COMMENTS FROM WILLIAM J. COPELAND PE Member Neely Henry Lake Association Regarding Water Management Issues:

1. **Comment number one regarding Neely Henry Lake Water Level issue:**

I respectfully request that FERC reconsider and agree to the current lake levels on Neely Henry that have been in effect from 2001 to 2012 (507 in winter and 508 in summer) and make those lake levels permanent when the new operating license is issue to Alabama Power Company. This request is in keeping with the request by Alabama Power in their letter dated Oct 1, 2010. In addition as a member of the relicensing team which met for several years I fully support all actions recommended by Alabama Power in their Oct 1, 2010 letter to FERC Re: **Final Environmental Assessment for Coosa River Project (FERC No. 2146-111)**

For your quick use I have copied portions of the Alabama Power letter to FERC dated Oct 1, 2010 that relates to Neely Henry Lake level issues. See below:

"On December 31, 2009, the Federal Energy Regulatory Commission (FERC) Released a Final Environmental Assessment (Final EA) for Alabama Power Company's Coosa River Project relicenses application. Though we are encouraged that the Final EA adopts many of the proposals contained in our application, there are several recommendations in the Final EA that FERC should clarify modify or reject when it issues the new license for the Coosa Project.

Recommendation for Neely Henry Operations

Alabama Power's relicense application includes a proposal to continue operating Neely Henry Dam during the new license term in a manner consistent with a three year variance granted by FERC in an order dated February 26, 2001, (94 FERC ¶ 62,171), which was extended in an order dated March 18, 2004. (106 FERC ¶ 62,209) Through these orders, FERC has authorized Alabama Power since 2001 to maintain the reservoir elevation at 507 feet above mean sea level (msl) between November 5 and April 15, which is two feet above the elevation specified in Article 50 of the project license. Because Alabama Power's operations at Neely Henry are governed in large part by a Corps of Engineers reservoir regulation manual, the Corps participated as a cooperating agency with FERC in the preparation of an environmental assessment of the proposed change in operations. The Final Environmental Assessment, which was jointly issued by FERC and the Corps on February 26, 2001, states: "This EA is intended to satisfy our joint NEPA responsibilities for the proposed Interim Flood Control Plan and any later application by APC to make the Interim Flood Control Plan permanent." (Emphasis added.) The March 18, 2004 order authorized Alabama Power to operate Neely Henry with the higher winter pool levels on an interim basis "until the Commission issues a decision on APC's application for a new license." As a result, since 2001, Alabama Power has operated Neely Henry Dam in accordance with the rule curve variances, and as noted in footnote 17 of the Coosa Final EA, "This operational mode is treated as the existing condition."

Based on FERC's 2004 order approving the variance and contemporaneous communications with both FERC and Corps staff, Alabama Power has understood since 2004 that the interim operations at Neely Henry would be made permanent as a mere formality when the new Coosa license is issued. Indeed, the first environmental assessment for the Coosa relicense application, which was issued on April 6, 2009, confirmed this