

CARIA NEWSLETTER

A Publication of the Coosa-Alabama River Improvement Association, Inc.

Spring Edition 2000

“Over 100 years of service to state and nation” – 1890-2000

Annual Meeting	page 1
Alabama Power Dam Relicensing Program Unveiled	page 1
CARIA Washington Visits	page 2
Claiborne Dam Fish Passage Proposal	page 3
FWS Delays Decision on Listing	page 4
ACT Deadline Imminent	page 5
Nothing But A Sucking Sound	page 6
Member News	page 8
Upcoming Events	page 8

Annual Meeting “one of the finest we’ve had in years”

Members of the Coosa-Alabama River Improvement Association hailed the annual meeting held in Gadsden February 10-11 as one of the best the Association has had in many years. The cities of Gadsden and Rainbow City were superb hosts, the weather was great, and the Gadsden Country Club put on quite a show supporting the meeting. The meat of the program, however, was the Thursday evening reception/dinner and the Friday morning meetings.

The Gadsden Area Chamber of Commerce got things started off right on Thursday evening by sponsoring a reception at the Gadsden Country Club, during which attendees could review displays set up by Alabama Power Company on the historical association between CARIA and William Patrick Lay, founder of Alabama Power. Highlight of the evening was the follow-on dinner that featured Dr. Hardy Jackson, Head of the History Department at Jacksonville State University, telling the story of the development of Alabama Power Dams on the Coosa. The Friday morning schedule included the unveiling of Alabama Power Company’s program to renew its licenses for operating dams and reservoirs on the Coosa and Black Warrior Rivers, an event that could affect everybody in the Coosa and Warrior River Basins. (See separate

article.) The assemblage also heard updates from the US Army Corps of Engineers and the US Coast Guard on federal responsibilities in the Coosa Basin, water quality programs in Alabama from the Alabama Department of Environmental Management, interstate water negotiations in the ACT Basin, and the Alabama sturgeon. (See separate articles on the ACT negotiations and the sturgeon.)

At the membership meeting, members approved the Board of Directors for the next year. The Board selected the officers and the rest of the Executive Committee. Ralph O. Clemens, Jr. returns as the President. Slade Hooks remains as the Vice President for Alabama while Bill Fricks, new Chairman of the Rome City Commission, replaces Jim Harrington as the Vice President for Georgia. Robert F. Henry, Jr. continues as the Secretary-Treasurer. These officers sit on the Executive Committee along with Judge Otha Lee Biggs of Monroeville, Mayor Sue Glidewell of Rainbow City, Tom McKenzie of Gadsden, Phil Sanguinetti of Anniston, and J. Wallace Tidmore of Montgomery.

The Board approved Rome, Georgia as the site for next year’s meeting on February 8-9, 2001.

Alabama Power unveils program to renew licenses on nine hydroelectric facilities on the Coosa and Warrior Rivers

At the CARIA annual meeting on February 11th, a team of Alabama Power representatives revealed the company’s plans to seek new licenses from the Federal

Energy Regulatory Commission (FERC) for Weiss, Neely Henry, Logan Martin, Lay, Bouldin, Mitchell, and Jordan on the Coosa River and Smith and

Bankhead on the Warrior. Licenses for the Coosa River projects expire July 31, 2007 while the Warrior projects expire August 31, 2007. These licenses set the guidelines and parameters for operating the dams and reservoirs, which, in turn, affect properties and land management at each project.

Mike Akridge, Manager of Hydro Licensing for Alabama Power, led the team, which reviewed the complex and often competing programs that must be considered before an application is submitted to FERC in 2005. (See milestone chart below.) Important to this effort is the federal requirement to now consider economic, social, and environmental effects on an equal basis.

Key to APC’s program is an early involvement of stakeholders in both basins. In a March 15th letter to CARIA, Akridge stated that “cooperative interaction with stakeholders is essential in determining the best balance of the many competing uses of the Coosa and Warrior Rivers. In order to accomplish this, we must understand our stakeholders and help them understand the relicensing process.”

APC’s team, the Coosa Warrior Relicensing Team (CWRT), has invited governmental and non-governmental agencies, as well as members of the public, to participate in the relicensing process. The team’s objective is to work with stakeholders to resolve resource issues in order to protect and enhance

economic, environmental, and recreational resources. Notice of meetings addressing key issues will be given well in advance. The CWRT will prepare a progress report every six months summarizing relicensing activities and correspondence during the period.

Two public reference files, one at APC headquarters in Birmingham and one at FERC headquarters in Washington, will contain copies of all written and oral correspondence, meeting minutes, study plans, study reports, and other documents for public review. The public may review APC’s file by contacting Ms. Nancy Braswell at Alabama Power Company, by writing to 600 North 18th Street, 16N-8180, Birmingham, AL 35291, by telephone at (205) 257-2211, by fax at (205) 257-1596, or by email at nebraswe@southernco.com.

It must be pointed out that, during relicensing efforts in other parts of the US, environmental activists have used the process to push their agendas. We can expect plenty of attention to environmental factors in the APC discussions over the next five years, including a desire to remove dams and restore rivers to their free-flowing state. Removal of dams is not likely on either the Coosa or Warrior, but rest assured a major attempt will be made to get APC to simulate a natural flow regime to the detriment of flood control, power production and navigation requirements.

Year 2000 Milestones

March – June	Initial Stakeholder Outreach/Education
June	Request FERC Approval of Alternative Licensing Procedure
September	Stakeholder Issues Identification Workshop
December	Initiate Environmental (NEPA) Process

Post 2000 Milestones

April 2001 – September 2003	Conduct studies.
July 2003	Prepare Draft Application
January 2005	Complete Stakeholder Negotiations
June 2005	File License Application

CARIA visits Alabama and Georgia delegations in Washington

CARIA joined other waterway associations March 7-9 in Washington to visit congressional delegations from both Alabama and Georgia. Board

members Judge Otha Lee Biggs of Monroe County and Ken Fairly of Alabama River Pulp accompanied CARIA President Ralph Clemens and Executive Vice

President Jerry Sailors to discuss funding for federal waterway projects on both the Coosa and Alabama Rivers in Alabama with both Senate and House representatives from Alabama. Clemens and Sailors then joined a delegation from Floyd County, Georgia, to meet with Representative Bob Barr of Georgia to seek matching federal funds to make Mayo's Bar Lock and Dam operational again. Specific projects for which funding is sought are covered below.

Mayo's Bar – Floyd County, Georgia officials propose to restore and operate the old federally built lock and dam at Mayo's Bar, eight miles west of Rome on the Coosa River, to facilitate passage of recreational boat traffic between Rome and Lake Weiss, Alabama, 57 miles downstream of the dam. Floyd County Manager Kevin Poe and County Commissioner Jerry Jennings headed a group visiting Representative Bob Barr (GA – 7th District) March 8 to seek federal funding for the renovation project, which is projected to cost \$3 million shared equally between Federal and non-Federal interests. The Water Resources Development Act of 1999 authorized the Corps of Engineers to provide technical assistance (including planning, engineering, and design assistance). Included in the visiting party were consultant Joe Birindelli and CARIA representatives Ralph Clemens and Jerry Sailors.

Lake Allatoona – Proposed funding in the President's FY 01 Budget to operate and maintain Corps-run recreational facilities at Lake Allatoona was \$1.5 million less than allocated in the FY 00. Such a drastic cut will force the Mobile District to reduce services severely at the lake's campgrounds. Unless the funding is restored, Mobile will be forced to close six campgrounds with 210 campsites for the entire season; reduce the operating season on two of the remaining campgrounds from six to four months and from five to four months on another; and close nine day-use areas for the entire season. Total amount of user fees lost would be \$327,000, but more telling would be the impact of losing visitor hours. Using data from a Corps of Engineers study on economic benefits, the loss in visitor hours results in a reduction in total economic benefits annually to Bartow, Cherokee, and Cobb Counties of \$27,397,377. CARIA seeks to reinstate at least level funding for Allatoona to prevent the drastic actions contemplated by Mobile District. Georgia

representatives Barr, Isakson, and Deal support reinstatement of the funding.

Coosa River Navigation Project – The Mobile District informed CARIA last December that the Coosa River Navigation Project (CRNP) will be deauthorized in April 2002 unless some funding has been expended on the project before that time. CARIA has requested the Alabama delegation to support an appropriation of \$150,000 in the FY 01 federal budget for an economic update of the proposed channel between Montgomery and Gadsden.

Lower Alabama River Reliability Study – Mobile District is in the second year of a three-year feasibility study to determine the government's interest in rehabilitating and/or installing training works below Claiborne Dam. The objective of the training works would be to improve the navigation reliability of that reach from approximately 67% to 83%. The President's Budget for FY 01 includes \$200,000 to complete the study.

Corps of Engineers proposes fish passage around Claiborne Dam

In an effort to provide migrating freshwater fish in the Alabama River a way of bypassing Claiborne Dam, Mobile District is proposing a fish passage using a combination of three alternatives to accomplish the task. The alternatives, in order of ascending costs, are a) modifying existing lock gates by installing sluice gates in the upper and lower gates; b) construction of a fish bypass channel around the east end of the dam; and c) construction of a fish lift at the west end of the fixed-crest spillway.

The lock modification alternative proposes to install sluice gates/valves (small gates within the existing upper and lower gates) to create a flow within the lock that will attract migrating fish. The concept would be much like "locking through" a tow. The exact size, number, and location of the sluice gates would be determined in an Ecosystem Restoration Report (ERR) to be done upon approval of a Preliminary Restoration Plan already submitted. The concept also calls for constructing a five-foot high riprap slope apron downstream of the lower gate to facilitate fish entering into the lower gate on their way upstream. Cost of this alternative is \$250,000.

The bypass channel would mimic the form and function of a secondary channel or natural tributary of the river. This channel would be on the east bank area, running from the Issac Creek impounded channel within Claiborne Lake, downstream through a gated flow control structure into a manmade channel approximately one mile long, before entering the Alabama River below an existing boat ramp below the dam. If necessary, piping to increase flow may have to be installed to attract fish into the channel. Cost of this alternative is estimated at \$2,500,000.

The fish lift is a specially designed elevator system to move large numbers of fish upstream over a dam. Fish would be attracted into a chamber at specified intervals, after which chamber doors would be closed and the fish lifted to the level of the lake on the upstream side. The conceptual design for this alternative locates the lift on the west end of the spillway. Estimated cost is \$15,000,000.

Whether just one or all alternatives are employed will depend on the efficiency and success of each alternative. Supposedly, the lock modification would be the first choice. If that doesn't do the job, then the fish channel would be added. If that doesn't allow sufficient migration, then the fish lift would be added. Including study costs, implementing all three options is estimated to cost \$19,234,000, of which \$4,808,500, including in-kind services, is to come from non-federal sources. These costs could be refined during the preparation of the ERR.

The project could also mean operational changes in the way the lock and dam are managed. Field studies this Spring will evaluate various lock operations to determine general flow magnitudes, duration, and timing necessary to maximize fish attraction and passage.

The World Wildlife Fund has expressed an interest in serving as a non-federal sponsor, while stating a hope the State of Alabama and other private sector parties would contribute cash and in-kind services. An Environmental Assessment will be prepared and coordinated during the ERR and completed prior to construction. The ERR is expected to take 12 months. Planning and specification requirements will take six months and construction another 12 months, for a total of 30 months to complete.

FWS delays decision on listing; BLF cries foul and vows to sue Babbitt, then sues to stop Candidate Conservation Agreement

Citing a need for time to review voluminous comments on the proposed listing of the Alabama sturgeon as endangered under the Endangered Species Act (ESA) and on a proposed ten-year Candidate Conservation Agreement (CCA), US Fish and Wildlife Service (FWS) allowed a March 26th deadline for a decision on the listing to slide by. The delay prompted the Biodiversity Legal Foundation (BLF) on March 27 to give a 60-day notice of intent to sue the Secretary of Interior for not following the letter of the Endangered Species Act. Then, on April 3rd, BLF and Birmingham attorney, Ned Mudd, in an attempt to stop the CCA, filed a separate suit in Federal court in Montgomery, citing the Alabama sturgeon as Plaintiff, against Interior Secretary Babbitt, claiming violation of the Federal Advisory Committee Act. (See separate editorial for EVP's opinion on this filing.)

The CCA sticks in the craw of the environmentalists. Signed on February 9, 2000, by the FWS, the US Army Corps of Engineers, the Alabama Department of Conservation and Natural Resources (ADCNR), and the Alabama-Tombigbee Rivers Coalition (ATRC), the agreement formalizes the voluntary Sturgeon Conservation Plan, which has received over \$1 million in federal funding over the past four years. The CCA calls for each of the signatories to provide cash and in-kind services to catch, research, propagate, and release fingerlings into the Alabama River, and represents the collective best efforts of everyone intimately involved in the voluntary plan.

The objective of the CCA is "to eliminate or significantly reduce current threats to the Alabama sturgeon and its habitat to the extent necessary to foreclose the possibility that the Alabama sturgeon will become endangered" or even extinct throughout its currently occupied habitat. That habitat is a 130-mile stretch from the mouth of the Alabama River to Millers Ferry Lock and Dam. The only current threat identified by FWS is the fish's low numbers, so low that its mortality rates are either offsetting or even outstripping its birth rate. A propagation effort, as embodied in the CCA, is the fish's only practical hope of survival. Currently, only two male sturgeon are in the Marion Fish Hatchery. There's a lot of work to be done.

The CCA will generate a collection effort and program funding several times that of the current voluntary plan. The FWS, the Corps, and ADCNR have quadrupled efforts to catch broodstock on the Alabama. The ATRC has committed to provide over \$400,000, matched by the State of Alabama, spread out over the first five years of the agreement. Federal funding over that time period will be \$3.1 million, resulting in a total of almost \$4 million for the first five years of the program.

All parties agreed that any plan should identify and protect existing occupied sturgeon habitat quantity and quality, develop information on the fish's life history and habitat needs, and use this information to implement appropriate conservation measures and adaptive management strategies. An additional benefit is that these same efforts may significantly reduce or eliminate threats to several other species, including mussels and the Gulf sturgeon.

The ATRC agreed to the CCA in an effort to preclude a listing by the FWS. If, however, FWS decides to list the fish anyway, then the CCA will be severely affected. State and private funding, and most likely most of the federal funding, will not be available. The fish will have to compete with other listed species for the limited funding appropriated for ESA recovery plans.

ACT negotiations deadline imminent; Governors exchange proposals

In a February 17th letter to Alabama's chief negotiator, Jim Campbell, Governor Don Siegelman said that Alabama's February 9th proposal for an ACT water allocation agreement is "more than reasonable." Siegelman goes on to say that "the State of Alabama can go no further in making an effort to compromise..." and "if Georgia is unwilling to consider our needs, we will see them in court."

On April 3 and 4, however, Governor Siegelman and Governor Barnes of Georgia exchanged letters outlining terms for continuing the negotiations beyond a May 1, 2000 deadline. Siegelman proposed Georgia accept Alabama's February 9th proposal as a ten-year agreement while bringing a mediator, perhaps a retired federal judge, to help work out a longer term pact.

In reply, Governor Barnes agreed on a mediator, but suggested an interim agreement should be fifteen years and contingent upon a companion agreement on the Apalachicola-Chattahoochee-Flint River Basin between Alabama, Georgia, and Florida, during which the states could pursue all legal remedies available to them.

Specific to the ACT discussion in Barnes' letter was a proposal to base minimum flows at Mayo's Bar "under similar conditions during the fifteen years preceding the interim agreement." Barnes also proposed that the Corps of Engineers be able to operate Allatoona and Carters Lake reservoirs to ensure the minimum flows at Mayo's Bar while allocating sufficient storage in both lakes to meet Georgia's municipal and industrial demands "at a cost that is acceptable to Georgia." He then suggested allowing the Corps to enter into a long-term contract with Georgia for that storage. Alabama's official reaction to this proposal is that it includes "significant new conditions" that are "too dramatic for this late date."

In subsequent activity, Governor Barnes, as Chairman of the ACF Committee, called a meeting of the ACF Formula Committee in Atlanta on April 21 and a meeting of the ACF Commission on April 27, also in Atlanta. He then requested Governor Siegelman, as Chairman of the ACT Committee, call a meeting of the ACT Formula Committee, which Siegelman is obligated to do. The ACT Formula Committee will meet in Montgomery on April 20 in the State Capitol Building and the ACF Commission will meet in the Capitol Building on April 26.

The objective of these meetings is unclear. Perhaps they are a last ditch effort to revive the stalled talks by extending the deadline again and setting up some mechanism to bring in an outside mediator.

So what happens if there is no agreement? Alabama officials are wrestling with that question. What would be the basis for a suit? The basis of the original suit filed by Alabama in 1990, the lack of an Environmental Impact Study of the proposed reallocation of waters in the Coosa River Basin, is no longer valid. Will Alabama have to wait until it is "harmed" before filing suit, perhaps years down the line? Let's hope Alabama has a grand strategy in mind.

Member News

Welcome to new member **Joe Birindelli** of Fairhope, Alabama. Joe retired last year from the Mobile District where he was a project manager in Planning Division. He is now a consultant on waterways-related issues and projects.

Welcome back into the fold **Floyd County** in Georgia. Floyd County and its seat of government in Rome have been the northern anchor of CARIA since the Association's incorporation in 1955.

Mrs. Annie Mae Henry, widow of Dr. Robert F. Henry, Sr., who died in 1981, passed away on March 25, 2000. Dr. Henry was a past president of CARIA and led the effort in the 50's and 60's to bring a navigation channel to the Alabama River. Our condolences go to Mrs. Henry's son, Board Member Robert F. Henry, Jr. and his family, and daughter, Mrs. Ann Tidmore, wife of Board Member Wallace Tidmore, and her family.

Upcoming Events

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| May 18-19 | Warrior-Tombigbee Development Association 50 th anniversary Annual Meeting
Tuscaloosa, Alabama |
| June 1-2 | Tri Rivers Waterway Association Annual Meeting, Marriott Bay Point, Panama
City, Florida |
| Aug 29-31 | Tennessee-Tombigbee Waterway Development Opportunities Conference,
Marriott's Grand Hotel, Point Clear, Alabama-Tombigbee Rivers Coalition |
| Sep 27-29 | National Waterways Conference, St. Louis, Missouri |