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LAKE MARTIN RELICENSING

FERC Scpoing Meeting

Date: September 11th 2008

Time: 6:00 p.m.

Location: Betty Carol Graham Building

1675 Cherokee Road

Alexander City, Alabama 35010

Karen Kelley

Certified Court Reporter

1                   MR. EMERY: Welcome everyone to the  
2                   scoping meeting for the Martin Dam  
3                   Hydroelectric Project. I would like to thank  
4                   everyone for coming to the meeting this  
5                   evening and some of the repeats. That's very  
6                   nice. I am pleased to be here in Alabama, and  
7                   I have really enjoyed my short stay here.  
8                   Between meetings, after the meeting this  
9                   morning I went out to some of the recreations  
10                  sites. I made a field trip yesterday out on  
11                  the lake and at the powerhouse as well.

12                  I look forward to having a very  
13                  productive meeting this evening. I am Lee  
14                  Emery with the Federal Energy Regulatory  
15                  Commission in Washington, D.C, and I am the  
16                  coordinator for the Project and by training I  
17                  am a fishery biologist. I have two other  
18                  Commission staff with me here this evening;  
19                  Jennifer Adams, a wildlife biologist and Monte  
20                  Terhaar, an environmental engineer.

21                  Jim Crew, the licensing project  
22                  manager for Alabama Power and several other  
23                  Alabama Power staff will be telling us more  
24                  about the Project matter with a slide show.  
25                  Before we get started, it's a very special

1 day. You have seen the flag at half mast. I  
2 would like to take a moment of silence to  
3 remember all of those who lost their lives  
4 seven years ago in the 9/11 attack.

5 (Moment of silence.)

6 MR. EMERY: Okay. Before we get  
7 started I would like to go over some  
8 administrative matters. First, let's put our  
9 phones on silent or off so we are not  
10 interrupted by those. Be sure to sign in if  
11 you have not done so already. Even if you  
12 were here this morning, please sign in. And  
13 the names -- we are not using the names for  
14 being on a mailing list or anything like that.  
15 It's just for our knowledge of who came this  
16 evening. And if you do want your name on the  
17 commission's mailing list for the Project to  
18 get future public documentation, you will need  
19 to file a letter with the Commission  
20 requesting that you want to specifically be  
21 put on the mailing list for the Project. And  
22 the details are shown in the current -- on  
23 page 18 of the scoping document that we have  
24 in the back there for you. That document may  
25 be helpful to have with you on the desk or

1 with you. Later on we will be specifically  
2 referring to that, the scoping document.

3 We have a court reporter with us,  
4 Karen Kelley, and she will be keeping a record  
5 of tonight's discussions and the transcripts  
6 from tonight's meeting will be part of the  
7 Commission record on the Project. And the  
8 transcript will be available for purchase. If  
9 you need them right away, see Karen. If you  
10 make comments this evening be sure to speak  
11 clearly and make sure the court reporter can  
12 hear you and state your name and affiliation  
13 and spell out any unusual words or acronyms.

14 For those of you who don't want to  
15 make a oral statement, you can file a written  
16 statement with the Commission by sending it to  
17 the same address shown on page 18 of the  
18 scoping document. Of course, you can also  
19 make oral comments and file written comments  
20 as well. The deadline for filing written  
21 comments is October 13th of this year.

22 Before we begin discussing resource  
23 issues, I would like to say a few words about  
24 the agency. The Federal Energy Regulatory  
25 Commission or the Commission has the authority

1 under the Federal Power Act to license  
2 non-federal hydroelectric projects throughout  
3 the United States when they are located on  
4 navigable waterways, federal lands, or  
5 connected to an interstate electric grid.  
6 Upon the expiration of an original license,  
7 the Commission can issue licenses for periods  
8 of 30 to 50 years. The current license for  
9 the Martin Dam Project expires on June 8th  
10 2013.

11 Prior to the expiration of a license,  
12 the licensees must file an application for a  
13 new license if they want to keep operating  
14 their projects into the future. We are  
15 currently in the prefiling process for the  
16 Martin Dam Project. Alabama Power must file a  
17 license application for the Martin Dam Project  
18 by June 7, 2011 to meet the Commission's  
19 deadline defined by the regulations.

20 As the name implies, we are a federal  
21 regulatory agency and licensing hydropower  
22 projects is one of several responsibilities  
23 held by the agency. We do a lot of grading,  
24 gas pipe lines. There are a number of other  
25 regulatory matters dealing with energy that

1 FERC is involved with. We are required under  
2 a variety of federal laws, including the  
3 National Environmental Policy Act and our own  
4 agency regulations, to independently evaluate  
5 the environmental effects of licensing the  
6 Project and to consider reasonable  
7 alternatives to ultimately reduce adverse  
8 effects on the quality of the human  
9 environment, and scoping is part of the  
10 required process.

11 The information we are gathering this  
12 evening will help identify or further refine  
13 the resource issues we have identified in the  
14 scoping document for the Martin Dam Project.  
15 Your input will help us to prepare an  
16 environmental assessment for the Project. We  
17 are here to listen and to hear site-specific  
18 comments on resource issues or on cumulative  
19 resource issues and on any information gaps  
20 for the proposed additional study requests if  
21 there are any.

22 Now, we are still very early in the  
23 licensing process. Once the application is  
24 filed with the Commission, we will prepare an  
25 EA. This EA will be prepared by the staff and

1 describe the potential Project affects on the  
2 environment and other staff recommendations  
3 and make findings as to whether the Project  
4 would constitute a major federal action  
5 significantly affecting the quality of the  
6 human environment. Ultimately, the five  
7 commissioners at FERC would use the EA to  
8 assist them in determining whether the Martin  
9 Dam Project should be relicensed and how the  
10 Project should be operated in the future.

11 Now, for the relicensing of this  
12 Project we are using the ILP process,  
13 Integrated Licensing Process. The ILP became  
14 the mandatory process for seeking a license  
15 beginning on July 23rd 2005. To use some  
16 other process or alternative you would have to  
17 get a waiver. To date, we have licensed two  
18 projects using the ILP process. Morgan Falls  
19 Project and one out west. And the ILP, the  
20 Integrated Licensing Process, is designed to  
21 create greater efficiencies in the licensing  
22 process by integrating the former pre-filing  
23 consultation required by FERC with scoping.  
24 The ILP is a front-loaded and collaborative  
25 process requiring active participation by the

1 licensee, stakeholders and other participants  
2 early on in the process before the application  
3 is filed with the Commission. By frontloaded,  
4 I mean a lot of things have to occur on a  
5 specific schedule and be completed before the  
6 license application can be filed with the  
7 Commission.

8           The process plan and schedule for the  
9 Martin Dam Project, required as part of the  
10 ILP, is shown in appendix A near the back of  
11 the scoping document. The deadlines shown in  
12 the process plan have to be met. That  
13 includes us, as well as you and the licensee,  
14 the players, if you will. If you want to  
15 participate in the prefiling activities of the  
16 ILP for the Martin Dam Project, this schedule  
17 is your mandatory road map. If you miss a due  
18 date for providing some information  
19 participating in a meeting as shown in the  
20 process plan, then you will have missed the  
21 train, so-to-speak and you won't have a chance  
22 to catch it later as it speeds down the track  
23 towards filing a license application.

24           Here is an example to illustrate my  
25 point. As shown in the process plan for the

1       Martin Dam Project, stakeholders' last  
2       opportunity to provide comments on the studies  
3       to be conducted by Alabama Power are due by  
4       April 2, 2009. Then the Commission will issue  
5       the study plan determination by May 3, 2009.  
6       We will decide what are the ultimate study  
7       plans to go forward. The Commission's May 3rd  
8       determination will resolve any disagreements  
9       over what studies must be conducted by Alabama  
10      Power and allow the Commission to proceed with  
11      processing the application. Alabama Power  
12      must conduct the studies as approved. If a  
13      party or entity decides on April 3, 2009 that  
14      they forgot to submit their study request,  
15      they are too late and it won't be considered  
16      at that time.

17               We will review the progress of studies  
18      within one year of the study determination and  
19      requests for modifications to the study plans  
20      and new studies can be considered at that  
21      time, but only upon a showing of good cause.  
22      And as we proceed through this process it  
23      becomes increasingly harder to justify the  
24      need for a modification or new study.

25               The second season of studies should

1 not be thought of as a given, but rather as a  
2 "just in cause" or as a chance for follow-up  
3 studies for something that was discovered  
4 during an original study. The criteria for  
5 getting a second season study approved is  
6 difficult and the regulations state they must  
7 demonstrate extraordinary circumstances.

8           Since we have been talking about the  
9 criteria for studies, this is a good time to  
10 point out that we have included in Appendix A  
11 of the scoping document, the content of what a  
12 normal study request should contain. There  
13 are seven criteria that must be met in  
14 developing the study request. You can review  
15 them later. They are there for your use.  
16 They are helpful. But the most important one  
17 is the one explaining any Nexus between  
18 project operations and effects on the  
19 resources to be studied and how the study  
20 results would inform the development of  
21 license requirements. Any study proposal that  
22 doesn't have a Nexus to the Project would not  
23 be approved by the Commission. We will learn  
24 more about the 16 study proposals to date when  
25 Alabama Power gives its presentation shortly.

1 They are also listed in the scoping document.

2 Let's get started. I hope many of you  
3 have had a chance to review the preapplication  
4 document, the PAD, before coming to tonight's  
5 meeting. The PAD summarizes all of the  
6 available information and known Project  
7 effects on the environment and helps you and  
8 us to begin this process to define the issues  
9 and study needs. The PAD also goes into more  
10 detail than the scoping document about the 16  
11 proposed studies.

12 The purpose of tonight's meeting -- we  
13 didn't come here as a government ready to help  
14 you, but we are here to listen and see what  
15 you have to say. We have given our first shot  
16 at what we think the issues are and now it's  
17 your turn to let us know what you think,  
18 whether we missed something or something is  
19 wrong, something needs to be taken off, this  
20 is the time for you to speak up. Here are  
21 some things to think about when Jim Crew gives  
22 his presentation about the Project.

23 Have we identified all of the  
24 information that is available that would be  
25 helpful in analyzing Project effects on the

1 environment? If not, do you have some  
2 suggestions?

3 Have we missed any significant  
4 resource issues or do you have some  
5 suggestions for our current resource issues  
6 that we have identified in the current scoping  
7 document?

8 Are there resource issues and  
9 potential issues that don't require detailed  
10 analysis or should they be removed from our  
11 list of issues?

12 Are there any other activities in the  
13 area that could have cumulative effects on the  
14 resources in conjunction with the continued  
15 operation of the project?

16 Frequently what we find at scoping  
17 meetings is people that know about something  
18 else going on that may be helpful. So if you  
19 have anything like that, let us know about it.  
20 If you have a land project that would effect  
21 run-off, or it could be use of water by  
22 something else which is conflicting with the  
23 hydropower issues.

24 And the last thing, do the 16 proposed  
25 studies address the information needs for

1 preparing an application? Are there  
2 information gaps in those studies identified?  
3 Are additional studies needed?

4 At this point I am going to have Jim  
5 Crew from Alabama Power briefly discuss the  
6 existing Project facilities and operation,  
7 give a brief description of the existing  
8 environment around the Project area and  
9 identify the 16 study proposals to date. When  
10 he is done, we will go through the resource  
11 issues one at time and listen to your comments  
12 on the resource issues and any new study plans  
13 or information gaps.

14 MR. CREW: Okay. Thanks, Lee. What I  
15 am going to do is just take a few minutes and  
16 give you a -- start with a broad overview of  
17 the Martin Project, what it actually looks  
18 like out there, and then talk a little bit  
19 about how Martin is currently operated, as  
20 well as proposed operational changes that we  
21 have been discussing. And then, finally, talk  
22 a little bit about the 16 draft study plans  
23 Lee mentioned.

24 The Martin Project was placed into  
25 service in 1926. Structures include the dam,

1 spillway and powerhouse. There are four  
2 generating units of a total capacity of about  
3 182 megawatts. The Project also includes a  
4 40,000 acre lake with 700 miles of shoreline,  
5 as well as about 8,00 acres of additional land  
6 that is also included within the FERC license  
7 project boundary margin.

8 In addition to Martin providing a  
9 cheap, clean energy source, it's obviously a  
10 major driver from an economic development  
11 standpoint in this region. It also provides  
12 obviously outstanding recreational  
13 opportunities and provides a vast  
14 environmental habitat for the various fish and  
15 wildlife species. Since it is a storage  
16 project it provides storage flood control and  
17 municipal and industrial water supply.

18 Martin Project is located within the  
19 Tallapoosa River basin. Harris Dam is  
20 upstream and Yates and Thurlow Dams are  
21 downstream. Harris is about eight river miles  
22 above Martin and was constructed in the early  
23 '80s. Yates is about eight miles downstream  
24 of Martin and three miles downstream from  
25 Yates is Thurlow Dam. Yates and Thurlow both

1        were relicensed in 2003 and Yates includes a  
2        minimum flow requirement of 1,200 CFS. The  
3        current operations at Martin call for the plan  
4        to be operated between two very specific guide  
5        curves and those are the flood control guide  
6        curve and the operating guide curve.

7                The flood control guide curve shown  
8        here in blue is the maximum elevation of the  
9        reservoirs maintained from a flood control  
10       standpoint. The green curve is the operating  
11       guide curve and it was developed in the 1970s  
12       relicensing of Martin as a result of  
13       discussions with the Lake Martin Resource  
14       Association and their interest and concerns in  
15       minimizing the amount of fluctuation of the  
16       reservoir, as well as maintaining higher  
17       reservoir elevations. You will note on the  
18       left over there, these elevations on these  
19       curves are shown in MSL rather than Martin  
20       Datum. There is a foot difference between  
21       those references. So, 490 Martin Datum --  
22       Martin datum is actually 491 MSL.

23                The maximum summer pool at Martin, of  
24        course, is elevation 490. Again, Martin  
25        Datum. Winter pool is 480. There is no

1 flooding easement on this reservoir, and when  
2 you are at summer pool the drawdown begins  
3 around the 1st of September with the intention  
4 of reaching winter pool by the end of the  
5 year. The refilling process starts in the  
6 middle of February and reaches summer pool by  
7 the end of April.

8           Although we are still very early in  
9 the process, in the relicensing process, we  
10 have had a number of discussions about  
11 possible changes to these guide curves, if you  
12 will. These changes include a higher winter  
13 pool and right now we are modeling that  
14 potential change through one foot increments  
15 from elevation 480, 485. Changes also include  
16 filling earlier. Rather than starting in mid  
17 February we would actually start the filling  
18 process in mid January. Another change we are  
19 evaluating is maintaining the summer pool  
20 longer. So instead of starting to draw down  
21 in September, actually starting it in October.  
22 The draft study plans, the development of  
23 these draft study plans actually started back  
24 in January of '07 with our stakeholders'  
25 issues identification workshop, which I think

1 a lot of you attended that meeting. That was  
2 our first real big public meeting where we  
3 just asked for all issues, all concerns that  
4 any of our stakeholders had. Obviously, we  
5 compiled a fairly large list and we took that  
6 list of issues and concerns and formed what we  
7 call Martin Issue Groups or MIGs. And there  
8 are six Martin Issue Groups and they are  
9 divided according to resource area, like fish  
10 and wildlife or recreation. So these MIGs  
11 were given the particular or the appropriate  
12 list of issues that applied to the particular  
13 group and they looked at what data was  
14 currently available and then what data was  
15 actually needed to assess or evaluate the  
16 particular issue and identified those gaps in  
17 data. And that was the basis for forming  
18 these draft study plans.

19           Ultimately, when the study plans are  
20 approved by FERC and subsequently implemented,  
21 once that data is collected and evaluated that  
22 information will be used to determine what  
23 mitigation and enhancement measures we include  
24 in our license application that we file with  
25 FERC in 2011.

1           I am going to run through these  
2 quickly. I am not going to go over into  
3 detail the draft study plan, but the first  
4 MIG, MIG 1, is Fish and Wildlife. That group  
5 came up with seven specific study plans;  
6 Migratory fish, minimum growth. It's  
7 important to note here the resource agent,  
8 particularly the Alabama Department of  
9 Conservation and Natural Resources and the  
10 U.S. Fish and Wildlife played a major role in  
11 the development of these study plans,  
12 obviously due to their expertise in the areas  
13 and their regulatory authority for a lot of  
14 these issues.

15           MIG 2 deals with water quality and  
16 water quantity; worked with ADEM, Lake Watch,  
17 and several other stakeholders in developing  
18 these four specific study plans. Obviously,  
19 water quality is one of the primary plans, as  
20 well as water quantity looks at water  
21 withdrawal and erosion and sedimentation.

22           MIG 3 is project operations and this  
23 is the group that most homeowners around Lake  
24 Martin were most interested in since it is  
25 where the evaluation of changes to the guide

1 curves will take place. And, in addition, the  
2 study plan calls the additional duty, actually  
3 evaluating the feasibility of changing those  
4 curves. It also includes an evaluation of the  
5 environmental effects that would result from  
6 any guide curve changes as well as the  
7 benefits that would result from a recreation  
8 use, property value, and business use  
9 standpoint.

10 MIG 4 is Shoreline Management. And  
11 this MIG developed a very comprehensive study  
12 plan for a shoreline management program. That  
13 would include a lot of different areas, but it  
14 will focus on things like shoreline protection  
15 from the standpoint of the implementation of  
16 buffer zones, or bank stabilization, that sort  
17 of thing. It also -- this is where we will  
18 take those 8,800 acres of additional project  
19 land that have particular use classifications  
20 attached to them right now and review those  
21 and determine whether any changes need to be  
22 made for how those lands are utilized in the  
23 future. This plan will also provide us an  
24 opportunity to review our current permitting  
25 program and see if there are any revisions or

1 enhancements that we can make to that program.

2 MIG 5 is recreation. And, again, the  
3 study plan is basically developing a  
4 recreation management plan which, in essence,  
5 is trying to determine what the future of  
6 recreation on Lake Martin will look like.  
7 That will involve the assessment of the  
8 current use, the current facilities and  
9 ultimately to determine what the need is for  
10 additional facilities or access in the future.

11 The last MIG is MIG 6, Cultural  
12 Resources. This group is primarily comprised  
13 of FERC, Alabama Historical Commission, and  
14 the various Native American tribes. And  
15 they'll be looking at the identification and  
16 protection of historic properties.

17 So with that, I know I went through it  
18 pretty fast, but I know Lee is going to  
19 provide a lot more opportunity to get in more  
20 discussions for the rest of the evening. So I  
21 will turn it back over to him.

22 MR. EMERY: Thank you, Jim. Okay.  
23 With that we will get into the resource issues  
24 and study plans and go through them resource  
25 issue by resource issue. They start on page

1 15 of your scoping document. We will start  
2 off first with Geology and Soil Resources. It  
3 has one bullet under it. The effect of  
4 proposed Project operation and rule curve  
5 changes on erosion of reservoir and island  
6 shorelines on erosion of riverbanks in  
7 Project-affected stream reaches downstream  
8 from Martin Dam and any increased  
9 sedimentation in Lake Martin caused by Project  
10 operation.

11 Any comments on geology and soil  
12 resources?

13 MR. NICHOLS: Nick Nichols with the  
14 Alabama Department of Conservation and Natural  
15 Resources, Fishery Section. We have had the  
16 opportunity on numerous occasions to discuss  
17 many of these issues with the Alabama Power  
18 Company, but we wanted to emphasize the need  
19 for -- and this kind of straddles 4.21 and  
20 4.22 -- but we wanted to emphasize the need  
21 for, while rule curve change evaluations are  
22 being made, especially with regard to winter  
23 drawdown elevations, that additional  
24 evaluations need to be undertaken so that we  
25 can fully understand what changes may occur in

1 terms of sedimentation and aquatic vegetation  
2 as a result of those changes and Project  
3 operations. We just feel like there is a need  
4 to make sure that we understand what potential  
5 problems we might have due to any changes in  
6 that winter rule curve elevation.

7 MR. EMERY: Great. Thank you. Anyone  
8 else? Comments on Geology and Soils  
9 Resources?

10 MR. SPEAKS: Larry Speak, and I am a  
11 consultant engineer out of Montgomery. I am  
12 speaking for myself and my company. I have  
13 been around this lake some 70 years, since was  
14 born here some 70 years ago. I am not  
15 somebody that owns property on this lake, but  
16 I have worked with this lake since I have been  
17 out of college on the development end and  
18 consultant engineer land space. So that's  
19 sort of where I am coming from.  
20 Environmental-wise, me or my company probably  
21 does as many, if not more, environmental  
22 permits than any other consulting company in  
23 this state, from storm water permits to sewage  
24 permits to rock walls and sand and gravel. I  
25 am speaking from all of those aspects.

1           My comments will be focused on two  
2 major problems that I consider at Lake Martin.  
3 These problems have not been adequately  
4 addressed in the submitted documents.

5           Three major resource areas have been  
6 proposed for further studies. These include  
7 Geology and Soils, Water Resources, and Fish  
8 and Aquatic Resources. The major resource  
9 that has not been studied or proposed to be  
10 studied is the aesthetic value.

11           The current problem: Wind and water  
12 erosion have caused major and minor bank  
13 failures around the lake. Erosion from wind  
14 and water and boat traffic have both  
15 contributed to massive amounts of sediment  
16 accumulation in tributaries to Lake Martin and  
17 sloughs. The Pre-Application documents or the  
18 scoping documents do not address erosion that  
19 impacts land above the 491 mean sea level.  
20 Martin Issue Group Two addresses water quality  
21 from erosion, water withdrawal, wastewater  
22 discharges, development and recreation.

23           The Draft Study Plan Three, Erosion  
24 and Sedimentation only deals with erosion  
25 hotspot sites between 491 and 481, and

1 additional studies should be enacted to  
2 address erosion that has cause the bank  
3 failures that are above and below the 491 mean  
4 sea level.

5           Currently, the Shoreline Management  
6 Plan is supposed to be the umbrella that  
7 Alabama Power uses to regulate non-Project  
8 uses. There is no mention of specifics in the  
9 study plan to shoreline management on the  
10 broad and general statements to the purpose of  
11 the entire relicensing Project.

12           Study: There should be a model  
13 developed to allow for the repair of  
14 erosion/bank failure that is fair to both the  
15 landowners around the lake and Alabama Power  
16 Company. I say "fair." That can be  
17 interpreted however you want to. This models  
18 should invoke a policy in the Shoreline  
19 Management Plan.

20           There should be a model to allow for  
21 the removal of accumulated sediments, silt,  
22 in affected sloughs and tributaries to Lake  
23 Martin that is fair to both the landowners and  
24 around Lake Martin and Alabama Power Company.  
25 This model should invoke a policy in the

1 Erosion and Sediment Plan.

2 Relevance: What's coming out of this?

3 These studies are relevant to the Martin Dam  
4 Project FERC Number 349, because Alabama Power  
5 Company is responsible for operating and  
6 maintaining its license projects in accordance  
7 with the license requirements and project  
8 purposes. Power generation, public  
9 recreation, environmental protection,  
10 aesthetic values. Especially, the erosion  
11 previously discussed directly impacts public  
12 recreation, environmental protection and  
13 aesthetic values.

14 The methodology of this: Use  
15 historical topography, general vicinity  
16 topography, natural shoreline on either side  
17 of unaffected banks, photographs, and personal  
18 interviews to determine the previous locations  
19 of the natural shoreline. Use soil  
20 stratification as a basis for determining the  
21 depth of accumulated sediment in tributaries  
22 and sloughs.

23 What's the expected outcome of all of  
24 this? To implement a process for Alabama  
25 Power to permit the reclamation of lands, both

1 to Alabama Power and private property owners  
2 lost due to the high erosive properties of  
3 wind and wave action. A new process is needed  
4 to protect property owners from erosion on  
5 Lake Martin. The current practice is for  
6 shear retaining walls to be constructed.  
7 These walls are often steep and present safety  
8 hazards. Seawalls 10 to 20 feet high are not  
9 the solution to bank failures. Applicants  
10 should be able to repair erosion damage in a  
11 manner that is consistent with all land  
12 reclamation practices. If seawalls were  
13 placed in historical 491 mean sea level,  
14 elevations 10 to 20, 15, 30 years ago, this  
15 will allow for projects under construction to  
16 use the seawall as a sediment barrier. This  
17 type of silt dike is much more effective than  
18 typical BMPs used all around the shorelines as  
19 silt fences. Using the historical 491 mean  
20 sea level location will also allow applicants  
21 to leave more trees around the lake, because  
22 now, when you put a seawall three to five feet  
23 from the existing shoreline you are having to  
24 move the trees to pack that around it.

25 The outcome: To implement an

1 additional process for Alabama Power to permit  
2 the removal of accumulated sediment in sloughs  
3 within the project limits. Estimating amounts  
4 of sediment to be removed should be completed  
5 by qualified persons. Once removal plans and  
6 quantities are approved, disposal sites for  
7 dredged sediments should be in the uplands.  
8 The dredged materials should be stabilized in  
9 such a manner that will prevent their  
10 migration back to Lake Martin.

11 This problem should be addressed in  
12 many studies that are currently proposed  
13 including, but not limited to, geology and  
14 soils, erosion, sedimentation and nuisance  
15 vegetation. Reclamation of lost lands will  
16 reduce the sedimentation of Lake Martin.

17 The Fish and Aquatic Resources,  
18 shoreline habitat. In order to prevent  
19 further erosion, a seawall will generally be  
20 necessary. Seawalls should be assessed so  
21 that they provide some habitat for fish and  
22 other aquatic insects and animals. Placing  
23 riprap along the bottom of the seawall,  
24 concrete or wooden, will provide more suitable  
25 aquatic habitat.



1 permits other than construction, municipal and  
2 industrial, does seem to be worthwhile.

3 Shoreline Management Plan. Address  
4 erosion and bank failures that are above and  
5 below 491. Construction of seawalls at  
6 historical 491 will allow more trees to remain  
7 around the lake even when property is  
8 developed for human uses. Adopt policies that  
9 are equitable to land owners, Alabama Power.

10 Aesthetic Values. As you have seen,  
11 the people on this lake love this lake and  
12 they take pride in the aesthetic values of it.  
13 The bank failures have diminished this  
14 aesthetic value.

15 These comments are respectfully  
16 submitted by me on this date. Thank you.

17 MR. EMERY: Any other comments?

18 (No response.)

19 MR. EMERY: Okay. Let's move on to  
20 the second one, Water Resources.

21 The effects of the proposed project  
22 operation on water quality in Lake Martin, as  
23 well as effects on temperature and dissolved  
24 oxygen in the Tallapoosa River downstream from  
25 Martin Dam and the Project's ability to meet

1 state water quality standards.

2 Effects of the proposed rule curve on  
3 striped bass thermal refugia in Lake Martin.

4 The effects of the proposed rule curve  
5 changes on water withdrawals, wastewater  
6 assimilation, water quantity and timing of  
7 releases for downstream navigation, hydropower  
8 use, and downstream flooding potential.

9 The effects of the proposed rule curve  
10 on water quality and nutrients in embayments  
11 with Lake Martin that are associated with  
12 tributaries.

13 The effects of the proposed rule curve  
14 on water usage during drought conditions.

15 Comments now for the Water Resources.

16 MR. BRONSON: I am Dick Bronson with  
17 Lake Watch. I was here this morning. But I  
18 want to commend you and your folks that you  
19 brought with you and Jim Crew and his folks,  
20 because I heard a lot of really pretty neat  
21 recommendations and suggestions coming out  
22 this morning from Steve Forehand and Jesse and  
23 a lot of others.

24 I saw a lot of partnerships start to  
25 develop or semi-develop and that's

1 encouraging. I have two comments. One sort  
2 of addresses what Larry Speaks just mentioned.  
3 It touches on it at least. What I have is a  
4 couple of concerns that Steve made this  
5 morning. Recommendations. One was to  
6 consider the possibility of dredging, in  
7 effect dredging to remove sediment. I have a  
8 bit of a problem with that, but I have more of  
9 a problem with his other suggestion that dealt  
10 with removing, in some manner, the navigation  
11 or structures underwater, whether they are  
12 stumps or old props or whatever. Both of  
13 those really get to the issue of habitat. And  
14 I guess my caution would be that -- and I am  
15 sure the fish and wildlife folks will come up  
16 in a minute on that, but don't forget that  
17 there is an issue of habitat there also. So  
18 those are my comments. Thank you.

19 MR. EMERY: Any other comments on  
20 water resources?

21 (No response.)

22 MR. EMERY: No. Let's move on to the  
23 next one, Aquatic Resources. There are four  
24 bullets for that.

25 Fish passage and effects of project

1 operation on movements of migratory fish in  
2 the Tallapoosa River. We will talk about the  
3 cumulative effects.

4 The effects of current operation and  
5 proposed rule curve changes on the movement of  
6 striped bass into thermal refugia in Lake  
7 Martin during the summer and fall periods of  
8 the year.

9 The effects of the proposed Project  
10 operations on near shore and aquatic plants  
11 and aquatic habitats in Lake Martin.

12 And the effects of Project operation  
13 or operational changes on fishery resources in  
14 Project-affected waters downstream from Martin  
15 Dam, including the Tallapoosa River  
16 immediately downstream from Thurlow Dam.

17 Comments from anyone on Aquatic Resources?

18 (No response.)

19 MR. EMERY: No comment. Okay. Let's  
20 move on to the next one. Terrestrial  
21 Resources. There are two bullets for that.

22 The effects of potential changes to  
23 pool elevations on bottomland hardwoods,  
24 wetlands, riparian vegetation and associated  
25 wildlife within the Project boundary.

1                   And the effects of potential changes  
2                   in pool elevations on terrestrial resources  
3                   management plans, and in controlling invasive  
4                   aquatic organisms and plants.

5                   Any comments on terrestrial resources?

6                   (No response.)

7

8                   MR. EMERY: Okay. Moving on to the  
9                   next one. Rare, Threatened, and Endangered  
10                  Species. There is one bullet on that.

11                  The effects of Project operation and  
12                  maintenance activities on state and  
13                  federally-listed RTE species that may occur  
14                  within the Project boundary or within  
15                  Project-affected waters. Any comment on the  
16                  RTE Species?

17                  MR. NICHOLS: This is Nick Nichols  
18                  again on behalf of the Alabama Department of  
19                  Conservation and Natural Resources Fisheries.  
20                  We just kind of wanted of reiterate a comment  
21                  that was made by the Alabama Rivers Alliance  
22                  this morning. Although it does appear in some  
23                  of the PAD documents, it does not appear in  
24                  the document here, 4.2.5, but we want to  
25                  emphasize the need to examine what habitat

1 fragmentation effects have had on fish and  
2 bird populations in a number of the tributary  
3 streams to Lake Martin. We are mainly  
4 interested in identifying cases where the fish  
5 population can be better identified and  
6 defined. We could look at long-term  
7 management plans for those populations.

8 MR. EMERY: Do you have any particular  
9 tributary stream in mind?

10 MR. NICHOLS: Well, we have discussed  
11 this in earlier -- in previous meetings with  
12 the power company. Of course, we are  
13 interested in all of the major tributary  
14 creeks that flow directly into Lake Martin.  
15 That would be the target areas. We have Sandy  
16 Creek would especially be one. The Hillabee  
17 Creek tributaries and also some of the smaller  
18 tributaries and then Kowaliga. We would be  
19 willing to prepare a more precise list on  
20 that.

21 MR. EMERY: You are going to provide  
22 written comments on it. Is there any  
23 particular species?

24 MR. NICHOLS: Well, essentially, of  
25 course, our primary interest here would be in

1 mussel and snails species, but especially, the  
2 mussels and their relationship between their  
3 mussels and their host fish. So we are  
4 interested on how these populations have  
5 isolated due to the fragmentation, would be of  
6 interest to us.

7 MR. EMERY: Okay. Thank you. Any  
8 other comments on Species?

9 (No response.)

10 MR. EMERY: The next issue is  
11 Recreation and Land Use. There are three  
12 bullets to that one.

13 The effects of the proposed Shoreline  
14 Management Plan and the continuation of the  
15 shoreline permitting program on land use  
16 practices within the Project boundary.

17 The ability of the existing and  
18 proposed recreational facilities and public  
19 access sites to meet current and future  
20 recreational demands under the proposed  
21 project operations and potential changes to  
22 the pool elevations. Any comments on the  
23 recreation and land use?

24 MR. HAWKINS: My name is Don Hawkins.  
25 I am a homeowner and a member of HOB0. I was

1 not here this morning so I am not sure if this  
2 has been covered. The rule curves are set so  
3 that the operational curve and the flood  
4 control curve are parallel for two-thirds of  
5 the summer, but in August they fall apart. I  
6 would suggest that, if possible, that those  
7 two curves, the summer pool curve and Alabama  
8 Power's operational curve be maintained in a  
9 parallel fashion as far out in the fall as  
10 they could to maintain water depths for  
11 boating and recreation activity for as long as  
12 possible and not have that drop off. That's  
13 it.

14 MR. EMERY: Okay. Thanks for your  
15 comment. Any other comments on recreation and  
16 land use?

17 MR. CUNNINGHAM: I am Jesse Cunningham  
18 with Lake Martin HOBOS. And just for those of  
19 you that weren't here this morning this was  
20 discussed in great detail. We are not not  
21 doing our jobs, we just don't want to  
22 reiterate everything. But I did have a couple  
23 of things that I wanted to add to the comments  
24 this morning, and it has to do with the  
25 drawdown of the lake last fall. I think there

1 is an opportunity for the power company to  
2 learn from that and hopefully an opportunity  
3 for the Corps of Engineers to learn from it.  
4 And it should have an impact on this  
5 relicensing process. And from September 28th  
6 through November the 8th of last year our lake  
7 lost 3.7 feet of water to support a dredging  
8 effort that, for some reason, was begun in the  
9 very worst year that it could possibly be  
10 done.

11 MR. EMERY: Where was that dredging  
12 occurring?

13 MR. CUNNINGHAM: That was occurring on  
14 the lower end of the Alabama River. If I am  
15 not mistaken, it was about 70 miles of  
16 dredging. And they had -- if I am not  
17 mistaken, they had dredged through the summer.  
18 Alltoona may have given up a -- Lake Allatoona  
19 had given up a lot of water. Harvest Lake had  
20 given up a lot and we had already given up a  
21 lot. But the impact of that act by the Corps  
22 of Engineers had an extremely detrimental  
23 effect on this lake. And we did a --

24 MR. EMERY: Because the Association  
25 was releasing water to assist with dredging

1 downstream?

2 MR. CUNNINGHAM: That's correct. And  
3 when it was over with the lake was down 15 and  
4 a half feet, which is lower than it has been  
5 since back in the '60s when they took it down  
6 routinely.

7 But one of the things that we did, we  
8 went around and visited some of the businesses  
9 around the lake. I wish we had had time to  
10 visit more of them, but we did gather some  
11 data on what effects it had on those  
12 businesses. And I wanted to record that here.  
13 Convenient store sales -- this is from  
14 Memorial Day through October when we took the  
15 data -- convenient store sales were down 24  
16 percent to 35 percent. Boat sales were down  
17 27 percent to 50 percent. Vacation home  
18 rentals were down 45 percent to 75 percent.  
19 Some businesses had to close down. We had one  
20 boat rental facility here on the lake that  
21 closed the 4th of July.

22 The impact of the action that was  
23 done, to the best of my knowledge, nobody  
24 downstream lost their job, nobody lost their  
25 business. But they did up here.

1           MR. EMERY: To be fair, of course, the  
2 economy has taken a turn in the last couple of  
3 years.

4           MR. CUNNINGHAM: I agree with you. If  
5 you are looking at construction and things  
6 like that, I agree that there are multiple  
7 impact areas. But these are things that are  
8 directly related to the lake.

9           MR. EMERY: Will you have a list to  
10 provide us for the record to support your  
11 statement?

12           MR. CUNNINGHAM: That was the last  
13 thing that I wanted to mention, is that we  
14 will provide a detailed document of everything  
15 we have talked about at this meeting within  
16 the next couple of weeks.

17           MR. EMERY: Super. By October 13th.

18           MR. CUNNINGHAM: Okay. That's it.

19           MR. EMERY: Thank you very much. Any  
20 other comments on recreation and land use?

21

22           (No response.)

23

24           MR. EMERY: The next item we have here  
25 is Cultural Resources. One bullet on it.

1           The effects of the proposed action and  
2 alternative on properties that are included in  
3 or eligible for inclusion in the National  
4 Register of Historic Places.

5           Any comments on the Cultural  
6 Resources?

7           (No response.)

8

9           MR. EMERY: Okay. We have one last  
10 one. That's the Developmental Resources. We  
11 look at, not only the environmental effects,  
12 but the developmental construction effects.

13           The effects of any proposed or  
14 recommended environmental measures on the  
15 Martin Dam Project economics, including  
16 effects of any operational changes on the  
17 Project's power and capacity benefits. We  
18 looked at everything on this EA. Any comments  
19 on that particular issue?

20           (No response.)

21           MR. EMERY: Okay. No further  
22 comments. We will be around if you have  
23 anything you want to talk with us about  
24 individually. But I appreciate your coming  
25 this evening and participating. I look

1 forward to seeing you again soon. Thank you.

2

3 (The meeting concluded at 6:57 p.m.)

4

5 MR. EMERY: Okay. We are resuming one  
6 moment here. This is my fault. I forgot to  
7 ask about the 16 study plans that are  
8 proposed. Any additional study or any  
9 additional information gap that you are aware  
10 of, or any other suggestions that are needed  
11 for this particular project and I have one  
12 comment, I think.

13 MS. TAKATS: My name is Judy Takats,  
14 T-A-K-A-T-S. I am with the World Wildlife  
15 Fund. World Wildlife Fund is a conservation  
16 organization, 501(c)(3). Our primary offices  
17 are in Washington, D.C. but we have an office  
18 out of Nashville that covers the southeast and  
19 that's where I work. We have over 7,000  
20 members in Alabama. The rivers and streams of  
21 the Tallapoosa and the state are pretty  
22 special places. I am sorry to keep y'all here  
23 just for a couple of comments, but I will be  
24 submitting extensive written comments.

25 But I wanted to make sure that the

1 study plans included not only -- there are  
2 some discrepancies between what is going to be  
3 studied as the proposed rule curve change, and  
4 I wanted to make sure that the current  
5 operations are also looked at in addition to  
6 the proposed changes, so that there is some  
7 determinations about the effect of the  
8 proposed changes as they differentiate from  
9 their current conditions.

10 I also wanted to also concur with the  
11 agencies, that we are very concerned with the  
12 species and the sloughs and how species move  
13 between those, kind of arms of the reservoir,  
14 and if there is any opportunity for genetic  
15 diversity between those arms of the reservoir.  
16 And we will all talk more about it or I will  
17 write more about it my written comments.

18 And I wanted to make just a general  
19 comment. And, Lee, maybe you can help answer  
20 this. When we're looking at collecting data  
21 on -- particularly on species, but really on  
22 any issue -- is collecting it over one season.  
23 And we talked about this with the recreational  
24 conditions last year. When you look at --  
25 when you study an issue over just one season

1       it just gives you a spotlight for that moment  
2       in time. Whereas, if you look at an issue  
3       over a couple of seasons, ideally more than  
4       two, but I know we have an opportunity for two  
5       in the ILP, but it gives you more data to be  
6       able to make better decisions. Again, I will  
7       go back to the recreation issues that we  
8       talked about this morning, that if we just  
9       looked at those issues over last year it would  
10      give us data that may not be very  
11      representative over the course of what really  
12      happens in an area.

13               MR. EMERY: Sometimes adaptive  
14      management -- we have some data and if you  
15      just follow along a period of that collections  
16      or as a project is licensed, to see how things  
17      happened in relation to the continued  
18      operation or in just superior roles and their  
19      habitat for adaptive management.

20               MS. TAKATS: But over the course of a  
21      license, but occurring at this time when we  
22      are really studying the issues, I think it's  
23      really important for you to collect this data  
24      over multiple seasons and not just rely on  
25      data from one season.

1                   And just a comment to everybody else  
2                   who is here. If you haven't been involved  
3                   with the MIG groups, I would encourage you to  
4                   do so. It's pretty early on in the process.  
5                   We have met once. I would encourage folks to  
6                   come on in and join us. There are a lot  
7                   really good people who are involved with the  
8                   MIG groups. Thank you.

9                   MR. EMERY: And I would appreciate, in  
10                  the greatest detail that you can, about the  
11                  species of concern, mussels or fish. The  
12                  details, specifics are great. They are  
13                  helpful for us to try to move on any  
14                  proposals. You know the seven criteria, of  
15                  course.

16                 MS. TAKATS: Absolutely. We provided  
17                 those to the company.

18                 MR. EMERY: Anybody else on the study  
19                 proposals or study gaps or new studies that  
20                 may or may not be needed? Okay. This time I  
21                 think I finally got everything covered.  
22                 Thanks again for coming and thanks for  
23                 reminding me about that important point.

24

25                 (The meeting concluded at 7:09 p.m.)

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C E R T I F I C A T E

STATE OF ALABAMA)  
JEFFERSON COUNTY)

I, Karen Kelley, Freelance Court Reporter and Notary Public in and for the State of Alabama at Large, do hereby certify that the above and foregoing typewritten pages contain a true and accurate transcription of the examination of said witness by counsel for the parties set out herein.

I further certify that I am neither of kin nor of counsel to the parties to said cause, nor in any manner interested in the results thereof.

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