

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
July 18, 2025

OFFICE OF ENERGY PROJECTS

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

VIA Electronic Mail

Todd Fobian
Environmental Affairs Supervisor
Alabama Department of Conservation and Natural Resources
Wildlife and Freshwater Fisheries Division
Todd.Fobian@dcnr.alabama.gov

Reference: Notification of 10(j) Meeting

Dear Mr. Fobian:

On March 31, 2025, we issued a final Environmental Impact Statement (EIS) for the R.L. Harris Hydroelectric Project (Harris Project; FERC No. 2628). By letter dated March 31, 2025,¹ we informed the Alabama Department of Conservation and Natural Resources (Alabama DCNR) of our determination that some of the agency's recommended fish and wildlife measures, made pursuant to Section 10(j) of the Federal Power Act (FPA), may be inconsistent with the public interest and comprehensive development standard of Sections 4(e) and 10(j) of the FPA. In a letter filed on June 30, 2025, Alabama DCNR stated its interest in meeting pursuant to the Commission's 10(j) resolution procedures.

We believe that a meeting may help to resolve the remaining issues associated with the Harris Project relicensing proceeding. Section 4.34(e)(4) of the Commission's regulations require that any meeting take place within 90 days of the date that the Commission issues a preliminary determination of inconsistency. Because circumstances require that this meeting occur outside of the 90-day timeframe, I am waiving section 4.34(e)(4) of the Commission's regulations in this instance. We will hold a Section 10(j) meeting with Alabama DCNR on August 12, 2025, at 10:00 a.m. Eastern Daylight Time/9:00 a.m. Central Daylight Time. The meeting will be held via teleconference. The agenda for the meeting will follow the format outlined in our March 31, 2025,

¹ We first notified Alabama DCNR of our preliminary determination of 10(j) inconsistencies on November 22, 2024, with the issuance of the draft EIS.

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10(j) letter. For your convenience, the agenda is also attached to this letter.

Please contact Sarah Salazar at sarah.salazar@ferc.gov, or (202) 502-6863 by August 5, 2025, to RSVP for the teleconference, or for any questions. The teleconference call-in information will be provided to those who RSVP, via e-mail, prior to the meeting.

Sincerely,

**NICHOLAS
JAYJACK**

Nicholas Jayjack
Director
Division of Hydropower Licensing

Digitally signed by NICHOLAS
JAYJACK
Date: 2025.07.18 10:29:14
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Cc: Service List, **VIA FERC Service**

VIA Electronic Mail

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Enclosure: Agenda for 10(j) Meeting

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10(j) MEETING AGENDA

A. Introduction

1. Introduction of Participants
2. Meeting Procedures and Objectives
3. Chronology of 10(j) Process

B. Discussion of 10(j) Issues

1. Within 5 years of license issuance release the following seasonal continuous minimum flows: 390 cfs (7/1 – 11/30); 510 cfs (5/1 – 6/30 and 12/1 – 12/30); and 760 cfs (1/1 – 4/30).
2. Between 2/1 and 6/1 each year (b) stabilize flows in the Tallapoosa River downstream from Harris Dam for a 14-day period to improve river spawning and hatching success.
3. Take the 2nd turbine unit off-line at least 2 hours after the 1st turbine unit is taken off-line.
4. Operate the project to follow a $\pm 5^{\circ}\text{F}$ (2.7°C) change from ambient water temperatures and a 1.8°F (1°C) rate of change per hour requirement.
5. Develop and implement, within 9 months of license issuance, an Aquatic Resources Monitoring Plan. The plan would be implemented at determined intervals throughout the license period, include standardized sampling protocols for all aquatic species (macroinvertebrates, mollusks, crayfish, and fish), and include pre- and post-operational changes monitoring and provisions for altering project operations based on the monitoring.

C. Summary of Meeting

1. Issue Resolution
2. Follow-up Actions