

600 North 18th Street
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Birmingham, Alabama 35291
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Date: January 9, 2008

RE: Martin Project, FERC No. 349 and Yates and Thurlow Project, FERC No. 2407

VIA ELECTRONIC FILING

Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Dear Ms. Bose:

On December 29, 2008, Alabama Power Company (APC) filed with the Commission, a request for approval of a drought-based temporary variance to the Martin Project rule curve. The purpose of the request was to improve the possibility that Martin Reservoir could reach summer pool, greatly enhancing APC's ability to support the many reservoir and downstream needs during the summer's critical period. The request included a temporary modification to the minimum flow releases at the Thurlow development.

At the time the request was filed, APC had not received the United States Fish and Wildlife Service's comments on the proposal. Those comments have since been received and are enclosed for your consideration.

If you have any questions or need additional information, please contact Barry Lovett at (205) 257-1268.

Sincerely,

/s/ Gene Allison

E. B. Allison, Jr.
Hydro General Manager
Alabama Power Company

Enclosure

cc: (w/enclosure):

Mr. Joe Morgan, FERC
Mr. George Taylor, FERC
Mr. Kirk Cover, FERC
Colonel Byron Jorns, USACE
Mr. Randall Harvey, USACE
Mr. Jeff Powell, USFWS
Mr. Lynn Sisk, ADEM
Mr. Stan Cook, ADCNR



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1208-B Main Street
Daphne, Alabama 36526

DEC 3 1 2008

IN REPLY REFER TO:

2009-FA-0045

Mr. Gene Allison
Alabama Power Company
P.O. Box 2641
Birmingham, AL 35291-0830

Dear Mr. Allison:

This letter is in response to Alabama Power Company's (APC) request to temporarily modify the winter rule curve at the Martin Project and modify releases at the Thurlow Project in order to help insure, to the extent possible, that there will be sufficient water available to support both reservoir and downstream environmental, municipal and industrial water supply and navigation needs should the ongoing drought continue into the summer and fall of 2009. This letter is prepared under authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C 661 et seq.) and Section 7 of the Endangered Species Act (ESA) of 1973, as amended, (16 U.S.C. 1531 et seq.).

According to APC's, December 4, 2008, letter, the following requests are made for the Martin and Thurlow Projects:

Martin Dam Project

- The Martin rule curve variance would be for a period from Federal Energy Regulatory Commission (FERC) approval to May 1, 2009.
- Maintain the winter pool elevation up to 3 feet higher than normal, at elevation 483, instead of elevation 480 (Martin Datum).
- Begin maintaining this winter pool elevation earlier than normal, upon FERC approval, rather than January 1st.
- Initiate the filling process earlier than normal, beginning January 15th, instead of February 17th.
- Reach and maintain the summer pool elevation earlier than normal, on April 1st, rather than April 29th.

PHONE: 251-441-5181



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Mr. Gene Allison

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Thurlow Dam Project

- The change would be in effect until May 1, 2009.
- If the Martin reservoir elevation is below the existing rule curve, discharge no less than 350 cfs from Thurlow.
- Discharge the greater of 350 cfs or the inflow at the upstream Heflin gauge from Thurlow when the Martin reservoir is at or above the existing rule curve, but below the temporary rule curve.
- Discharge no less than 1,200 cfs from Thurlow when the Martin reservoir elevation is at or above the temporary rule curve.

It is the Service's understanding that this request is based, in part, on the most recent version of the Draft Alabama Drought Response Operating Plan (ADROP-Version 2.0 dated September 2008). Although all aspects of the ADROP have not been formalized, the Service believes that the concept of this plan is a positive step in addressing future drought events in the Alabama-Coosa-Tallapoosa (ACT) Basin. Therefore, we concur with APC's request to temporarily modify the rule curve at the Martin Project and to modify releases from the Thurlow Project in 2009. We also encourage APC to continue discussions of the status of the Tallapoosa River Projects during the weekly, or bi-weekly, conference calls as they have during 2008.

We appreciate the opportunity to provide comments on this issue. If you have any questions or need additional information, please contact Jeff Powell of my staff at the above address or by telephone at (251) 441-5858.

Sincerely,



William J. Pearson
Field Supervisor
Alabama Ecological Services Field Office

cc: Mr. Pete Yarrington – FERC
Mr. Kirk Cover – FERC
Mr. Stan Cook – ADCNR
Mr. Lynn Sisk – ADEM
Mr. Fred Leslie – ADEM

Document Content(s)

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