

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426
April 12, 2019

OFFICE OF ENERGY PROJECTS

Project No. 2628-065 – Alabama
R.L. Harris Hydroelectric Project
Alabama Power Company

Angie Anderegg
Harris Relicensing Project Manager
Alabama Power Company
600 North 18th Street
Birmingham, AL 35203

Reference: Study Plan Determination for the R.L. Harris Hydroelectric Project

Dear Ms. Anderegg:

Pursuant to 18 C.F.R. § 5.13(c) of the Commission's regulations, this letter contains the study plan determination for the R.L. Harris Hydroelectric Project No. 2628 (Harris Project) located on the Tallapoosa River in the City of Lineville in Randolph, Clay, and Cleburne Counties, Alabama. The project also includes land within the James D. Martin-Skyline Wildlife Management Area, located approximately 110 miles north of the project reservoir in Jackson County, Alabama. The project occupies 4.90 acres of federal land administered by the Bureau of Land Management. The determination is based on the study criteria set forth in section 5.9(b) of the Commission's regulations, applicable law, Commission policy and practice, and the record of information.

Background

On November 13, 2018, Alabama Power Company (Alabama Power) filed a proposed study plan (PSP) with ten studies in support of its intent to relicense the project. The PSP addresses the following issues and resources: (1) downstream flow release alternatives; (2) reservoir operating curve change feasibility; (3) water quality; (4) erosion and sedimentation; (5) threatened and endangered species; (6) downstream aquatic habitat; (7) aquatic resources; (8) project lands; (9) recreation; and (10) cultural resources.

Alabama Power held a Study Plan Meeting to discuss its Proposed Study Plan (PSP) on December 13, 2018. Comments on the PSP were filed by the Lake Wedowee

Property Owners' Association, the Muscogee (Creek) Nation, and the Alabama Historical Commission.

On March 13, 2019, Alabama Power filed a Revised Study Plan (RSP). Comments on the RSP were filed by Mr. Albert Eiland, Mr. George Traylor, Ms. Carol B. Knight, Mr. Charles Denman, Ms. Donna Matthews, Mr. Jimmy Traylor, Ms. Linda Ball, Ms. Michele Waters, Mr. Michael Belek, Mr. Steve Traylor, Ms. Susan Evans, Mr. George Diamond, the Tallapoosa River Heritage Group,¹ and the U.S. Environmental Protection Agency (EPA).²

General Comments

A number of the comments on the RSP do not directly address study plans. For example, many of the comments: (1) express concerns associated with existing downstream water quality, flows, and aquatic habitat conditions; (2) recommend flows downstream of Harris Dam;³ or (3) request higher winter operating elevations for Lake Wedowee. This determination does not address such comments, but rather addresses comments specific to the merits of the proposed studies submitted pursuant to section 5.13 of the Commission's regulations and comments received thereon.⁴

¹ Ms. Knight filed the comments on behalf of the members of the Tallapoosa River Heritage Group, including Mr. Bob Bugg, Mr. Nelson Hay, Mr. Vernon Lashley, Mr. Joe Meigs, Mr. Floyd Meigs, Mr. David Royster, Mr. Kyle Jackson, Mr. Ronnie Siskey, and Mr. John Carter Wilkins.

² Mr. Diamond and EPA's filed their comments after the integrated licensing process deadline for stakeholder comments on the RSP, but staff considered them in preparing this Study Plan Determination.

³ In his comments on the RSP, Mr. Traylor recommended that Alabama Power evaluate options for turbine upgrade(s) at Harris Dam. Based on staff's review of his comments, the requested evaluation is actually a request for a protection, mitigation, or enhancement measure, and is not considered further in this Study Plan Determination.

⁴ In their comments, Mr. Denman and Mr. Traylor describe changes to: (1) the biology and bank erosion of the Tallapoosa River since construction of Harris Dam, and (2) water quality in the Tallapoosa River. Both individuals recommend resource-specific evaluations of the Tallapoosa River, but do not describe the goals and objectives, methods, or other criteria required for a study request. Moreover, Mr. Denman's and Mr. Traylor's recommendations relate to studies already proposed by Alabama Power and would not require modifications to the RSP. Therefore, these requests are not considered further in this Study Plan Determination.

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Study Plan Determination

Alabama Power's RSP is approved, with the staff-recommended modifications discussed in Appendix B. As indicated in Appendix A, all of the studies proposed by Alabama Power are approved with staff-recommended modifications.

In Appendix B, we explain the specific modifications to the study plan and the bases for modifying the proposed studies. Although Commission staff considered all study plan criteria in section 5.9 of the Commission's regulations, staff only reference the specific study criteria that are particularly relevant to the determination. Unless otherwise indicated, all components of the approved studies not modified in this determination must be completed as described in Alabama Power's RSP.

Pursuant to section 5.15(c)(1) of the Commission's regulations, the Initial Study Report for all studies in the approved study plan must be filed by April 12, 2020. As required by the Commission's regulations, Alabama Power must hold an Initial Study Report Meeting within 15 days of the filing of their Initial Study Report.

Nothing in this study plan determination is intended, in any way, to limit any agency's proper exercise of its independent statutory authority to require additional studies. In addition, Alabama Power may choose to conduct any study not specifically required herein that it feels would add pertinent information to the record.

If you have any questions, please contact Sarah Salazar at sarah.salazar@ferc.gov, or (202) 502-6863.

Sincerely,



Terry L. Turpin
Director
Office of Energy Projects

Enclosures: Appendix A – Summary of studies subject to this determination
Appendix B – Staff's recommendations on proposed studies

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APPENDIX A**SUMMARY OF DETERMINATIONS ON
PROPOSED STUDIES**

Study	Recommending Entity	Approved	Approved with Modifications	Not Required
Downstream Release Alternatives	Alabama Power		X	
Operating Curve Change Feasibility Analysis	Alabama Power		X	
Erosion and Sedimentation	Alabama Power		X	
Water Quality	Alabama Power		X	
Aquatic Resources	Alabama Power		X	
Downstream Aquatic Habitat	Alabama Power		X	
Threatened and Endangered (T&E) Species	Alabama Power		X	
Project Lands Evaluation	Alabama Power		X	
Recreation Evaluation	Alabama Power		X	
Cultural Resources Programmatic Agreement and Historic Properties Management Plan	Alabama Power		X	

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APPENDIX B

STAFF'S RECOMMENDATIONS ON PROPOSED STUDIES

The following discusses staff's recommendations on studies proposed by Alabama Power Company (Alabama Power). We base our recommendations on the study criteria outlined in the Commission's regulations [18 C.F.R. section 5.9(b)(1)-(7)]. Except as explained below, the Revised Study Plan (RSP), filed on March 13, 2019, adequately addresses all study needs at this time.

I. General Issues

Schedule and Reporting

The Integrated Licensing Process (ILP) regulations require that each study plan have a detailed methodology and schedule for conducting the study with provisions for periodic progress reports, including the manner and extent to which information will be shared, and sufficient time for technical review of the analysis and results (18 C.F.R. section 5.11(b)(1-3)). The schedules in section 6.0 of each of the studies in the RSP do not describe in detail when Alabama Power would provide periodic progress reports, when and how Alabama Power would share information and reports with the Harris Action Teams (HATs)¹ and other stakeholders for review and analysis, or when and how stakeholder comments would be solicited. Therefore, within 30 days of this determination, Alabama Power must provide a detailed schedule for each study, which includes dates for delivering interim work products to the HATs, as well as providing sufficient time for stakeholder input, review, analysis, and comment on Alabama Power's documents. All interim work products, including models (with methodologies, inputs and outputs, assumptions, and summary reports), alternatives to be analyzed, and draft and final study reports, should be distributed to the HATs, and, at the same time, filed with the Commission. The Initial and Updated Study Reports should describe all decisions and recommendations made by the HATs or other stakeholders. Changes to the studies can be made only through modification of the study plan with Commission approval.

¹ As part of initial consultation with stakeholders, Alabama Power created relicensing teams, called Harris Action Teams (HATs), comprised of small groups of interested stakeholders organized around specific resource issues (e.g., project operations, water quality), to review existing information, study plans, and reports, and work with Alabama Power to develop protection, mitigation, and enhancement (PM&E) measures, where applicable.

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II. Required Studies

Threatened and Endangered Species Study

Applicant's Proposed Study

Alabama Power proposes a Threatened and Endangered (T&E) Species Study to: (1) assess the probability that populations of current federally listed threatened and endangered species, their critical habitat, or state protected species occur within the Harris Project boundary or project area;² and (2) determine if there are project-related effects on those species (e.g., lake fluctuations, downstream flows, recreation and shoreline management activities, timber management, etc.). As part of the study, Alabama Power proposes to develop a list of extant species that may have been extirpated from the project vicinity, and identify the factors that may have contributed to their extirpation. The geographic scope for the study includes not only the Harris Project and Tallapoosa River from Harris Dam through Horseshoe Bend, but also the project boundary within the James D. Martin-Skyline Wildlife Management Area (Skyline WMA). At Skyline WMA, Alabama Power proposes to focus the study on the potential impacts of current operations (i.e., timber management activities) to populations of bats and their habitats.

The T&E Species Study consists of a literature review and data analysis. Alabama Power proposes that the literature review consist of: (1) compiling a list of T&E species and critical habitats that occur in the counties surrounding the Harris Project and the Tallapoosa River downstream through Horseshoe Bend; (2) gathering information on the T&E species' habitat requirements and historical range; (3) identifying factors affecting the status of each species; and (4) using a Geographic Information System (GIS) to map habitat information (e.g., land use, tree stand data, aquatic habitat data) and identify areas that T&E species may use within the study's geographic scope. The data analysis component would consist of: (1) differentiating areas that provide habitat for the identified T&E species within the study's geographic scope, and (2) determining if any of the areas are potentially affected by Harris Project operation. Alabama Power proposes to conduct field surveys, if necessary, with methods developed in consultation with the U.S. Fish and Wildlife Service (FWS).

As the various components of the study are completed, Alabama Power proposes to share the results with Harris Action Team 3 (HAT 3) through stakeholder meetings and written documentation.

² Alabama Power defines the project area as the land and water within the project boundary and immediate geographic area adjacent to the project boundary.

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Comments on the Study

No entity commented on Alabama Power's proposed T&E Species Study Plan.

Discussion and Staff Recommendation

Study Scope

The ILP regulations require that an applicant provide a draft environmental analysis, by resource area, of the effects associated with continued operation and maintenance of a proposed project (18 C.F.R. sections 5.16(b)(3) and 5.18(b)(5)). The scope of the approved studies should account for all resources potentially affected by the proposed project. Additionally, in section 4.2 of the Harris Project Scoping Document 2, we identified the effects of continued project operation and maintenance on fish and other aquatic organisms, as well as vegetation and wildlife, including rare plant communities on granite outcrops, as issues we intended to address in our environmental document. These communities would include any state protected species. However, the proposed T&E Species Study Plan does not appear to include a list of state protected species. Therefore, we recommend that Alabama Power include state protected species in the proposed T&E Species Study Plan.

Recreation Evaluation Study Plan

Applicant's Proposed Study

Alabama Power maintains 12 project recreation sites at the Harris Project, including eight boat launches on Lake Wedowee, public facilities at Wedowee Marine South, the Flat Rock Park day use area, hunting access at the R.L. Harris Management Area, and the Harris Tailrace Fishing Platform below Harris Dam. Changes to project operations could affect recreation at Lake Wedowee and on the Tallapoosa River downstream from Harris Dam. Alabama Power proposes a Recreation Evaluation to: (1) establish baseline information on recreation use and capacity at existing project recreation sites and use the collected data to estimate future recreation use; (2) determine how downstream flow affects recreation users below Harris Dam, including anglers, recreational boaters, float tube users, and swimmers; and (3) evaluate the adequacy of existing recreation facilities at the Harris Project. Alabama Power proposes to use the study to identify enhancement measures, if needed, to meet current or future demand.

To establish baseline information about existing project recreation sites, Alabama Power proposes to conduct a site inventory and condition assessment at each of the 12 project recreation sites. These sites are all located on Lake Wedowee, with the exception of the Harris Tailrace Fishing Pier, which is located just below Harris Dam.

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Alabama Power proposes to visually inspect and document the amenities and conditions at each site. Alabama Power proposes to estimate current and future recreation use and capacity by conducting visitor counts using a methodology consistent with Alabama Power's 2014 FERC Form 80 data collection efforts. Alabama Power proposes to evaluate recreation use and needs at Skyline WMA using existing data available from Alabama Department of Conservation and Natural Resources.

To assess the effects of downstream flows on recreation below Harris Dam, Alabama Power proposes to conduct visitor surveys at several sites on the Tallapoosa River between Harris Dam and Horseshoe Bend. Alabama Power proposes to use a survey questionnaire to measure user attitudes and perceptions about instream flow and trip satisfaction by recreation type, including angling, boating, tubing, and swimming. In addition to questions about the perception of instream flow and trip satisfaction, Alabama Power proposes to ask anglers about fish catch, targeted species, and effort (i.e., a creel survey).

To evaluate the adequacy of existing recreation facilities and need for future enhancement measures, Alabama Power proposes to consult with Harris Action Team 5 (HAT 5) after completing its fieldwork. Alabama Power proposes to determine the need for recreation enhancements or new recreation sites in consultation with HAT 5.

Comments on the Study

Donna Matthews recommends that Alabama Power investigate the need for campsites for paddlers and additional access points for recreation on the Tallapoosa River below Harris Dam. Ms. Matthews also recommends that Alabama Power provide stakeholders the opportunity to review and comment on the survey questionnaire used during the Recreation Evaluation.

During the Study Plan Meeting, Commission staff requested that Alabama Power include a visitor-use survey as part of its evaluation of recreation use at Lake Wedowee.

Discussion and Staff Recommendation

Downstream Recreation Use

Alabama Power did not provide a draft questionnaire for the Downstream Recreation Use Survey in the RSP. The RSP provides no detail about how Alabama Power proposes to develop or finalize the survey questionnaire other than describing a period of pre-testing in March and April 2019 (prior to the issuance of this study determination). Ms. Matthews requests that Alabama Power evaluate the need for recreation enhancements like paddle-in campsites and improved access points. We

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recommend that Alabama Power expand the goals of the downstream recreation-use survey to evaluate visitor satisfaction with, and preferences for, recreation amenities, as requested by Ms. Matthews. The survey questionnaire should be refined in consultation with HAT 5 and other relicensing stakeholders. This information would be helpful in assessing what, if any, recreation enhancements or access improvements may be needed (5.9(b)(4)).

The RSP defines the recreation study season as May 1 through October 31, 2019. Given Alabama Power's proposal to begin data collection in May 2019, the survey questionnaire for the downstream recreation use survey should be developed and finalized expeditiously. We recommend that, within 15 days, Alabama Power provide to HAT 5, and file with the Commission, its questionnaire for the downstream recreation use survey. Alabama should provide a minimum of 15 days from the filing of the survey questionnaire for Commission staff and stakeholder comment. Following the comment period, Alabama Power should make changes based on the comments received, or provide a response describing why it has not adopted a change. Upon completion of the comment period and any needed revisions, Alabama Power may begin using the survey questionnaire in the field. The final survey questionnaire, consultation log, and responses to comments should be filed with the Commission as part of the Initial Study Report.

Lake Wedowee Recreation Facility Needs and Upgrades

Alabama Power proposes to consult with HAT 5 members to review the results of the recreation evaluation and assess the need for recreation-related PM&Es. However, Alabama Power's Recreation Evaluation has no specific proposal to solicit input from visitors to Lake Wedowee about their current or future recreation needs. Visitor use surveys are a standard tool used by license applicants to develop quantitative or qualitative information about how visitors interact with a licensee's recreation facilities and how their experiences could be enhanced or improved (5.9(b)(6)).

To gather information about visitor impressions of the existing recreation facilities on Lake Wedowee, and the need for new recreation sites or upgrades, we reiterate our recommendation from the PSP meeting that Alabama Power conduct visitor interviews at Lake Wedowee. Specifically, we recommend that Alabama Power develop a survey questionnaire to administer at Flat Rock Park. Data collection should occur during the 2019 recreation season, and include weekends and at least one holiday. We recommend a similar level of effort for the downstream recreation use survey in terms of the number of survey technicians and hours and days of data collection, with a goal of collecting 300 survey responses. A systematic sampling technique with a random start point should be utilized (i.e., approach every Xth visitor; for example, every 6th). Questions should include those related to current satisfaction, areas of potential improvement, and future

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needs for a new license term. The questionnaire should be developed in consultation with HAT 5 and other relicensing stakeholders, and should be comparable in scope to the questionnaire used to survey visitors downstream from Harris Dam. We recommend that Alabama Power follow the same schedule for developing and soliciting comments on the Lake Wedowee recreation use survey questionnaire as described above for the downstream recreation use survey questionnaire.

Cultural Resources Programmatic Agreement and Historic Properties Management Plan Study (Cultural Resources Study)

Applicant's Proposed Study

Eighteen cultural resource surveys have been conducted in the Harris Project vicinity, including surveys before and after project construction and the filling of Lake Wedowee, as well as surveys at Skyline WMA. As part of its proposed Cultural Resources Study, Alabama Power proposes to review existing cultural resource survey and soil data, and collect new topography data and high-resolution aerial imagery to determine if additional cultural resource field surveys are necessary within the project's Area of Potential Effects (APE). Based on the data collected, Alabama Power would:

- (1) determine and document the presence of cultural resources within the project's APE;
- (2) evaluate any known cultural resources for National Register of Historic Places (National Register) eligibility (including the piers at Miller Covered Bridge); and
- (3) determine if authorized use of the Harris Project, including any proposed changes in project operation proposed under a new license, would cause changes in the character or use of historic properties, if such properties exist. Alabama Power proposes to use this information to develop a Historic Properties Management Plan (HPMP) for the project. Alabama Power states that its HPMP would include provisions for future National Register eligibility evaluation of the Harris Project facilities in 2033, when the project would reach an age of 50 years.

Comments on the Study

In comments on the PSP, the Muscogee (Creek) Nation recommends that the study plan include provisions for: (1) confidentiality of information provided by the Tribe to Alabama Power; (2) consultation with the Tribe on the project's APE; (3) consultation with the Tribe on cultural resource surveys, including standards and qualifications for survey personnel; (4) provision of existing and new data (e.g., survey reports, aerial photography, and GIS files for the project boundary) to the Tribe; (5) tribal monitoring during archeological surveys and site monitoring; (6) a Traditional Cultural Property (TCP) Identification Plan for use in the HPMP; and (7) an Inadvertent Discovery Plan for use during any field survey work. Alabama Power did not address these recommendations in the RSP. During scoping, the Cherokee Nation requested cultural

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resource surveys within the project lands at Skyline WMA, which Alabama Power did not address in the PSP or RSP.

The Alabama Historical Commission (Alabama State Historic Preservation Office or SHPO) filed a letter stating that it had no comments on Alabama Power's cultural resource study plan.

Discussion and Staff Recommendation

Information Sharing and Confidentiality

Alabama Power's study plan contains a statement that Alabama Power would share the results of various components of the cultural resource study with Harris Action Team 6 (HAT 6). Alabama Power also states that, "due to the sensitive and protected nature of archaeological information, the distribution of such information would be limited to the Alabama SHPO, FERC, and applicable federally-recognized tribes." These statements appear contradictory because the participants in HAT 6 are not defined in the RSP. While the Commission must view data obtained during the studies to analyze project-related effects in its environmental document, section 304 of the National Historic Preservation Act, as amended, and its implementing regulations found at 36 C.F.R. 800.11(c), allow the Commission to withhold any information about the location, character, or ownership of a historic property from public disclosure when disclosure may cause a significant invasion of privacy, risk harm to the historic property, or impede the use of a traditional religious site by practitioners. For this reason, we recommend that Alabama Power file any such information collected during the study as "privileged" so that it would not be accessible to those without a "need to know." We do not recommend making information provided by the Muscogee (Creek) Nation or other tribes available to HAT 6 or relicensing stakeholders, unless the tribe specifically requests that such information be shared (5.9(b)(6)).

With regard to the Muscogee (Creek) Nation's request for copies of all previous cultural resource surveys, aerial photography, and GIS files, Alabama Power should provide the documents to RaeLynn Butler of the Muscogee (Creek) Nation as soon as practicable, but no later than 15 days from the completion of Alabama Power's background research and data collection efforts.

Area of Potential Effects

In section 3.0 of the Cultural Resources Study, Alabama Power proposes that HAT 6 define the project's APE to include Lake Wedowee, Skyline WMA, and the area below Harris Dam through Horseshoe Bend. Because the participants in HAT 6 are not defined in the study plan, we request that Alabama Power include the Muscogee (Creek)

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Nation and other potentially-affected tribes³ in consultation on the APE. We also remind Alabama Power that in accordance with section 106 (36 C.F.R. 800.4[a]), as the Commission's designated non-federal representative for the purposes of section 106, Alabama Power must also consult with, and request concurrence from, the Alabama SHPO on the APE prior to conducting fieldwork (5.9(b)(6)). All correspondence with the Alabama SHPO and other consulted entities should be filed with the Commission at the time of the Initial Study Report. The Initial Study Report should also include both a written description of the APE and a map clearly identifying the APE and its relationship to the Harris Project boundary.

Archaeological Surveys

The Muscogee (Creek) Nation requests to be consulted on archeological surveys and to review the resumes/curriculum vitae (CV) of all personnel involved in field- or lab-work. The Muscogee (Creek) Nation also requests that Alabama Power develop both a Tribal Monitoring Plan and Inadvertent Discovery Plan for use during field surveys. The Cherokee Nation requests cultural resource surveys of Skyline WMA. Both tribes' comments indicate an assumption that Alabama Power will conduct archaeological surveys as part of its proposed study. However, Alabama Power does not propose to conduct surveys unless such surveys are determined necessary based on background research.

Alabama Power did not describe the criteria that it proposes to use for determining if additional fieldwork is necessary, or provide sufficient detail about how it would conduct such fieldwork. To address the lack of detail in the study plan, we recommend that Alabama Power modify its schedule to include pre-fieldwork consultation with the Alabama SHPO, potentially-affected tribes, and other HAT 6 members after completing its background research and data collection efforts. If fieldwork is necessary, the consultation should also include preparation of an Inadvertent Discovery Plan and discussion with affected tribes about tribal monitoring during fieldwork. This

³ To date, Commission staff has identified seven tribes historically-associated with the area near Lake Wedowee (Alabama-Coushatta Tribe of Texas, Alabama-Quassarte Tribal Town, Coushatta Tribe of Louisiana, Kialegee Tribal Town, Muscogee (Creek) Nation, Poarch Band of Creek Indians, and Thlopthlocco Tribal Town) and three tribes with historical ties to the area near Skyline WMA (Cherokee Nation, Eastern Band of Cherokee Indians, and United Keetowah Band of Cherokee Indians). We use the term "potentially-affected tribes" to refer to these tribes, and any other federally recognized tribe that has a historic interest in the project area.

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consultation should occur prior to the Initial Study Report so that the results of consultation can be included with the report.

Should fieldwork be necessary, Alabama Power states that any archaeological surveys and reports would meet the guidelines in the “Policy for Archaeological Survey and Testing in Alabama.” The Muscogee (Creek) Nation requests that any archaeological or cultural resource surveys be conducted in accordance with the Secretary of Interior Standards for Archaeology.⁴ The Policy for Archaeological Survey Testing in Alabama states that, “it is highly recommended that applicants...hire a principal investigator who meets the minimal professional qualifications in archaeology as set forth in the Interior Secretary’s Professional Qualifications.”⁵ Because the State’s policy recommends, but does not require, that a professional meet the Secretary of Interior standards, we recommend modifying the study plan to require use of professionals meeting the Secretary of Interior’s Standards for any archaeological fieldwork. Use of a professional that meets the Secretary of Interior’s standards for conducting fieldwork is consistent with generally accepted practice, and is consistent with the intent of the SHPO’s Policy for Archaeological Survey Testing in Alabama (5.9(b)(6)).

Traditional Cultural Properties

A traditional cultural property (TCP) is a unique class of historic property that is eligible for inclusion in the National Register because of its association with the cultural practices or beliefs of a living community that are: (1) rooted in that community's history, and (2) important in maintaining the continuing cultural identity of the community. Alabama Power makes no specific proposal to assess TCPs at the Harris Project. The Muscogee (Creek) Nation requests that Alabama Power develop a TCP Identification Plan in consultation and coordination with tribes for use in the HPMP.

The potentially-affected tribes have unique knowledge necessary to determine the presence of TCPs within the project area, and early consultation with the tribes to develop a process for identifying and addressing affects to such properties is critical. Therefore, we recommend that Alabama Power modify its study plan to include development of a TCP Identification Plan, in consultation with the potentially-affected

⁴ 36 C.F.R. Part 61 (2018).

⁵ Alabama Historical Commission Administrative Code Chapter 460-X-9 Archaeological Investigations. See https://ahc.alabama.gov/section106PDFs/Policy_for_Archaeological_Survey_and_Testing_in_Alabama.pdf (Accessed April 2, 2019).

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tribes, that is consistent with the guidance provided in National Register Bulletin No. 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties⁶ (5.9(b)(6)).

Section 106 Milestones

The schedule in section 6.0 of the Cultural Resource Study does not include all milestones required in the section 106 process. The schedule should be modified to include the following milestones: (1) definition of the APE, including consultation with potentially-affected tribes and concurrence of the Alabama SHPO; (2) completion of background research (e.g., review of existing surveys) and data collection (e.g., topography and aerial photography); (3) pre-fieldwork consultation to determine areas requiring additional archaeological survey and requirements for survey work; (4) consultation with the Muscogee (Creek) Nation and other affected tribes regarding identification of TCPs; (5) completion of additional survey work and identification of TCPs; (6) eligibility assessments for known cultural resources within the project's APE; and (7) determination of effect for historic properties, if such properties exist.

⁶ Parker, P.L. and T.F. King. 1990. National Register Bulletin No. 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties. National Park Service, National Register of Historic Places, Washington, D.C.