

## Relicensing Duke's dams

*Process can bring diverse interests to the table to tackle issues*

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Almost 100 years ago James Buchanan Duke, with partner Gil Wylie, began building the first dam on the Catawba River. Electricity was coming to the Carolinas. Nowadays we rarely think about where our electric power comes from. But some of it is still generated from that first dam on Lake Wylie. By 1960 Duke had built 13 hydro stations on 11 reservoirs which now make up the chain of lakes that once flowed as a river.

Those lakes have proved an economic boom to our region. They also provide the cooling water for Duke's coal fired plants and their two nuclear plants. They provide drinking water for most of us. And they provide transportation and assimilation for our sewage.

But dams aren't forever. They are licensed by the Federal Energy Regulatory Commission (FERC) and must be renewed every 40-50 years. Duke's license to operate its dams on the Catawba River expires in 2008. The relicensing process can be long and complex. It has evolved from a process designed to facilitate building dams to one requiring consideration of a broader range of interests.

Things are different than they were when Duke's 1958 license was issued. In the past, the only entity that took a view to managing the 225 miles of river was Duke, which managed it from the point of view of producing electricity profitably. Now, demands from two states, 17 counties, 22 municipalities and close to 2 million people require more places at the river management table. We have a once in a lifetime chance to negotiate how those places look for the next 50 years.

The relicensing timeline

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looks something like this: Duke will file its notice of intent to apply for a license renewal by August 2003. State and federal agencies will be consulted regarding environmental, wildlife, recreation and water quality issues. Some of these agencies have a "mandatory conditioning authority," which means Duke must incorporate their recommendations. Others can make their case for improving conditions, but they can be ignored. Studies will be requested. Negotiations will take place. Specific measures to enhance, protect and mitigate will be agreed on.

Toward the end of 2006, Duke will file its application, including any settlement agreements with agencies and other stakeholders. Then, in one version of the process, the "traditional process," the FERC will produce an environmental assessment and invite comments. This often begins a long period of contention, intervention and litigation. Some people will want to restore increased flows below the dams; some will want to remove some of the dams or have Duke build bypasses so fish can once again swim up the river to spawn; some will want guarantees of lake levels; some will want land preserved from development in order to protect wildlife; some will want improved recreational opportunities for local citizens. All these are possible outcomes.

In another version of the process, the "alternative licensing

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process," the environmental assessment phase is carried out before the filing of the application and is done in consultation and collaboration with the diverse stakeholders in the river basin. When this version has been used elsewhere, the result has generally taken much less time with far less litigation and less total expenditure, and the enhancements are put in place earlier. In either process if parties cannot agree, the old license gets renewed on a year-to-year basis, delaying any new protective measures.

Which method will Duke use? We don't know yet. But there is an active coalition of stakeholders who have formed a nonprofit corporation and provided a series of educational conferences for the public. The Catawba-Wateree Relicensing Coalition has been supported by state and federal agencies and encouraged by the FERC.

What is at stake? When the original licenses were issued, there was far less concern for environmental impact. Now, with the explosive increase in population and development, the quality, quantity and accessibility to our water is at stake. Duke, through its subsidiary, Crescent Resources, has been the prime developer of waterfront subdivisions. Duke is also responsible for the amount of dissolved oxygen, critical for water quality, that is left after leaving its plants. And they are mandated to provide adequate recreational access and to consider interests of all water users.

The relicensing process can serve to get diverse interests to the table and tackle issues together for a better, long term management of this great asset, the Catawba River. The river, after all, belongs to us.

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