

## Pete Petree

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**From:** Karen Baldwin <kbaldwin@cubecarolinas.com>  
**Sent:** Monday, March 06, 2017 11:59 AM  
**To:** Pete Petree  
**Cc:** Karen Baldwin  
**Subject:** RE: FERC License questions

Pete, it was good to see you at the High Rock River Rats monthly meeting last Thursday. Thanks for sharing Cube's March 1, 2017 letter regarding ongoing implementation of the Yadkin Project Shoreline Management Plan (SMP) on your [www.SaveHighRockLake.org](http://www.SaveHighRockLake.org) website.

Per your request, I reviewed Articles 407 and 409 of the new Project license, and offer the following additional information. Article 409 is FERC's "Standard Land Use Article", which FERC includes in all license orders; it is not intended to be Project specific and is subject to other specific license conditions. This standard article gives the licensee authority to act on relatively routine shoreline matters without Commission approval and to permit specific non-project related uses. This standard article was Article 35 in the Project's first FERC license. In fact, the Yadkin Project SMP was developed based on this authority granted by FERC in the license.

Article 407 is Yadkin Project specific and requires the licensee to continue implementing the SMP as modified and approved by the Commission (FERC) in 2000. The current SMP must remain in effect until FERC approves a revised SMP, which is also required by the Article.

In summary, Article 409 allows Cube to permit private recreation facilities, for example, without prior Commission review or approval, but the Yadkin Project SMP supersedes that as it establishes criteria and a process for permitting private recreation facilities, which FERC approved in 2000. Cube is not able to change these criteria or process until FERC approves a revised SMP.

Karen

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**From:** Pete Petree [mailto:pete@highrockers.com]  
**Sent:** Friday, March 03, 2017 2:23 PM  
**To:** Karen Baldwin <kbaldwin@cubecarolinas.com>  
**Subject:** FERC License questions

Hi Karen,

I have updated my news page on the SaveHighRockLake.org web site to include a brief update on the meeting last night as well as my questions concerning what I perceive as conflicting information concerning Articles 407 and 409 of the new license and the requirements concerning the SMP. Instead of retyping it all you can just go to <http://savehighrocklake.org/news> and see it there so you will also have access to all of the referenced documents.

Thanks,  
Pete Petree