



R. L. Harris Hydroelectric Project

FERC No. 2628

Meeting Summary HAT 6 Conference Call/Skype Meeting May 28, 2020 at 1:00 pm

Participants:

Amanda McBride- Alabama Historical Commission (AHC or State Historic Preservation Office (SHPO))
Eric Sipes- Alabama Historical Commission (AHC or State Historic Preservation Office (SHPO))
Elizabeth Toombs – Cherokee Nation
Rachel McNamara – Federal Energy Regulatory Commission (FERC)
Ashley McVicar – Alabama Power
Bill Gardner - Alabama Power
Angie Anderegg- Alabama Power
Tina Mills - Alabama Power
Amanda Fleming - Kleinschmidt Associates
Matt Gage – Office of Archaeological Research (OAR)
Kristen Koors - Office of Archaeological Research (OAR)

Action Items:

- Alabama Power to revise Area of Potential Effects (APE) definition, obtain Alabama SHPO concurrence, and provide a revised definition to HAT 6 in the APE report.
- Alabama Power to file APE report with FERC no later than June 30, 2020.

Notes:

Angie Anderegg (Alabama Power) welcomed everyone and thanked them for their participation in the conference call. Angie reviewed the agenda regarding the Harris Project (Project) Cultural Resources and mentioned that the PowerPoint presentation for this call had been emailed approximately 30 minutes prior to the meeting (the presentation contains privileged information and distribution is limited).

Matt Gage (OAR) reviewed the survey status of cultural resources sites at Lake Harris and Skyline as well as the status of the Traditional Cultural Properties (TCP) Identification study, all of which were outlined in the presentation.

Rachel McNamara (FERC) asked whether the scheduled for future survey work would change due to challenges caused by COVID-19. Matt Gage replied that, at this time, he does not anticipate any changes to the schedule. Matt added that field work will focus on completing survey work for upland sites at Lake Harris, because the current reservoir level is full pool. Additionally, survey work would continue at Skyline, as it is not restricted by water level. Then, when the reservoir level is lower in the fall/winter of 2020-2021, the survey work for those sites will be completed. Matt stated further that the TCP Identification study will be completed last as it requires a site visit by the Muskogee (Creek) Nation, which is currently not feasible given

travel restrictions due to COVID-19. Angie Anderegg (Alabama Power) added that it is Alabama Power's goal to complete survey work by February 2021, as currently scheduled.

Rachel McNamara (FERC) asked whether Alabama Power is planning to conduct any survey downstream of Harris Dam, and, if not, how it is determining that there is not an effect downstream of the dam. Amanda Fleming (Kleinschmidt Associates) replied that no surveys are planned downstream of the dam at this time. Alabama Power is planning to look at known sites in terms of Harris Project effects and the Phase 2 analysis of the Harris Project Operations studies. Bill Gardner (Alabama Power) added that the locations of known sites have been determined by a literature search, and these results will be used to examine any potential erosion effects on known sites downstream. Rachel McNamara asked whether this meant that Alabama Power would be looking at known sites and not potential sites. Bill Gardner replied that is correct, because the majority of the property downstream is privately owned. Bill Gardner added that Alabama Power will look at the known sites and will attempt to use LiDAR to determine whether the known site is properly mapped and within the potential zone of influence of Harris Project operations.

Amanda Fleming (Kleinschmidt Associates) reminded the group that Angie Anderegg had emailed the draft Area of Potential Effects (APE) report on May 15th. Amanda explained that the two new items in this version are: 1) Section 4: Alabama Power received a letter from the Alabama SHPO stating it agreed with the APE for direct effects and would be open to further discussion regarding indirect effects, and 2) Section 5: revised APE now includes three parts – direct effects, indirect effect, and ongoing studies and effects of operations on Historic Properties downstream of Harris Dam outside of the Project Boundary. Amanda reminded the group that comments on the draft APE report are due to Alabama Power no later than June 15 so that Alabama Power can file the APE report with FERC, no later than June 30.

Rachel McNamara (FERC) stated that she is still having difficulty with the current language of the APE not extending downstream of Harris Dam, especially considering that Alabama Power is looking at Project effects as far downstream as Horseshoe Bend. Rachel asked whether Alabama Power had considered a larger APE for the study that would could be reduced based on study results. Amanda Fleming (Kleinschmidt Associates) explained that Alabama Power has been hesitant to take such an approach. Amanda McBride (AHC) added that it agrees with the approach of a Harris Project APE that is larger and then later narrowed in the Historic Properties Management Plan (HPMP). Amanda McBride added that the AHC has not been in complete agreement on the proposed APE, which is why it agreed to the current language that includes the understanding that indirect effects would continue to be evaluated. Rachel McNamara added that FERC is still struggling with the indirect effects portion of the currently proposed APE as flows downstream are direct effects. Rachel added that FERC has separate questions regarding the indirect effects, and the definition as included in the report now is not sufficient. Rachel explained that, if Alabama Power includes an indirect APE, FERC would want to see the types of resources affected/protected and discussions on buffers. Additionally, FERC would like to see some extension of the APE outside of the Harris Project Boundary. Rachel explained that the preference would be to reduce the APE once no effect is shown. Rachel added that FERC does not insinuate that Alabama Power would be required to take measures on private property as it is understood that Alabama Power would not necessarily have the rights to do so and added that the purpose is to understand all Project effects. Amanda Fleming stated that it is possible

that Alabama Power is having difficulty defining the APE at this point, because in the past on its other hydropower projects, APE was defined in conjunction with the draft HPMP. Rachel McNamara stated that she could understand why that would create confusion, and the process is designed so that the licensee has the APE first in order to study the right areas. Rachel added that it seemed that Alabama Power was already including downstream by collecting information but just not directly calling it part of the APE. Additionally, under Section 106, the licensee should only be evaluating areas within the APE.

Angie Anderegg (Alabama Power) asked Rachel to clarify if the APE could be a larger area now and later reduced in the HPMP should it be determined that Project operations do not affect known sites downstream of Harris Dam. Rachel stated yes, that is the preference and would be consistent with how other projects are treated. Rachel added further that it is ultimately FERC's decision on the APE, and at this point, she sees a need for the APE to extend to all areas potentially effected by Project operations with the understanding that the administrative area of control will not apply to all lands downstream of Harris Dam to Horseshoe Bend.

Alabama Power and FERC discussed that a revised APE may resemble the following:

- (a) lands enclosed by the Harris Project Boundary, and
- (b) lands or properties which may be outside the Harris Project Boundary, where the authorized Project uses may cause changes in the character or use of the Historic Properties, if Historic Properties exist.

Amanda Fleming stated that Alabama Power would provide a revised definition of the APE after obtaining SHPO concurrence, and issues regarding private land and access would be addressed in the HPMP. Rachel McNamara and Amanda McBride both stated agreement with this approach and noted that because the Muskogee (Creek) Nation was not able to attend the meeting, meeting notes should be distributed quickly, so they could be reviewed prior June 15, 2020 when the APE report comments are due. Rachel McNamara added that, because the next official FERC comment opportunity is not until next year, a separate letter will be issued with comments on the APE.

Amanda Fleming (Kleinschmidt Associates) reviewed the upcoming milestones for HAT 6, which includes a possible Skyline site visit in the fall 2020 and a progress report that will be filed with FERC in October 2020.

In conclusion, Amanda Fleming asked for any further comments or discussion, and, with none given, thanked everyone for their time and closed the meeting.

Attachment

Agenda for May 28, 2020 HAT 6 Conference Call



R. L. Harris Hydroelectric Project

FERC No. 2628

Meeting Agenda
May 28, 2020
1:00 PM – 3:00 PM

Meeting Purpose: Discuss Harris Project cultural resources issues.

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| 1:00 PM | <u>Welcome, Safety Message, and Meeting Purpose</u> |
| 1:15 PM | <u>Harris Project Cultural Resources Assessments Update</u> |
| 1:45 PM | <u>TCP Next Steps</u> |
| 2:15 PM | <u>APE Report</u> |
| 2:45 PM | <u>Wrap-up, Questions, and Adjourn</u> |