

In the Meeting Summary, you indicate that you have identified up to 10 more erosion sites located between the Highway 29 Bridge and the Montgomery Water Works as part of your ongoing work for Study Plan 12(D). However, it is unclear whether you plan to incorporate these erosion sites into Study Plan 10. The specific locations of these additional 10 erosion sites should be identified and we recommend that they be incorporated into Study Plan 10.