

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

<b>Alcoa Power Generating Inc</b>	)	<b>Project No. 2197-073</b>
	)	
	)	<b>Yadkin</b>
	)	<b>Hydroelectric Project</b>
<b>Stanly, Davidson, Davie, Montgomery, and Rowan Counties, North Carolina</b>	)	<b>New License Application</b>

**MOTION TO INTERVENE BY  
SaveHighRockLake.org**

**October 12, 2006**

Pursuant to Rule 214 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 C.F.R. § 385.214, SaveHighRockLake.org, ("SHRL") respectfully moves to intervene in the above-captioned proceeding. By this motion, the Movants seek to ensure that the Commission's decision with respect to the project is in the public interest.

**DESCRIPTION OF MOVANTS**

SaveHighRockLake.org is an organization formed in 2002 specifically for the purpose of representing the interests of qualified recreational stakeholders in the relicensing of Project 2197. With almost 9000 members, SHRL is by far one of the largest Non Governmental Organizations that actively participated in the relicensing negotiations process of Project 2197. Nearly one hundred percent of our members are recreational users of High Rock Lake or area residents, many owning property directly adjacent to the project. All of our membership will be directly affected on a daily basis by the final decisions of the Commission.

SHRL has devoted thousands of man hours to truly representing the wishes of the citizens of North Carolina. We actually asked the citizens of North Carolina what changes they thought should be made at the project. We then participated in almost every Issue Advisory Group to

insure all of the studies performed adequately addressed the issues North Carolina's citizens told us were most important to them. Throughout the IAG and negotiations process the SHRL representatives remained focused on requesting changes that would ensure the Yadkin Project will be “best adapted to a comprehensive plan for improving or developing a waterway”. Our goal is simply to insure the future operations of the project properly consider the rights of North Carolina’s citizens directly impacted by the terms included in the new license and the future operation of the project.

## **GROUNDS FOR INTERVENTION**

SaveHighRockLake.org is entitled to intervene in this proceeding because the operation of Project 2197 has a direct and continuing impact on our members. Our participation as the Authorized Representative of these members is in the public interest to protect our waterway and our legitimate stakeholder interests in Project 2197. There is currently no Agency or Governmental Organization adequately representing the interests of the SHRL membership. After more than three years of active participation in the relicensing process, it has become apparent that many of the Agency representatives with statutory authority are among those seeking other concessions from APCI that are NOT directly related to the protection, mitigation or enhancement of the natural resources impacted by the existence and operation of the project. These interests outside the boundaries of the project have been exploited by APCI in the negotiations process, resulting in an Agreement In Principal that contains the ABSOLUTE BARE MINIMUM of operational changes necessary within the project to address the major issues documented in the studies performed. APCI continuously refers to those who signed the AIP as a “Super Majority” (75%) of the stakeholders groups that participated in the negotiations process. Interestingly enough, the “Super Majority” of the groups representing ONLY interests that ARE directly affected by the daily operations of the project for the term of the new license have chosen NOT to sign the AIP.

## **STATEMENT OF POSITION**

SaveHighRockLake.org feels the Agreement In Principal submitted to FERC on 8/28/2006 inadequately addresses the following issues at High Rock Lake:

### **Operations**

- 4 foot drawdown is 100 % more than the current average drawdown in July.
- 10 foot drawdown is greater than 62% of the average depth of High Rock Lake.
- No “Target” operation levels are specified
- No guidelines for maximum allowable fluctuation per day or week.
- No terms requiring any discharge curtailment until the absolute limits are reached
- No scientific basis/support for 10 foot winter drawdown
- Discharge “restriction” from High Rock Lake when the absolute limits are reached is 25 percent greater than the TOTAL discharge requirement from the project
- No correlation between the operation of High Rock Lake and other Project reservoirs

### **Recreation / Public Safety**

- Almost 100 percent of the “licensed” private recreation facilities (approximately 2883) are unusable at 10 foot drawdown
- At 10 foot drawdown, 50% of public boat launches are unusable and another 25 % are marginal with less than 4 ft water depth at the end of the ramp
- No provisions to address unmarked boating hazards created by 10 foot drawdown.

### **Water Quality**

- High Rock Lake is already listed by the State of NC as impaired.
- No specific provisions to address the water quality problems in High Rock Lake.

### **Fish Habitat**

- 4 foot drawdown completely dewateres 66 percent of the identified High Quality fish habitat at High Rock Lake.
- 10 foot drawdown completely dewateres all of the identified High Quality fish habitat.
- 10 foot drawdown prevents the establishment of desirable aquatic vegetation along the shoreline and routinely kills vegetation that does emerge.

### **Wetlands**

- Significant portions of the important wetlands in the upper reaches of High Rock Lake are partially to totally dewatered under the proposed 4/10 foot operations proposal.

### **Impact to Duke Power Co.'s 369 MW Buck Steam Plant**

- Duke Power has documented the impact of 10 foot drawdowns at High Rock Lake, requiring them to take one or more coal fired units offline.
- Independent “peaking” facilities should NEVER have the ability to diminish the local Public Utilities’ “Base Load” capacity of the grid.

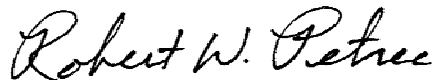
### **Proposals for Non Project land sales**

- Not subject to FERC jurisdiction
- Used to persuade Agency representatives with statutory authority to compromise on PM&E measures directly within the project boundaries.
- Shifts focus of compliance with the Environmental Policy Act and Electric Consumers Protection Act of 1986 away from the directly affected waterway.
- Is NOT relevant to the concept of “best adapted to a comprehensive plan for improving or developing a waterway”

## CONCLUSION

SHRL simply asks that the intent and terms of the Electric Consumers Protection Act of 1986 and the Environmental Policy Act be honored. We ask that recreational interests within the project be given “equal” consideration and North Carolina's natural resources be well protected in exchange for the free use of them to generate hundreds of millions of dollars annually in corporate profits. As the “chosen” Authorized Representative of one of the largest block of stakeholders directly impacted by the operation of Project 2197, SaveHighRockLake.org respectfully requests the Commission grant our request to intervene in the above captioned proceeding.

Respectfully Submitted

A handwritten signature in black ink that reads "Robert W. Petree". The signature is written in a cursive style with a large, prominent initial 'R'.

Robert W. Petree  
Chairman of the Board  
SaveHighRockLake.org