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BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

- - - - -X
IN THE MATTER OF: : Docket Number
CATAWABA-WATEREE : P-2232-522
RELICENSING PROJECT :
- - - - -X

Baxter Hood Center
York Technical College
452 S. Anderson Road
Rock Hill, South Carolina

Wednesday, March 28, 2007

The above-entitled matter came on for scoping
meeting, pursuant to notice, at 7:05 p.m.

MODERATOR: SEAN MURPHY

2 MR. MURPHY: Good evening everyone. We're going
3 to get started now. We were giving a few extra minutes for
4 people straggling in, if they were going to.

5 My name is Sean Murphy. I'm with the Federal
6 Energy Regulatory Commission. I'm the Project Manager at
7 FERC for the Relicensing effort. Our team from FERC is
8 Stephen Boler, Allyson Conner and Allen Creamer up there in
9 the back.

10 Tonight is our third scoping meeting this week.
11 We're getting a little punchy. It's actually, what it is is
12 the public's opportunity to talk to us, to give us your
13 concerns, your issues, whatever you think might not have
14 been covered adequately, anything like that. You can submit
15 both written and oral tonight.

16 If you want to drop off something written with
17 the Court Reporter. The date for comments that are due,
18 written is 30 days or April 30th. If you look at the
19 scoping document which we've put out, I guess Stephen might
20 have handed some out too, we're going to start with Jeff
21 Lineberger to give you a quick overview of the process that
22 was completed recently by Duke and all of the stakeholders
23 in getting the application ready.

24 MR. LINEBERGER: Good evening everybody. Thank
25 you all for coming tonight. We are here to talk about the

3

1 relicensing of the Catawba-Wateree Hydroelectric Project.
2 And as most of you, I'm sure know that's an 11 reservoir
3 system hydroelectric system that's built on the Catawba
4 Wateree Rivers, largely high in the first quarter of the

5 1900s. The last reservoir, Lake Norman was finished in
6 1963.

7 This project was licensed by the Federal Energy
8 Regulatory Commission in 1958. We've had a 50 year
9 operating license that had some requirements in it of Duke.
10 The modern license requirements though were much more
11 stringent than the existing license is.

12 And this hydro project is very important,
13 certainly to Duke, but also to this region. The region
14 largely and Duke and these reservoirs grew up together and
15 the project continues to be an important part of Duke's
16 energy mix.

17 It produces enough clean, renewable,
18 hydroelectric power in a typical year, depending on flow, to
19 power about 108,000 typical homes. In addition to the hydro
20 power, our company has also built several steam stations
21 that rely on the water stored in the reservoirs for cooling
22 water.

23 Those add up to 8,100 megawatts. The hydro
24 project itself is 841. So when you look at the combined
25 power complex here, we are looking at about 44% of the

4

1 energy capacity that our company has in the Carolinas.

2 So this is certainly an important place as far as
3 energy production goes.

4 Energy projection isn't the only use for this
5 project, however. Right now, about 1.3 million people get
6 their drinking water from the Catawba-Wateree project and we
7 have literally millions of recreational visits each year and

8 certainly there are environmental interests and uses of the
9 water that's stored in the reservoirs as well.

10 A lot of regional interest, as well there should
11 be. I think this total project is, in my mind, the most
12 important single resource in this river basin.

13 Four years ago when Duke was looking at how to go
14 about this relicensing process, we had a lot of decisions to
15 make and got a lot of good input from a lot of you all. One
16 thing was for certain: if we were going to be successful
17 here, in this relicensing, we had to figure out a way to get
18 meaningful public involvement.

19 And by meaningful, we struggled a lot with
20 exactly what that meant and what that would mean to you and
21 the place we left it was, we had to figure out a way to get
22 that involvement in a timely manner so it would actually
23 shape the license application that we filed. Because it's
24 that application that starts the FERC record really and is
25 what these folks have to review and decide if it's the most

5

1 appropriate balance for the long term for this river system.

2 We set up six stakeholder teams that we have four
3 regional advisory groups and two state relicensing teams,
4 about 160 people were involved in those. Those teams, in
5 general, met every single month, each of the six met every
6 single month. We also had ad hoc committees that were set
7 up as subsets to those teams to address particularly
8 difficult issues.

9 We also had study teams that really got down into
10 the technical nuts and bolts of what was going on here and

11 what was the hydro project's effects and what were our
12 opportunities to operate better, to change things, so that
13 we could basically right size the river system for the
14 future as best we could predict it.

15 Those stakeholder teams put in an extreme amount
16 of time. We had over 300 stakeholder team meetings over
17 that three-year period. Just about all those were all day
18 and you know, getting anybody these days to stay focused
19 that long, on something that as one stakeholder put last
20 night was boring a lot of the time, I think it speaks very
21 well of the people that are in this river basin and how
22 willing they are to roll up their sleeves and get involve in
23 things that will have a long-term effect on them and the
24 next generation and the next generation after that.

25 Very, very appreciative of all that effort and

6

1 energy that went in. It was not an effort in vein. Thank
2 goodness. We reached a relicensing agreement that 70 of the
3 85 eligible participants signed last summer and since that
4 time, we have established a Final Agreement Committee that
5 is composed of about a dozen parties to the relicensing
6 agreement that is proceeding on to make sure it gets
7 implemented and that the details of this FERC process and
8 the implementation of the agreement were getting
9 communicated to the parties in a timely fashion.

10 That relicensing agreement is a huge contract.
11 It's over 300 pages, tons of detail in it. If you were
12 involved with the process throughout, you probably know most
13 of it pretty well. If you weren't, it can be a little bit

14 daunting to try to start on page one and figure all that
15 out.

16 Duke put together a brochure to help with that.
17 It's basically a cliff's notes version of what's in the
18 relicensing agreement, spend some time talking about the
19 process and how it was set up, but it's main purpose is to
20 highlight the improvements that are going to happen in this
21 river basin as a result of the process.

22 In the back of it there are individual sheets for
23 each lake that summarize specifics, lake by lake. There is
24 also a one-pager that the Final Agreement Committee has
25 developed that tracks the commitments that are in that

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1 relicensing agreement.

2 That agreement is no-shelf document. It is an
3 action plan and actions are already under way. There is 13
4 specific commitments that have already come through. All of
5 those were done on time or early and there is another 8 or
6 10 that are due this year that are not necessarily all
7 Duke's. They also become to some other folks that are
8 parties to the agreement and things are looking well on
9 those also.

10 We have copies of this brochure and the lake
11 summary sheets and the milestone schedule status on the back
12 row at the top back there. If you don't have those already,
13 I highly suggest you pick one up because it's very
14 informative.

15 We achieved, through the relicensing agreement,
16 the best balance that we could for this river system and it

17 was a balance and we did not optimize conditions for any
18 stakeholder and I think I can honestly say there probably
19 wasn't a stakeholder involved that got everything they
20 wanted.

21 I think I can also honestly say that every
22 stakeholder got something that they wanted and something
23 that was important to them. If it be it takes the rest of
24 the night to talk about all this stuff, but just to
25 highlight a few things, the lake level operating bands will

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1 get more predictability about what the lake loads are going
2 to look like throughout the season and also extend the
3 recreational use and the fish ponding uses within the
4 reservoirs in the shorter months of the year.

5 We also, for the first time have dependable
6 recreation flow schedule so that anybody that likes to
7 paddle or fish in the river can do so at the locations where
8 there is regulated river reach below one of the dams.

9 We'll also have continuous minimal flows at the
10 priority locations that will support fish habitat, spawning
11 and aquatic species continuous in those important river
12 stretches and we'll also make water quality improvements and
13 dissolved oxygen improves in the releases from the hydro
14 stations.

15 Literally dozens of recreational enhancements are
16 included. Section 10 of the agreement is the biggest
17 section in the whole agreement and it is full of stuff, full
18 of new things that are going to be constructed over the
19 first 20 years of the relicense, to help provide additional

20 access, particularly land-based access, camping, swimming,
21 bank fishing, picnicking, those sorts of things.

22 And there is also some opportunities there to
23 revisit that plan. We have two seven-year reviews in that
24 20-year recreation plan where a group of stakeholders will
25 revisit how things are going and are we still planning to

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1 build what's really needed.

2 At the end of that 20 years, there will be a much
3 bigger relook at the whole recreational needs of the project
4 and new decisions will be made at that point in time.

5 One of the issues that got probably as much air
6 time in the meetings as anything, was land conservation.
7 Every single stakeholder team spent a lot of time talking
8 about it. It was on the top of a lot of people's minds when
9 they walked in the door to the meetings.

10 We had to figure out a way to deal with that and
11 a lot of land conservation interest arguably were outside
12 the scope of what a very traditional FERC relicensing
13 process would entail.

14 However, through one of the ad hoc committees, we
15 were able to effectively, I think, deal with land
16 conservation.

17 There will be several thousand acres of property
18 as a result of this agreement that, either very soon will be
19 or will be in a number of years after we get the FERC
20 license, in public hands and open to the public for
21 recreational purposes. Certainly a major benefit there.

22 Relicensing, period, is one of those questions

23 that the FERC staff certainly reserves to themselves to
24 make. The relicensing agreement calls for a new license for
25 a 40 to 50 year period. There are additional things in that

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1 agreement that will get done though if we get a 50 year
2 license.

3 Some of the land conservation support funding.
4 There will be seven million dollars more of money available
5 there. There will be some additional land conservation
6 easements put in place and some flood enhancement
7 improvements at Wateree Dam would occur, provided we get the
8 50-year license.

9 Fifty years is a very long time. We understand
10 that. It's hard to predict today everything that will occur
11 over the next 50 years. In fact, it's impossible to do.

12 But to deal with that, I think we have built in
13 at the right places, opportunities to review where we
14 thought we were going and where we are at that point in time
15 and to make adjustments.

16 Shoreline management planning is one such area.
17 There will be 10-year reviews of the shoreline management
18 plan, shoreline management guidelines. There will also be a
19 focus group through the shoreline management guidelines
20 effectiveness review that will be ongoing. I've already
21 talked about the recreation facilities piece of this too.

22 There is also another issue that, except for land
23 conservation, I think probably came in second in terms of
24 the amount of air time that we spent talking about it. And
25 that was how do you deal with water quantity issues when you

1 run into the inevitable times when in a drought, there won't
2 be enough water available in this river basin for everybody
3 to use as they would normal. What do you do then?

4 And I'm very pleased to say that we had a couple
5 of dozen public water supply system owners that absolutely
6 dug in and help figure this out. How we are going to work
7 together to essentially stretch the water supply as long as
8 we can because none of us can control when it's going to
9 rain again in an extended drought.

10 The result of that was a low inflow protocol that
11 prioritizes the use of water and for the first time really
12 will have us all cutting back in a coordinated fashion, the
13 way we should be doing.

14 There will be a drought management advisory group
15 that oversees that low inflow protocol, its implementation
16 and its review at least every five years to see if it's
17 still appropriate.

18 For the longer term, you have to respond to
19 droughts through initially many emergencies and if they go
20 for four years like the drought of record did, they can
21 become immediate emergencies.

22 We need to be doing things in the interim every
23 day to try to conserve water and to better prepare the
24 system for the inevitable times when we won't have enough
25 water.

1 The Water Management Group was set up to address
2 those kinds of things, to self-fund initiatives that are
3 going to protect the water quantity and quality of the river
4 basis for the long term.

5 That group doesn't have to be in place until
6 2009, but I'm pleased to tell you that the Convening
7 Committee has met several times and is well down the road to
8 having its governing documentation together and there is a
9 lot of very active work going on to get a plan together so
10 that that group is going to hit the ground running. I have
11 no question that they will. In closing, this has all been
12 about determining what the needs are and figuring out what
13 we can do to meet as many of the needs as possible. That is
14 what the relicensing agreement is. It is the balance. It
15 is the sustainable plan. It is the vision for the way this
16 river basis and the lakes within it need to operate over the
17 next 50 years.

18 It has opportunities to be modified. That's a
19 very good thing. But it also has actions in it that are
20 necessary now and Duke has already taken a number of those.
21 One major one was putting over \$9 million in escrow accounts
22 for lending conservation support. We have already done
23 that.

24 We did that in January and in North Carolina,
25 \$3.8 million of that has already been used to help purchase,

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1 along with support from the Foothill Land Conservatory,
2 North Carolina Wildlife Resources Commission and the Clean
3 Water Management Trust Fund, they purchased about 2,800

4 acres of property near the hedge waters of Lake Rhodhi ss,
5 the Johns River gameland and that's now in public ownershi p.

6
7 And that's the kind of thing that is laid out in
8 this plan to happen. It's already happening and is
9 happening because it's the right thing. We've got the right
10 balance for the river basin.

11 I very much appreciate all the folks that have
12 participated in this, whether you signed the relicensing
13 agreement or not. I can tell you, you had an impact on what
14 the plan looks like and you had an impact on what the future
15 of the basin is going to look like.

16 I'm going to stop now and it's everybody else's
17 turn. Thank you very much.

18 MR. MURPHY: First I'd like to apologize for the
19 lighting. We're not trying to keep you in the dark or lull
20 you to sleep when everybody else is speaking. There is just
21 a minor glitch back there and so we have the nice ambiences
22 instead of a bright lit room.

23 We only have nine people signed up to speak so we
24 have an opportunity seven to ten minutes. If you start
25 going over ten minutes, you'll see me stand up and walk

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1 towards you.

2 Allyson is the person who will be announcing your
3 names as it is your turn to speak and we will be asking you
4 if you have any questions at the end.

5 MS. CONNER: Nick Stegall you are first and you
6 can come up to this podium. What we do ask is if your name

7 is maybe hard to spell or figure out how to spell, please do
8 spell it out for our court reporter. We would like to have
9 the proper spelling of your names in the record. Thank you.
10 So after Nick is Michael Bailes.

11 MR. STEGALL: I am Nick Stegall, Public Services
12 Administrator for the City of Rock Hill. I participated as
13 the city of Rock Hill's representative on the Piedmont
14 Advisory Group during the development of the Final
15 Agreement. I also participated in the development of the
16 Water Supply Study which addressed the Catawba Wateree
17 Project's ability to reliably support the future water needs
18 of the region. I served on the Water Management
19 Group Charter Draft Committee. The Water Management Group
20 and its members have agreed to pay fees for the purpose of
21 addressing water quantity and quality improvements in the
22 future.

23 This group mutually agreed to Drought Response
24 Measures which will be implemented during various stages of
25 future droughts.

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1 If additional minimum flows are required -- our
2 customers will be forced into drought response more often
3 and for longer periods of time. I'll address that a little
4 more in just a minute.

5 Rock Hill withdraws water from Lake Wylie and
6 provides drinking water to our customers and the customers
7 of York County, Fort Mill, Tega Cay and Carolina Water.

8 The City of Rock Hill owns a share of the Catawba
9 Nuclear Plan through its participation in the Piedmont

10 Municipal Power Agency. This plant provides electricity for
11 our City and its electric customers. This plant relies on
12 reliable water levels and adequate water supplies for its
13 cooling functions.

14 Our citizens and customers rely on Lake Wylie and
15 reasonable lake levels for fish habitat, boating, swimming,
16 recreation and aesthetics. All of these functions are vital
17 to the continued economic development of this area.

18 Adequate flows have been provided for in the
19 Final Agreement which allow improved canoe, kayak and
20 boating for the areas below the Lake Wylie Dam.

21 Duke has agreed to lease property to the City of
22 Rock Hill for development as a public park. Rock Hill will
23 provide bank fishing sites, picnicking, swimming, restrooms
24 and parking facilities.

25 Duke has agreed to replace one of the Wylie Dam

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1 hydro units for the purpose of releasing continuous flows
2 for the downstream habitat.

3 The minimum flows as proposed are adequate.
4 Increasing the required flows will negate many of the
5 benefits that have been negotiated by the participating
6 stakeholders and sacrifice targeted lake levels.

7 The City of Rock Hill has invested hundreds of
8 hours toward the development of the Final Agreement. This
9 stakeholder process has been a valuable tool which allowed
10 all the participants to negotiate for various interest that
11 are vital to their communities and organizations.

12 The Commission should incorporate the Catawba

13 Relicensing Agreement's license recommendations in their
14 entirety into the new Catawba-Wateree Project's operating
15 license.

16 In particular, all aspects of Appendix A which
17 deals with lake levels, recreational flows, minimum flows,
18 flows supporting Public Water Supply and Industrial
19 Processes, Low Inflow Protocol and other issues.

20 The current agreement as filed meets the interest
21 of the City of Rock Hill and our customers. Thank you.

22 MS. CONNER: After Michael is Andrew Lazenby.

23 MR. BAILES: My name is Mike Bailes and I'm the
24 Director of the Catawba River Regional Water Treatment Plant
25 which is located on the Catawba River in Lancaster County,

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1 South Carolina. We're a joint venture between Lancaster
2 County Water & Sewer District in South Carolina and Union
3 County in North Carolina and our sole purpose is to provide
4 drinking water to both counties. We serve a population of
5 approximately 220,000 people.

6 And I've served on just about every committee I
7 think there was on this thing. I was one the Piedmont AG
8 and the Water Management Group Drought Management and on the
9 Final Agreement Committee, as well as Water Management
10 Convening Group right now.

11 Our interest in the river basically, the Catawba
12 River Water Plant, being a water provider and we currently
13 have a withdrawal flow for a hundred million gallons a day
14 from the Catawba. We're the second largest intake on the
15 Catawba, water supply intake, I should say.

16 We became part of the agreement to help promote
17 and preserve and conserve the Catawba River. We want to be
18 good stewards of the river for water habitat and recreation,
19 hydro operations but obviously for the water supply.

20 We have a very strict water withdrawal permit.
21 When the flow gets low, at low flows we can not withdraw
22 water out of the rivers to protect downstream users and
23 aquatic habitat.

24 So we've had a release agreement with Duke for
25 several years now, which expires at the end of the term of

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1 the license. We are willing to incorporate through
2 negotiations into the license articles the required flows we
3 need. So not riding the back of aquatic flows and protect
4 downstream users. So that's very important to us.

5 With regards to the relicensing agreement, we
6 feel that Duke did a wonderful job and is really receptive
7 to all the comments to all the parties, and objections, as
8 well as people who were for it and various groups of
9 individuals, local governments, state agencies to enter into
10 the agreement.

11 We now have unprecedented cooperation between
12 water suppliers. We've got a great team of water supply
13 professionals now that ensure the cooperation and
14 coordination to support a regional by-state effort to
15 protect the quantity and quality of the water and we think
16 that's one of the most important things of the relicensing
17 agreement.

18 So we respectfully request that you incorporate

19 all the articles and recommendations from the agreement in
20 their entirety in the license and we also would like to see
21 the license issued for 50 years. Thank you.

22 MS. CONNOR: After Andrew is Vicky Taylor.

23 MR. LAZENBY: Hi, my name is Andrew Lazenby and
24 I'm the Volunteer Regional Coordinator for American
25 Whi tewater.

19

1 American Whi tewater was an active participant in
2 the enhanced relicensing process for the Catawba. Our
3 interest were represented by our National Stewardship
4 Director Kevin Colburn and myself.

5 Maurice Blackburn, who you met earlier this week
6 and is also here with us tonight, is with the Carolina Canoe
7 Club and was also an excellent representative of paddling
8 interests for the basis as a whole.

9 Together, we covered paddling related
10 conservation and access issues throughout the entire basis.
11 American Whi tewater is a proud signatory of the settlement
12 agreement and fully supports this agreement. This agreement
13 presents an integrated and locally relevant approach to
14 river management that is incredibly exciting.

15 I would like to specifically call your attention
16 to our two focal whi tewater reaches on the Catawba.

17 The first is the Bridgewater reach, which under
18 our agreement will offer predictable flows for paddlers and
19 anglers on a great Class II beginner and intermediate
20 whi tewater run, new river access areas, and riparian land
21 conservation. These enhancements will greatly benefit

22 paddlers for generations to come, and provide healthy
23 outdoor opportunities for local and regional citizens.

24 The second is Great Falls. Great Falls is prime
25 example of river restoration. Through hard work and

20

1 creativity we have agreed to a set of mitigation measures
2 that will restore base flows, introduce scheduled higher
3 flows for paddling, protect the incredible islands among the
4 falls, build new river access areas and trails, create a new
5 state park, and reconnect the Town of Great Falls with their
6 adjacent recreational, historical, and ecological treasures.

7 The paddling is going to be wonderful, and we can't wait!

8 In addition to these reaches, special attention
9 was paid to the 26 mile stretch of the Catawba River below
10 Wylie Hydro Station which remains the longest unimpeded
11 stretch of the Catawba.

12 Increased flows for recreation, increased and
13 improved river access areas, improvements to the Landsford
14 Canal State park, and flows specifically designed to
15 improve habitat only begin to recognize some of the valuable
16 work that was put forth by all that were involved in this
17 process.

18 Please recognize that this agreement represents
19 years of hard work on the part of hundreds of people, and
20 the vision of these people of a meaningfully protected and
21 restored Catawba Watershed. Please support this agreement.

22 MS. CONNER: Following Vicky is Maurice
23 Blackburn.

24 MS. TAYLOR: Good evening. I'm Vicky Taylor.

25 I'm the Executive Coordinator of the Catawba-Wateree

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1 Relicensing Coalition.

2 We have a 15-member Board. Members representing
3 governmental, non-governmental, non-profit, recreational,
4 citizens and business interests and our mission has been and
5 continues to be to facilitate a process to restore, protect,
6 and enhance the natural, the environmental, the economic,
7 the recreational resources and cultural resources of the
8 Catawba-Wateree basin during this relicensing process.

9 We began in 1999 working with Duke Energy and
10 well over 600, probably close to 1,000 stakeholders way
11 before the initial consultation document, really from the
12 commitment to find a way to collaboratively approach this
13 process.

14 We've been involved in every team and probably
15 every single committee and I think I lived and breathed this
16 thing for the past six, seven, eight years.

17 Last July, last summer, last July, our Board voted
18 unanimously to sign and support the comprehensive
19 relicensing agreement that was reached by the stakeholders.
20 I should say the two organizations that had members on our
21 Board themselves did not vote to sign it, and they will
22 express their comments by themselves.

23 However, our Board did feel that the relicensing
24 agreement and the proposed license articles, were fair,
25 balanced, and appropriate and reasonable way to meet the

1 diverse interests of this large, very large river basin.

2 We also recognize that the Department of the
3 Interior, the Department of Commerce have yet to make
4 recommendations, requirements, and prescriptions and will
5 request that the Commission, as it begins and develops its
6 environmental analysis, and its final license order, find
7 ways to incorporate and meet the needs of those departments
8 while also maintaining the protection, the mitigation, and
9 enhancements, and all the myriad agreements that Jeff
10 mentioned just a few of, for the comprehensive license
11 agreement and proposed license articles which we the
12 Coalition do support. Thank you.

13 MS. CONNER: After Maurice is Linda Coleman.

14 MR. BLACKBURN: Good evening. I'm Maurice
15 Blackburn. It's usually my first name that cause a spelling
16 problem, a pronunciation problem, not spelling problems. I
17 have absolutely no problems in spelling my name, Maurice,
18 but people have trouble pronouncing it Morris. But that's
19 by the way.

20 I represent the Carolina Canoe Club. Like quite
21 a few other people in this room, I've been a stakeholder
22 from the world go. I'm on the Piedmont Team, I'm on the
23 Foothills Team, I represent the Piedmont AG on the State
24 Team, I participated in the Recreational Team and the GL
25 Team and like Mike Bailes and other people here, several

1 other people here, Vicky Taylor included, I'm on the Final

2 Agreement Committee.

3 The organization which I represent, has
4 approximately 700 paid members and we cover about 1,100
5 individuals. The Club's objectives include promoting safe
6 canoeing and kayaking with strong emphasis on education and
7 protecting the environment.

8 At the present time, if you want to go canoeing
9 on four of the five river sections in the Catawba Basin,
10 it's a matter of luck whether you catch water there or not.
11 If you catch it when Duke is generating its fine, if you
12 catch it when they're releasing because of high water, it's
13 fine. But there is no way you can plan ahead and say, well,
14 let's have a group to go down the Catawba at such and such a
15 section a week on Saturday. You've got no idea what you're
16 going to be able to do.

17 What we've been able to do in this comprehensive
18 agreement is come up with an excellent schedule of releases
19 from all five river sections in the Catawba. This was
20 achieved with a lot of input from a lot of people. Andrew's
21 group in particular were very helpful in this area.

22 We work together with a lot of people. We worked
23 together with anglers whose needs are similar but not the
24 same as ours, particularly in the Bridgewater area, we were
25 able to reach a compromise on flow levels where both the

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1 float anglers and the paddlers were satisfied.

2 Neither one was optimum for either group but the
3 compromise was perfectly satisfactory and that's basically
4 the way we went about this whole relicensing negotiation,

5 trying to find something that everybody got something from.
6 We're particularly pleased as Andrew mentioned
7 with the releases in Great Falls. There has been no
8 paddlable water there except for flooding, for flood
9 occurrences for the past 80 or so years. Now we're going to
10 get releases. Not a vast number, but nevertheless,
11 significantly better than what we already have.

12 One of the questions that I've heard in the last
13 -- one of the points I've heard in the past couple of days,
14 two or three days, is what's going to happen in 50 years
15 time? We have this schedule of paddling releases right now,
16 but how is it going to look five years time, ten years time.
17 How is it even going to look after the first year?

18 One of the things we did was to incorporate into
19 the agreement, was an annual meeting of interested parties
20 who will look at the past season's paddling, determining how
21 it went and whether we need to make any tweaking. We know
22 we won't get additional water, but what we want to do is to
23 make sure that we've optimized the water that we're getting
24 for the overall paddling public. Not just the paddlers and
25 the fishermen also.

25

1 We believe that these proposed -- this proposed
2 schedule of releases will not only provide enjoyable
3 experience for the paddling community, but also because of
4 the dependability of these flows, these releases will have a
5 significant effect on the tourist industry in the area.

6 One of the things we agreed to was that the
7 recreational releases should take a hit fairly early on in

8 the low inflow protocol. I think this is quite reasonable
9 and in drought situations, we have to be prepared to step
10 back from the Grade II releases and that is covered in the
11 low inflow protocol.

12 Now, of course, having water isn't the only thing
13 you need to go paddling. You need to have access to the
14 water and we spent a long time in the Recreation Committees
15 discussing river access, improvements to existing accesses,
16 both on the lakes and the river and also the addition of new
17 access areas. And the agreement incorporates quite a few,
18 quite a good number of new canoe, kayak access. I'm having
19 trouble with that -- new canoe.

20 We certainly urge FERC to incorporate as we have
21 written them, the recommendation for scheduled releases and
22 the new access areas.

23 One final point that I'd like to raise, relates
24 to the public information system. The present public
25 information system for the Catawba-Wateree basin is really

26

1 not very good. We have developed a new one based on the
2 negotiations we had in the Nantahala area and Tuckaseegee
3 area.

4 From a paddling perspective, not only will it
5 give information on the scheduled releases, but it will also
6 tell us a few days ahead when Duke is planning to generate,
7 which will give us more opportunities to get out there and
8 get on the river.

9 This public information service will also provide
10 valuable information related to high water conditions which

11 is important from a safety point of view and also other
12 emergencies.

13 It will also give quite a lot of general
14 information about lake levels. And once again, we urge FERC
15 to accept those proposals as written. Thank you.

16 MS. CONNER: Up now is Glenda and then it will be
17 Frank Hawkins.

18 MS. COLEMAN: Hello. I'm Glenda Price Coleman,
19 Executive Director of the Great Falls Hometown Association.
20 The Great Falls Hometown Association was actively involved
21 in the stakeholder process during the entire process.

22 I represented the Great Falls Hometown
23 Association Board and the people of Great Falls on the Lower
24 Catawba Stakeholders Group.

25 We are a party to the comprehensive relicensing

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1 agreement and support the 50-year license application. We
2 feel that it was a balanced process and the outcomes are in
3 the best interest of the Town of Great Falls and the
4 surrounding area. For outdoor recreation, cultural
5 resources, natural resources and the economy.

6 The Great Falls Hometown Association is a non-
7 profit organization belonging to Main Street, South Carolina
8 and the National Main Street Program which focuses on
9 community and economic development.

10 Great Falls is primarily a textile community from
11 early in the last century so when the mills closed in the
12 mid 1980s and from that time the town has suffered
13 economically and has been struggling to find the right kind

14 of economic development.

15 The Great Falls Hometown Association started a
16 nature-based tourism initiative about five years ago and the
17 comprehensive relicensing agreement is helping us in several
18 different ways. The state park and the paddling
19 opportunities in and around Great Falls will support a new
20 economy for this depressed area.

21 The Dearborn Armory Site and several other
22 islands totaling more than 900 acres will be protected as a
23 new state park and this fits right into our vision and
24 planning for the area. Additional park and conservation
25 lands are being protected, which will create several

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1 thousand acres of contiguous public lands in the vicinity of
2 Great Falls.

3 The new flows and the portages and the long and
4 short channels at Great Falls will attract paddlers from
5 several different states, if not from the nation.

6 The agreement is important to implementing the
7 town's master plan and the nature-based tourism initiative.
8 Great Falls is a mill town created because of the river's
9 power. The new agreement will restore the town to a nature-
10 based economy.

11 One of the things that we're excited about is
12 that the Great Falls of the Catawba will be heard again in
13 the area. Historically, the falls were described as a great
14 wonder and that it could be heard for many miles.

15 In 1909, Dr. David Ramsey, in his History of
16 South Carolina, wrote of the great falls of the Catawba that

17 the scenery is sufficiently grand and curious to attract the
18 visits of the most distant inhabitants of Carolina.

19 We're looking forward to hearing the falls and
20 attracting visitors. We request that FERC incorporate the
21 entire comprehensive relicensing agreement into the new
22 Catawba-Wateree operating license. Thank you.

23 MS. CONNER: Following Frank is Michelle Mann.

24 MR. HAWKINS: Hi, my name is Frank Hawkins. I'm
25 resident homeowner in Fishing Creek Lake. I'm a member of

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1 the Lower Catawba Advisory Group.

2 The main purpose for joining the Lower Catawba
3 Advisory Group was an attempt to get Duke Energy to raise
4 the target lake level on Fishing Creek Lake in the new CRA.
5 I was successful in reaching my goal. The new CRA has a
6 target level of Fishing Creek Lake at 98%, the old target
7 was 97.

8 I'm on a first name basis with George Galleher,
9 Senior Engineer at Hydro Central. Duke Energy's Hydro
10 Central has started controlling Fishing Creek Lake at the
11 higher 98% target lake level.

12 George told me this will give the operators at
13 Hydro Central time to get familiar with the new operating
14 level standard in the CRA.

15 I believe that Duke Energy has done an
16 outstanding job in balancing their needs with the wants of
17 the members of the Catawba-Wateree relicensing Advisory
18 Groups.

19 I ask the Commission to incorporate the CRA's

20 license recommendation in their entirety into the new
21 Catawba-Wateree operating license.

22 Thank you for giving me this opportunity to speak
23 my mind. Thank you.

24 MS. CONNER: Following Michelle is Donna Lisenby.

25 MS. MANN: Hello. My name is Michelle Mann and

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1 I'm a homeowner on Lake Wateree, the 11th reservoir in the
2 Catawba River and I was not what you call a BOR, born on the
3 river basin, but I do feel a real tie to the river after
4 becoming a Cove Keeper.

5 I became a Cove Keeper because I wanted to know
6 what being a good steward of a river basin is. And I
7 applaud everyone that has worked on the Relicensing
8 committee and I appreciate the opportunity to speak tonight.
9

10 But I do have some real concerns. As a
11 homeowner, the flooding has been a big issue at Wateree, and
12 I do know as the lay of the land that we have, it's going to
13 be a problem but I think particularly in the very last flood
14 we have, I think Duke did a poor job on the information
15 system in getting information to the residents of Lake
16 Wateree to make a decision on what we should do with our
17 property and those types of things.

18 So I think the flood management issues from a
19 homeowner's standpoint are not being taken care of in the
20 relicensing because everything for us is tied to a 50-year
21 lease, okay. And I really think we've identified a problem,
22 it's a problem for us with the flooding, but you will not

23 help us unless you get a 50-year lease. I just think there
24 is something wrong with that picture. In coming from a
25 Cove Keeper's standpoint, I was thrilled in September when

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1 the Shoreline Management Guidelines came out. As a Cove
2 Keeper, I do a patrol every month. I get out there in the
3 boat, patrol around and, you know, try and be a good
4 neighbor, at the same time telling them that, yeah, you
5 don't want to cut that tree down.

6 But with the Shoreline Management Guidelines, I
7 could actually show them something and say this is why you
8 don't want to do this. But I also feel that it should not
9 be my responsibility completely to do that. I think there
10 really needs to be help from Duke in helping us -- and I
11 don't want to say police, I don't like that -- but to
12 enforce those guidelines.

13 We are such a small group. Right now we are
14 doing, I think three sections a piece, you know, which is
15 very difficult to do when you work a full time job. I mean
16 I live at Lake Wateree and work at Rock Hills, and hour
17 commute every day, but I love where I love.

18 And I really would like to see, in that Shoreline
19 Management, more help in each of the reservoirs on being
20 able to enforce those Guidelines, because I really don't
21 think anything in the relicensing does that.

22 I mean they've been good. We've emailed Permit
23 and said hey, you know, they're cutting down trees, this and
24 that, but it really doesn't get taken care of in a timely
25 manner. I don't, you know, weeks out, that really is a

1 timely manner. I think there needs to be a two or three day
2 process that somebody comes down and look at what's
3 happening. Because, you know, by then it's already gone.

4 I mean I sent in something the other day and
5 they've already come and they've already taken down the
6 trees right down to the edge of the water, they've already
7 brought somebody in, and chewed up all the stumps. So it's
8 going to be really difficult to see what they did. I mean
9 they even took the wood chips away, you know. So you know,
10 you think about Dr. Seuss, it's very frustrating.

11 And the other thing is, you know, just recently
12 in the Charlotte Observer, the boom in the population,
13 300,000 people in the Catawba River Basin, just in
14 Charlotte, and that was way more than they expected.

15 And I think the numbers that you're basing the
16 recreation on here were not good numbers. I mean, if we
17 just got 300,000 more people in Charlotte in just the last
18 six years, there is no way a lot of these public
19 recreational facilities are going to meet the needs of our
20 community.

21 So I really think that needs to be looked at and
22 look at those numbers again. So thank you for the
23 opportunity to speak.

24 MS. CONNER: After Donna is Shirley Green.

25 MS. LI SENBY: Good evening. My name is Donna

1 Lisenby and I'm the Executive Director of the Catawba River
2 Keeper Foundation and I'm also the Catawba River Keeper.

3 The Catawba River Keeper Foundation is a non-
4 profit tax exempt organization, formed pursuant to the laws
5 of the State of North Carolina and registered in South
6 Carolina.

7 The Catawba River Keeper Foundation is dedicated
8 to advocating for, and securing the protection enhancement
9 of the Catawba River, its lakes, its tributaries, and the
10 watershed so that it will always sustain the human and
11 wildlife populations that depend on it for life.

12 When we participated in the relicensing process,
13 we had 17 Catawba River Keeper Foundation members that
14 participated on each of the advisory groups on both the
15 state relicensing teams and on several of the study groups.

16 Not all of those members officially represented
17 the Catawba River Keeper Foundation, they may have
18 represented other groups during the process, but we were
19 heavily involved in the entire process.

20 I'd like to commend and thank Duke Power for
21 being so inclusive of stakeholders in the Catawba River
22 Basin in allowing us to participate in this whole process in
23 collaboration with you. I enjoyed the process. It was
24 lively, at least the meetings I was in and it was very well
25 conducted, and I appreciate that.

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1 One of the things that is sort of interesting, as
2 you all from FERC have traveled the basin now, and have
3 spoken to folks, is the difference between people who have

4 spoken to you, who were signatories of the former agreement
5 and who were not.

6 The signatories of the agreement are compelled by
7 the requirements of the agreement to speak in favor of it.
8 There is a gag rule in that agreement that basically says
9 they will speak in support of the components of the
10 agreement.

11 The Catawba River Keeper Foundation did not sign,
12 was not a signatory of the comprehensive relicensing
13 agreement. The last document that we participated in the
14 development of was the signatory copy of the agreement and
15 principle.

16 So I'm going to provide a detailed review of each
17 of the segments -- each of the sections of the signatory
18 copy of the agreement and principle. I'm going to do
19 several things.

20 I'm going to talk about from the Catawba River
21 Keeper Foundation's perspective, what we think is good about
22 that section, what is good and should be left alone. We
23 don't want you all FERC people from Washington messing with
24 those things that we think are good. Just leave those alone
25 and let them go.

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1 But there are some things that we think you all
2 ought to take a hard look at. Some things that we think are
3 not as good as they could be. So I'll tell you what's bad
4 about the agreement.

5 So section 2, again, and I'm responding to the
6 last document we participated in, which was the signatory

7 copy of the agreement and principle. Section 2 of that
8 document was called "Normal Operating Levels for Lake
9 Levels."

10 So what was good about that was that Duke got
11 some more -- additional operating flexibility. What's bad
12 about that section? Is that the target lake elevations are
13 not enforceable.

14 And in some cases, the minimum elevation for the
15 reservoirs are lower than the old guide curve for some of
16 the lakes. We'd like to ask you to take a look at that.

17 Section 3, was titled "Instream Flows For
18 Recreation." What's good? Many of the things that Andrew
19 and Maurice talked about in that section are very good. We
20 now have a known schedule for safe boating below the dams
21 and that's good. We have greater recreational opportunities
22 below that dams and we think that's very good and commend
23 everybody who worked on that.

24 What's bad is that the flows are very artificial.
25 They are sort of in daylight hours between 10:00 and 2:00,

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1 that's not very helpful for aquatic life, not very helpful
2 for any environment, and the other thing that we don't like
3 about those boating flows is that we have to wait so long
4 for them to be implemented. So implementation takes too
5 long in many of the cases.

6 Section 4 was entitled "Instream Flows For
7 Aquatic Habitat." So what's good about that section?
8 What's really good is something that Glenda Price Coleman
9 mentioned, which is the restoration of the great falls, we

10 are really thrilled about that. We commend everybody for
11 working hard and making sure that the great falls was
12 restored with continuous flows.

13 The other thing that's good about that section
14 are that we now have 24-hour day, 7-day a week, 365-days a
15 year flows in most of the river section, that's good.

16 Another good thing is, this is not going to sound
17 good the way I read it, but we think it's a good thing. Is
18 that there is this questionable land for water mitigation
19 scheme that was negotiated without the participation of the
20 Catawba River Keeper Foundation, American Rivers, the U.S.
21 Fish and Wildlife Service, the National Marine Fishery
22 Service.

23 What's good about that is that it does protect
24 about 28.6 miles of riparian corridors in Burt and Caldwell
25 Counties. This same questionable land for water mitigation

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1 scheme again, negotiated without the participation of the
2 Catawba River Keeper Foundation, American Rivers, the U.S.
3 Fish and Wildlife Service, the National Marine Fishery
4 Service, protects about 6 miles of riparian corridors in
5 Chester and Lancaster counties in South Carolina. So those
6 are good things that those riparian corridors now have
7 additional protection.

8 What's bad about the instream flows? The flows
9 are too low. Couldn't disagree with my friend Mr. Nick
10 Stegall and my fellow co-chair of the group that develop new
11 water supply legislation for the State of South Carolina, we
12 don't think the flows from the dams are adequate.

13 Specifically, we do not feel the migratory fish
14 flows were met appropriately. We also question a very
15 extremely unbalanced mitigation land. The agreement
16 provides for mitigation in North Carolina but does not
17 protect any riparian corridors in McDowell, Alexander,
18 Catawba, Aradel, Gaston, Lincoln, or McLingburg County. It
19 mostly protects riparian corridor in the two counties I
20 mentioned earlier.

21 We believe that south Carolina got a very minimal
22 mitigation package, approximately only 6 miles of riparian
23 corridor was protected. We think that's pretty unbalanced.

24 Another problem, or what's bad about section 4 is
25 that we have to wait 3 years or more for the flows to begin

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1 and it could be much longer for those flows to begin if
2 those flows are changed by the 401 water quality
3 certification or change by FERC.

4 Due to the unbalance mitigation plan and
5 inadequate flows, very clearly inadequate flows, the AIP is
6 vulnerable to challenge, putting many things in the AIP at
7 risk. Vicky Taylor spoke earlier about the need to be
8 careful about how FERC addresses, sort of the inadequate --
9 she didn't use that word, but addresses potential changes in
10 the agreement and we couldn't agree more with her.

11 There are some very good things that need to be
12 retained, but we think there are some things that need
13 additional consideration, additional scope, additional study
14 and the aquatic life flows are definitely in that category.

15 The bottom line from the Catawba River Keeper

16 Foundation's perspective about this section is that this
17 section is one of the most problematic sections of the AIP
18 and it's simply unacceptable. Additional aquatic life flows
19 are needed especially now that one of the inner basin
20 transfers, the Concord and Kannapolis inner basin transfer
21 that was modeled in CHEOPS.

22 It was modeled at the full amount of Concord and
23 Kannapolis originally requested. 38 million from the
24 Catawba is what they originally requested nearly two years
25 ago. The EMC made a decision in January that only approved

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1 10 million gallons of flow so it's nobody's fault now that
2 CHEOPS is off. There is no way Duke could have
3 looked in a crystal ball and sort of foretold what the EMC's
4 decision would be and that the EMC would actually approve
5 far less water than was modeled. So it's nobody's fault.

6 But one of the sort of updates that is needed is
7 if some of the flows that leave the basin through these IBTs
8 were modeled and now have not been approved, are not going
9 to, then that's water that can stay in the basin and meet
10 the aquatic life flows that the U.S. Fish and Wildlife,
11 American Rivers, the Coastal Conservation League, the
12 National Marine Fishery Service would like to see.

13 That's water that's now available and that can be
14 used to meet those needs. So it's another way, sort of
15 another way that CHEOPS needs to be updated with current
16 events.

17 Section 5, "Actions to Support Water Users."
18 What's good about that? From our perspective is that new

19 water fund where water users are paying into this fund, that
20 money does not go to Duke Power and that's good. That money
21 actually goes back to the river to do river conservation
22 project and we think that's a very good thing.

23 We also think it's a good thing that inner basin
24 transfers are charged more. What's bad about that section
25 is that inner basin transfers, those transfers of water that

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1 permanently remove water from the Catawba River were not
2 kept, eliminated, or prohibited in the future. They were
3 not addressed in any form or fashion in the relicensing
4 agreement.

5 Section 6, the "Low Inflow Protocol." What's
6 good? The coordinated drought response is outstanding. The
7 bottom line from the Catawba River Keeper Foundation's
8 perspective is that the low inflow protocol is one of the
9 best things to come out of the relicensing process. Let's
10 just hope it works.

11 Section 7, "Maintenance and Emergency." What's
12 good is that now there is a clear plan for what to do in an
13 emergency and during maintenance. That's always good to
14 have a plan. What's bad though is the continuous flows
15 might be lost in an emergency or during maintenance. We
16 hope that Duke will get those going as quickly as possible
17 after an outage or maintenance of some kind.

18 Section 8, "The Public Information System."
19 What's good about that? We now have -- Maurice mentioned a
20 lot of good things that are in section 8 and more
21 information will be provided about each dam or lake. We now

22 have near term forecasted flow releases and we have high
23 water information updated every six hours or sooner if
24 conditions warrant with reservoir crest level and time
25 estimates for cresting.

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1 What's bad about this section is that the near
2 term forecast are too short. They should have been for
3 seven day forecast and on par with what was in the Nantahala
4 agreement.

5 And the last forecast that Duke made during the
6 high water event that occurred on Lake Wateree last month
7 were off and they underestimated the crest levels and so
8 just probably needed more practice with that new system is
9 the answer there.

10 "Cultural Resources," what's good in that
11 section, our power houses will become historic structures,
12 the Catawba Indian Nation gets its sacred island back,
13 that's good. The South Carolina Parks Recreation and
14 Tourism Department gets about \$80,000 to develop a plan,
15 clear brush and place signs at the federal armory.

16 Over \$500,000 was provided to the South Carolina
17 Department of Archives and History to preserve a nationally
18 significant Native American burial site, that's good.

19 What's bad about this section is, North Carolina
20 really did not get much cultural resource enhancement. It's
21 a little bit of lack balance there.

22 Section 10, "Public Recreation." What's good?
23 What's good is we definitely got a broader range of
24 recreation opportunities provided. We have more fishing,

25 trails, picnic, swimming areas, kayak and canoeing areas,

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1 and that's certainly good and we appreciate that.

2 But what's bad about that section is the most
3 heavily populated areas of the Catawba River Basin, notably
4 Hickory and the Charlotte/Gastonia area, actually got the
5 least recreation enhancement.

6 So the places that are the most heavily used and
7 have the greatest need for additional recreation
8 enhancements got the least. That doesn't seem to be a good
9 match.

10 What's bad about that section is that the
11 population projections used by Duke in the studies, they
12 grossly underestimated our actual growth. You heard
13 Michelle Mann talk about the 300,000 additional people that
14 were added to the Charlotte region in the past six years.

15 When your FERC representative Carolyn Hosaple was
16 with us, we provided to her at one of the stakeholder
17 meetings a side-by-side comparison of the Duke population
18 projections and some Census Bureau data -- projections.
19 Almost down the line, the Duke projections for population
20 growth were underestimated when compared to census data.

21 And now with recent sort of growth analysis
22 provided by the Census Bureau that were covered in the
23 Charlotte Observer article that Michelle held up, there are
24 even more grossly underestimated than we originally reported
25 to Carolyn in that Relicensing Team meeting.

1 Now why is that important? Because those
2 projection data were used in the recreation plan to estimate
3 need, to estimate how much recreation enhancement would be
4 needed and if they underestimated the projections on
5 population, then the result is that we have too little
6 recreation enhancement in this relicensing agreement to meet
7 the demand.

8 Another bad thing that we think that FERC should
9 take enormously seriously and look into in great detail is
10 this whole provision of cost sharing that occurs throughout
11 the agreement.

12 Local and state governments are expected to pay
13 approximately \$12.5 million or approximately 40% of capital
14 cost for many of those recreation enhancements. They are
15 also expected to pay \$1.3 million annually, approximately,
16 or about 79% of operations and maintenance cost.

17 And they are expected to pay these capital and
18 operational and maintenance cost at a time when they're
19 struggling to keep up with the growth. They're struggling
20 to provide schools, water and sewer service, law
21 enforcement, emergency medical response.

22 So what's really troubling -- in some cases in
23 the agreement, Duke agreed to backstop some of the
24 recreation enhancements if the local cost share partner
25 could not afford them.

1 That's good because in 2004, Duke Energy's net

2 income was \$1.49 billion, B, billion. It's income in 2005
3 was \$1.82 billion and its income in 2006 was \$1.86 billion.
4 So it troubles us that the taxpayer is expected to bear a
5 large percentage of the burden to meet recreational
6 requirements.

7 I'll skip section 11, provide you written
8 documents to that. I'd like to reiterate Michelle Mann's
9 concerns about the Shoreline Management Plan. It does not
10 have enough enforcement and habitat is not adequately
11 protected.

12 In section 14, "Water Quality," this is another,
13 the second more troubling section of the relicensing
14 agreement. We have water quality enhancements that were
15 made at Lake James, Lake Wiley and Wateree to improve flows
16 and meet state dissolve standard. Those enhancements have
17 been indicated to us that will occur at least one turbine.

18 Well there are more than one turbine in those
19 dams. There are more than one turbine in each of the dams.
20 What is not in the agreement is how each and every turbine
21 will meet water quality standards. So the problem in that
22 section is that there is not enough detail provided for, no
23 matter which turbine is running, how water quality standards
24 will be met. To us, this is one of the most incomplete and
25 unacceptable portions of the relicensing agreement that

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1 deserve intense scrutiny by the Federal Energy Regulatory
2 Commission. Time -- alright.

3 Lastly, I'll comment on section 16 and I'll be
4 done. What's good about section 16, from our perspective,

5 not one thing is good about section 16. What's bad about
6 it? Almost all of it. In particular, we objected to the
7 gag order that prevented signatories from the final
8 agreement speaking at these FERC scoping meetings in a way
9 that prevents them from doing anything but supporting the
10 agreement.

11 Therefore we feel FERC does not get a true sense
12 of the issues that remain and need further study. You will
13 only get a sense of that from those of us who don't have a
14 gag order and can speak freely.

15 Thank you for your time. I apologize for going
16 over. I'll forward to the continued process with the
17 Federal Energy Regulatory Commission.

18 MS. CONNER: Shirley Green is our last speaker.
19 After that if there is anyone else who would like to speak
20 that didn't get to sign up, there will be a chance for that
21 to occur.

22 You did? What's your name? Okay. I'll look
23 through. Maybe I probably just looked over it. I'm sorry.

24 MS. GREEN: Good evening. I'm Shirley Green, a
25 volunteer advocate for non-boating fisherman on Lake Wateree

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1 in Fairfield County.

2 I represent nearly 1,000 non-boating fishermen
3 that compromise with local and state government in South
4 Carolina to provide safe fishing, access to Lake Wateree.

5 I had the privilege of serving on the Lower
6 Catawba Wateree Area Group. I have also served on the Land
7 Identification Committee and the Recreation Ad Hoc

8 Committee. I signed the comprehensive relicensing agreement
9 on behalf of the non-boating fishermen.

10 I would like to thank Duke Energy for giving me
11 the opportunity to participate in this endeavor. The
12 process involved a lot of technical information and
13 stakeholder input and discussion, more discussion, and more
14 discussion.

15 Yet for the fishermen on Lake Wateree, Fairfield
16 County, regulated to fishing from highway bridges, the
17 relicensing is a great opportunity.

18 The non-boating fishermen look forward to more
19 recreational opportunities, a fishing pier at Wateree Creek
20 with parking, picnic tables and restrooms. Molly Creek
21 facilities marketed to a commercial operator. Land for bank
22 fishing at Taylor's Creek with parking. Kernel's Creek
23 access area improvements.

24 Other recreational opportunities such as
25 swimming, canoeing and kayaking will also be available to

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1 the public. Land conservation will help to ensure open
2 spaces for generations to come.

3 I'm proud that sometimes the voiceless and often
4 overlooked non-boating fishermen will share in the future of
5 Lake Wateree. We support this agreement and look forward to
6 its implementation. Thank you.

7 MR. THORSVOLD: I hope nobody threw it away
8 because I wasn't going to be totally in support here tonight
9 but I appreciate the opportunity to have this public forum.
10 I appreciate you coming to have this scoping meeting and I

11 certainly appreciate all the effort that all the advisory
12 boards and all the people have done over the last several
13 years.

14 I was not part of those boards but I have been,
15 also like Michelle, a Catawba River Cove Keeper on Lake
16 Wateree, volunteering my time, I guess I didn't spell my
17 last name. It's Thorsvold. T-H-O-R-S-V-O-L-D. So I know
18 that's kind of hard for some people.

19 My wife and I have lived on Lake Wateree for about
20 the last six years. We retired from the Charlotte area and
21 got out into that beautiful country down in Lake Wateree and
22 are certainly enjoying it. But we believe that this
23 proposed Duke Energy Settlement Agreement is NOT sufficient
24 in several areas.

25 The first area I'd like to bring to your

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1 attention is the flood control. It's interesting that in
2 their Lake Wateree perspective, they mentioned a couple of
3 things. One in number three, they talk about the new hydro
4 dam that's going to help the flow, but they didn't happen to
5 mention that's going to cut the amount of water coming out
6 so then in Section 4 when they talk about flood management,
7 they're actually increasing the flood propensity by this new
8 turbine significantly and then they said, okay, we recognize
9 there is a flooding problem, and we'll take about \$6 million
10 to fix that if we get a 50 year license.

11 My issue here is that contingency on the 50 year
12 license. I don't know why they should be having a
13 contingency if there is a problem. The last even that was

14 mentioned, flooding event at the end of February, early
15 March time frame, that Duke has been very good about on the
16 website and communicating with the leaders on the lake, what
17 the flow is going to be and what the peak is going to be,
18 but they said it was going to peak at about 100 and when I
19 looked out, and saw my little row boat tied down at about
20 100 and the tail end was sticking up like this, and it went
21 to 104 in less than a day, a lot of people were not able to
22 come to the lake and remove pontoons.

23 Pontoons were crushed under docks that didn't
24 flow up, a lot of damage to docks, piers, roads, shoreline,
25 and that sort of thing. So if flood control is a

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1 significant issue, enough to be an item to be shown on Lake
2 Wateree perspective, then we ought to be able to spend \$6
3 million.

4 Now, if we got about 1.8 billion in net income by
5 amortize \$6 over about 50 years, that's about \$120,000 a
6 year. When I think they got a net income of \$1.8 billion, I
7 bet they can squeeze out enough to pay \$6 million on flood
8 control in the Bladder Dam.

9 The Bladder Dam that they're proposing will allow
10 them to significantly control the water. It's not going to,
11 we recognize, resolve very large events where the water goes
12 to maybe to 110 or something like that. I've seen it at
13 105, I've seen about four 104, 105 events in the last three
14 or four years. Like I said we've been there for about six
15 years.

16 So the issue there is just put the Bladder Dam in

17 and allow yourself to control water out of the Lake so that
18 we don't have as much damage as we do every time the water
19 comes up.

20 Second issue that I wanted to bring to your
21 attention was, I don't think the settlement agreement
22 totally addresses water quality issues. Lake Wateree has
23 been impure lake, as defined by the Regulatory Committee
24 that looks impure lakes.

25 We got too much phosphorous that we get from

50

1 Charlotte and so we're working on that but dissolved oxygen
2 and other things that are critical, relate to the flow
3 through the lake and I think with this IBT that didn't go as
4 much water, there should be more water that maybe get some
5 more flow through Lake Wateree and ensure that the dissolved
6 oxygen level is adequate and it ought to be addressed.

7 It's just really not addressed. They're not
8 making real commitments to numbers that I can see in the
9 water quality issue.

10 Third area I have a little bit of concern with is
11 in the area of Public Land Preservation and Recreation and I
12 think Donna already spoke to that issue to some degree about
13 using, requiring some tax dollars from local agencies to
14 support some of those initiatives.

15 And if you look at the budgets of all the
16 counties and what they're trying to do with the taxes, there
17 is significantly less dollars there than there is in the
18 operating budget that Duke has to deal with.

19 I think they can do some of that without

20 requiring participation by state or county agencies. Other
21 than that, an awful lot of work has gone into the document
22 and there are a lot of good things but it's not as good as
23 it can be.

24 Appreciate the opportunity to tell you what we
25 think. Thank you.

51

1 MS. CONNER: Are there anybody else who would
2 like to speak tonight?

3 (No response.)

4 MS. CONNER: Thanks.

5 MR. MURPHY: Okay, what's next is, we will be
6 taking everybody's comments that we got, written and
7 transcribed, and we will be producing a second scoping
8 document. We didn't think we'd get away with just one this
9 time. That should be coming out in June and it should
10 include everybody's suggestions.

11 We just had our Agency meeting today so we've got
12 a large list of things that we're going to be working with.
13 We have an aggressive schedule to put out a Notice of
14 Environmental Assessment, Notice of Ready for Environment
15 Assessment in August, and a proposed time to issue a draft
16 EIS in November.

17 Does anybody have any question on the process?

18 (No response.)

19 I'm going to be three for three. Okay. Thank
20 you very much for coming tonight. If you do have questions
21 and you just didn't want to speak up, you can come find one
22 of us and we'll see what we can do to give you an answer.

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WHEREUPON MEETING ADJOURNED

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