

**Western Piedmont Council of Governments  
Agreement-in-Principle (AIP) Dissension Statement  
April 13, 2006**

The WPCOG supports the AIP with the understanding:

**Section 4.0 Instream Flows for Aquatic Habitat**

That since the mitigation package is not complete or agreed upon by either state at this time, the package will be developed such that it meets each both state's obligations and specifically that the draft terms for the conservation easements are redrafted to fulfill the purpose of conservation, water quality protection and allow for guaranteed public access.

Final flows will fulfill the requirements for water quality certification as stated in Sections 4.1.1 and 4.1.3.

We have strong reservations about the shortsightedness to provide for enhanced flows below Lake Wylie Dam in future years as migratory fishes become more abundant in this section of the River. Because at least two resource agencies have indicated the need for these enhanced flows, we believe it is critical to account for these flows now, rather than amend, renegotiate or jeopardize the termination of the Final Agreement (FA) after those flows are imposed. We support the options identified by the Catawba-Wateree Relicensing Coalition as viable ways of proactively addressing this issue.

**Section 10.0 Public Education Plan**

That consistency will be developed within this section of the FA to clearly identify Duke Energy or Duke Power as the licensee.

We understand that entities purchasing land with support from the licensee will still be able to request, and be granted, reasonable extensions beyond December 31, 2006 for putting those lands under option as outlined under Section 10.1.22.

We have major reservations about the large number of conditional amenities identified throughout Section 10 that will be realized only if governmental entities agree to become signatory parties to the FA. While we recognize the desire of the licensee to reward signatories to the FA with additional facilities, we contend that regional recreation interests will go unrealized if actions by a governmental entity result in that entity not signing the FA.

**Section 14.0 Other Resource Enhancements**

We have major reservations with the licensee's attempts to condition certain enhancements on obtaining a 50-year license from the FERC when length of license term is not within the stakeholder's ability to negotiate.

**Section 16.0 Miscellaneous Agreements**

That a procedure for amending and withdrawing from the FA, to be completed in Section 17, provides a clearly defined process that is understood and acceptable to stakeholders should additional prescriptions be required from one or more jurisdictional agencies.

Under 16.2.2.2 we have major reservations concerning the licensee's intent to inhibit or prevent public comments by FA signatories regarding the states' 401 water quality certification requirements.

Per Section 16.5, should a jurisdiction body take actions that are considered inconsistent with the FA, then the specific issue in variance with the FA should be re-negotiated independent of, and without jeopardizing other unrelated sections of the FA.