

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
April 1, 2025

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;
Project Codes: 2023-0039259 (Harris Lake) and 2023-0039267 (Skyline WMA)**

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 March 10, 2025, 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 18 federally listed aquatic species (palezone shiner, finelined pocketbook mussel, southern pigtoe, spotfin chub, Alabama lampmussel, Cumberland bean mussel, fine-rayed pigtoe, pale lilliput, rabbitsfoot, shiny pigtoe, snuffbox, slabside pearlymussel, longsolid, and round hickorynut), 10 listed terrestrial species (red-cockaded woodpecker, gray bat, Indiana bat, northern long-eared bat, Georgia rockcress, Morefield's leather flower, white fingerless orchid, Prince's potato-bean, American hart's-tongue fern, and little amphianthus), 7 proposed species (eastern

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hellbender, Cumberland moccasinshell, Tennessee clubshell, Tennessee pigtoe, tricolored bat, alligator snapping turtle, and monarch butterfly), 1 experimental population (eastern migratory population of whooping crane), 9 of these species have designated critical habitat and 1 species has proposed critical habitat.¹

We address the project's effects on threatened or endangered species and critical habitat in the Final Environmental Impact Statement (final EIS) (Appendix D, *Biological Assessment*).² The preferred staff alternative is described on pages 2-10 to 2-16 (sections 2.3, *Staff Alternative*) and I-1 to I-44 (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-59 (Appendix D, *Affected Environment*), and a discussion of impacts and determinations of effect are found on pages D-59 to D-113 (Appendix D, *Environmental Effects*).

We conclude that relicensing the project, as proposed by Alabama Power Company (Alabama Power), and 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, as proposed by Alabama Power, and 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, as proposed by Alabama Power, and with the staff recommended measures, would not preclude the survival and recovery of, and therefore would not jeopardize, the tricolored bat, alligator snapping turtle, and monarch butterfly. Therefore, we do not believe a formal conference is required. However, we have determined that an informal conference is appropriate as the project may affect, but is not likely to adversely affect, the tricolored bat, alligator snapping turtle, and monarch butterfly.

Please tell us in writing within 60 days from the date of receipt of this letter, or no later than May 30, 2025, if you do or do not concur with our assessment.

¹ Staff includes all the species that were provided on previous IPaC species lists for the Harris Project and the final EIS includes analyses for each of these species.

² The final EIS for the Harris Project is available at the following link: https://elibrary.ferc.gov/eLibrary/filelist?accession_Number=20250331-3009.

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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, slabside pearlymussel, Cumberland moccasinshell, longsolid, round hickorynut, Tennessee clubshell, Tennessee pigtoe, eastern hellbender, 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; and “no effect” on proposed critical habitat for the monarch butterfly.

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 Sarah Salazar at 202-502-6863.

Sincerely,

STEPHEN
BOWLER

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STEPHEN BOWLER
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Stephen Bowler, Chief
South Branch
Division of Hydropower Licensing