

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
November 21, 2024

OFFICE OF ENERGY PROJECTS

Project No. 2628-066 – Alabama
R.L. Harris Hydroelectric Project
Alabama Power Company

VIA Electronic Mail

Bill Pearson, Field Supervisor
Alabama Ecological Services Field Office
1208 Main Street
Daphne, AL 36526
Alabama@fws.gov

Reference: Request for concurrence with endangered species determinations

Dear Mr. Pearson:

We are currently processing an application for a new license for the R.L. Harris Hydroelectric Project (Harris Project). The project is located on the Tallapoosa River near the City of Lineville in Randolph, Clay, and Cleburne Counties, Alabama. The Harris Project boundary also includes 15,031 acres of land within the James D. Martin-Skyline Wildlife Management Area (Skyline WMA) located approximately 110 miles north of Harris Lake in Jackson County, Alabama, on which there are no hydropower generation facilities.

On November 1, 2024, Commission staff accessed the U.S. Fish and Wildlife Service's (FWS) Information for Planning and Consultation (IPaC) database to determine whether any federally listed species could occur within the project boundary at Harris Lake and Skyline WMA. According to the IPaC database, continued operation of the Harris Project has the potential to affect 14 federally listed aquatic species (palezone shiner, spotfin chub, Alabama lampmussel, Cumberland bean, fine-rayed pigtoe, pale lilliput, rabbitsfoot, snuffbox, shiny pigtoe, slabside pearlymussel, finelined pocketbook, southern pigtoe, longsolid, and round hickorynut), 10 listed terrestrial species (red-cockaded woodpecker, gray bat, northern long-eared bat, Indiana bat, Georgia rockcress, Morefield's leather flower, white fingerless orchid, Prince's potato-bean, American hart's-tongue fern, and little amphianthus), 5 proposed species (Cumberland moccasinshell, Tennessee clubshell, Tennessee pigtoe, tricolored bat, and alligator

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snapping turtle), 1 candidate species (monarch butterfly), 1 experimental population (eastern migratory population of whooping crane), and 9 of these species have designated critical habitat.

We address the project's effects on threatened or endangered species and/or critical habitat in the Draft Environmental Impact Statement (draft EIS) (Appendix D, *Biological Assessment*).¹ The preferred staff alternative is described on pages 2-10 to 2-15 (sections 2.3, *Staff Alternative*) and I-1 to I-34 (Appendix I, *Comprehensive Development and Recommended Alternative*), a description of threatened and endangered species potentially affected by the project is found on pages D-1 to D-57 (Appendix D, *Affected Environment*), and a discussion of impacts and determinations of effect are found on pages D-57 to D-105 (Appendix D, *Environmental Effects*).

We conclude that relicensing the project, with Commission staff's recommended measures, is "not likely to adversely affect" the palezone shiner, finelined pocketbook mussel, southern pigtoe, red-cockaded woodpecker, eastern migratory population of whooping crane, gray bat, Indiana bat, northern long-eared bat, Georgia rockcress, white fringeless orchid, Price's potato-bean, Morefield's leather flower, and American hart's-tongue fern. Also, we conclude that relicensing the project with staff's recommended measures, is "not likely to adversely affect" critical habitat for finelined pocketbook mussels. In addition, we conclude that relicensing the project, with the staff recommended measures, would not be sufficient to preclude both the survival and recovery of (i.e., jeopardize) the tricolored bat and the alligator snapping turtle. Therefore, we do not believe a formal conference is required. However, we have determined an informal conference is appropriate as the project may affect, but is not likely to adversely affect, the tricolored bat and alligator snapping turtle.

Please tell us in writing within 60 days from the date of receipt of this letter, or no later than January 20, 2025,² if you do or do not concur with our assessment.

We are also informing you of our determination that relicensing the project under the staff recommended alternative would have "no effect" on the spotfin chub, Alabama lampmussel, Cumberland bean mussel, fine-rayed pigtoe, pale lilliput, rabbitsfoot, shiny pigtoe, snuffbox mussel, slabside pearlymussel, Cumberland moccasinshell, longsolid,

¹ The draft EIS for the project is available at the following link:
https://elibrary.ferc.gov/eLibrary/filelist?accession_Number=20241121-3056.

² If the due date falls on a weekend or holiday, the due date is the following business day.

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round hickorynut, Tennessee clubshell, Tennessee pigtoe, and little amphianthus. Additionally, we conclude that relicensing the project under the staff recommended alternative would have “no effect” on critical habitat for the spotfin chub, southern pigtoe, rabbitsfoot, slabside pearlymussel, longsolid, round hickorynut, Indiana bat, and Georgia rockcress.

Should you need to informally discuss concerns before making your determination, please contact Sarah Salazar at (202) 502-6863, or via email at sarah.salazar@ferc.gov to indicate your interest in initiating a teleconference with all parties on this issue.

The Commission strongly encourages electronic filing. Please file your response using the Commission’s eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, D.C. 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. Please put the docket number P 2628-066 on the first page of your response.

If you have any questions, please contact me at 202-502-6861.

Sincerely,

STEPHEN
BOWLER

Digitally signed by
STEPHEN BOWLER
Date: 2024.11.21
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Stephen Bowler, Chief
South Branch
Division of Hydropower Licensing