

Catawba-Wateree Relicensing Coalition
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Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

14 February 2003

**RE: CATAWBA-WATEREE HYDROELECTRIC PROJECT
FERC PROJECT NO: P-2232-428**

**COMMENTS PURSUANT TO NOTICE OF AVAILABILITY OF
DRAFT ENVIRONMENTAL ASSESSMENT DATED JANUARY 17, 2003**

Dear Secretary Salas,

The Catawba-Wateree Relicensing Coalition (CWRC) submits the following comments pursuant to the above captioned Notice which relates to Duke Energy Corporation's Shoreline Management Plan update currently under review by the Federal Energy Regulatory Commission. That plan was filed July 30, 2001, and supplemented on September 1, 2001, June 17, 2001 and July 31, 2002. The Draft Environmental Assessment has been prepared by Commission staff in accordance with the National Environmental Policy Act of 1969, as amended and the Federal Energy Regulatory Commission's regulations (18CFR Part 380).

The CWRC submits these comments timely, within 30 days of notice of availability, referencing "Catawba-Wateree Hydroelectric Project, FERC Project No. 2232-428. These comments are filed electronically according to 18 CFR 385.200(a)(1)(iii).

SUMMARY

The CWRC agrees that the 2001 Shoreline Management Plan (SMP) revision is a slight improvement over the 1996 plan. However we have concerns over enforcement of the plan and its guidelines. Additionally we feel that the classification maps that have been approved, but are inseparable from the entire SMP, do not conform to the requirements of the SMP.

Assessment of environmental impacts from the new classification system relied on shoreline use percentages provided by licensee. We feel that those use percentages demand further scrutiny since the inclusion of islands as part of total shoreline miles as well as previous undeveloped and unclassified lands has made comparisons difficult and in some cases misleading.

While some of the methods proposed by the licensee such as the Shoreline Stabilization Techniques Selection Process, the Access Area Improvement Initiative and the Impact Minimization Zone appear to increase protection of project resources, we find no means have been offered to measure whether they are producing the benefits they are designed for.

Therefore we request that the Commission ask Duke Energy Corporation to provide increased resources for enforcement, monitoring and reporting; that the Commission conduct a site visit to observe first hand how effective the guidelines are; and that the Commission require licensee to work with agencies and stakeholders to resolve classification issues and

guidelines for conveyances in narrow coves. Further requests follow and are summarized and listed in the conclusion.

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 - 1. Shallow Water Fish Habitat
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COMMENTS

A) Introduction

We agree with the Commission's determination that the licensee's proposed revision of the Shoreline Management Plan (SMP) "provides for greater control and monitoring of shoreline uses." And that "Overall, environmental resources are expected to be moderately enhanced with the implementation of the revised SMP compared to the 1996 SMP."¹ The Commission also notes that "Adherence to the SMP resource protection measures and existing Federal, state and local regulations, and permitting requirements would adequately protect project resources." Our comments will focus primarily on this last statement which consists of one condition (adherence) and one conclusion (adequate protection). We will address those separately.

1) ADHERENCE:

One of the problems we have noted in the past is the limited resources Duke Energy has committed to enforcing its SMP. Lake Norman for example contains 591 miles of shoreline and only two staff are dedicated to reviewing applications and enforcing shoreline guidelines. We are personally aware of instances of unapproved piers being installed with no permit. Contractors installing shoreline stabilization devices are commonly seen damaging adjacent

¹ Summary of the Environmental Analysis, page ii

“protected” areas and violating the Impact Minimization Zone. In addition, on more than one occasion, dredging operators have been seen dumping dredge spoils into the lake. In 2000 a sewage outfall line was installed prior to approval by the FERC². It is only after citizen involvement and insistence that many of these problems have been corrected. We request that the Commission require the Licensee to show it has committed increased and sufficient resources to alleviate these adherence problems. One example would be for licensee to add an environmental inspector who works with municipalities and developers before approval of projects as well as during development to ensure adherence to agreed guidelines. This was in fact promised by the licensee several years ago but never implemented.

Since the licensee has no control over how “Federal, state and local regulations” are enforced, it becomes especially important that they enforce their own.

In licensee’s Shoreline Management Plan on page 17 several processes used for its classification system are listed including “Shoreline cove areas that widened from the head toward the mouth, but then reduced down to a width of less than 200’ had the shoreline from the head of the cove through the point of constriction classified to preclude future Commercial/Non-residential and Commercial/Residential development.” This does not appear to have happened. We have noted coves that have one of the Commercial classifications that should fit this criteria of preclusion but nonetheless have been so classified. While we understand that it is difficult to measure full pond contours exactly, we request that the Commission require Duke to reassess all coves to ensure the classifications do not breach this condition and that their classification scheme adheres to its guidelines.

The next section deals with the issue of whether full adherence the SMP would “adequately protect project resources”, and if the protective measures are sufficient to fulfill the purpose of the SMP to comply with modern law and standards requiring environmental protection.

2.) ADEQUACY OF MEASURES TO PROTECT PROJECT RESOURCES

a) “Narrow cove” definition and restrictions

Even if licensee’s conditions were adhered to we feel that the 200’ constriction is inadequate to protect the natural resources of narrow coves. Further, the 200’ width is based on full pond which is rare with lake levels usually several feet below. But even at full pond, 200 foot wide coves are not large enough to accommodate commercial marinas as was recognized was recognized in the FERC Order dated December 1, 2000, Project No. 2232-393, page 34, that “we expect the licensee to continue consulting with the Lake Norman Marine Commission (LNMC) and the Riverkeeper regarding their specific concerns”. These concerns are that commercial classifications allow multiple pier slips (marinas), in addition to

² RE: Project 2232-402; Mid South Water Systems

fueling services in some cases. The allowance of these multiple boat docks causes excessive boat traffic resulting in safety problems in a restricted area, increased gasoline spillage in areas with limited stream flow, increased wave action resulting in erosion and loss of habitat, and potential dredging for the marinas that cause environmental damage that may never recover. When these multiple docks are installed in narrow coves they virtually eliminate safe swimming for residents. The LNMC has tried for years to obtain a restriction on Commercial classifications in coves less than 500' wide and suggested specific language to do this as described in your Order.

We agree with the LNMC that this is a significant problem and request the Commission review these classifications and their impact on the natural resources of the river and require less intensive uses in narrow coves. Therefore we request the Commission work with licensee, state and Federal agencies, the Marine Commissions, the Riverkeeper and other NGO's to agree a definition of narrow coves and the restrictions on development in them. While we fully intend to argue for this during licensee's upcoming relicensing process, we feel time is of the essence since these coves continue to be developed at a rapid pace. The Commission's timely assistance in directing a reasonable time-table could create a solution to this critical matter. It should be noted that the LNMC, with help from the licensee on individual developments, has been able to obtain some of the changes requested. However, we believe this "informal" effort should be developed into consistent and appropriate language so that the licensee, developers, municipalities and responsible agencies are aware ahead of time of what is likely to happen and that the SMP and the Guidelines reflect this.

b) Shallow Water Fish Habitat Study and Maps

1. Shallow Water Fish Habitat Study:

The determination of valuable fish habitat was an important step in protecting areas of the shoreline. However due to three reasons it appears that the results may not be as beneficial as anticipated. Those reasons are: 1) Poor practices including those mentioned above, and allowing dredging and development of shoreline areas immediately adjacent to the SWFHS; 2) lack of a buffer between the protected area and construction of hard seawalls and destruction of vegetation; 3) Commercial-nonresidential classifications in narrow coves allowing marinas with high boat traffic resulting in damaging wave action and added pollutants (gasoline and additives) in a confined area. All these conspire to defeat the goals of classifying heads of coves as environmentally protected. The CWRC requests two actions: 1) The Commission conduct a site visit to observe these impacts; 2) the licensee conduct a study in concert with US Fish and Wildlife and the state wildlife resource agencies to determine the effectiveness of the current shoreline classification system in adequately protecting shallow water fish habitat.

2. Classification maps:

The Commission notes that the classification maps “are an integral part of the SMP and are the heart of the proposed action”.³ We agree and are disappointed that the maps were approved prior to full consideration and approval of the entire SMP. We believe the maps failed to fulfill licensee’s duty to manage the resources of the project in a balanced manner.

The most significant change from the 1996 SMP maps is the classification of the undeveloped land into future use categories. Since the total shoreline miles have increased due to inclusion of the islands and better measurements, all percentage comparisons will be somewhat inaccurate but we will use the tables provided by licensee to indicate changes in the maps.

In 1996 23% of the shoreline was undeveloped. This undeveloped shoreline has been added to and classified so that in the latest maps there is an increase of 29.8% to the classified shoreline in the “future use” categories. Of this, 18.9% is classified as Commercial-non residential or Commercial-residential which allows construction of marinas with multiple pier slips and commercial operations. This compares with a total of 8% of the total shoreline in 1996 with those classifications and 3.1% in the 2000 maps with those existing classifications. This is a dramatic increase in percent of shoreline designated for the most intensive uses. Duke Energy states that it always considered the undeveloped areas as potential for development, but if it were to remain consistent with past practice and with public expectations, the classification of undeveloped land would have been more balanced. The total percentage of residential classification has gone down from 47% in 1996 to 34.4% in 2000 with only 4% added for future use. The recreational classification has slipped from 3% in the 1996 maps to 0.5% in 2000 plus 6% “future” which comes primarily from the inclusion of islands in this classification. Islands of course are inaccessible to people without boats and to animals that don’t swim or fly. The 23% potential undeveloped shoreline (376 miles) that could have been classified as public recreation was instead primarily classified for Commercial development. Whereas we understand that the word “balance” may not mean 50-50; it surely means something other than 0.5% for public recreation plus the nominal inclusion of the islands.

We are pleased to see that the amount of shoreline classified as “environmental” or “natural” has increased from 15% to 24%, but we are disappointed to realize that this gain is largely from inclusion of riverine stretches that were not included in the 1996 classifications, islands, and small fragmented areas that are not fully protected from development impacts as we outlined earlier. Until a thorough and detailed study of each lake is conducted, we feel that the lumping of all the shoreline miles and use of gross percentages does not represent the damage done to the character of the lakes and the river. The approach taken by Duke may work on paper, but it does not represent reality on the shorelines. Therefore we request that

³ DEA Page 5

the Commission direct the licensee to undertake a study to determine a suitable balance of uses for each lake based on needs of the local populations of wildlife and people. In addition we request Commission staff conduct a site visit to inspect the real impacts of these classifications.

The Commission notes that once the undeveloped 23% of the shoreline was classified, it resulted in an increase from 16% to 27% of protected shoreline. Included in that 27% is 3.3% IMZ which as noted above does not offer any real protection since hard seawalls and even concrete ramps can be constructed in those areas. The percentages also disguise the fact that between 1996 and 2000 the shoreline “grew” by adding over 90 miles of island shoreline.⁴ This is roughly a 6% appreciation of land almost all of which is classified as future public recreation, IMZ, natural or environmental. Much of the increase in these classifications therefore is merely due to adding the islands.

On the shoreline itself, the ratio of environmental and natural classifications to commercial-non residential and commercial residential went from 16% protected and 8% commercial to 24% protected and 21.1% commercial including both existing and future use classifications. While there was once twice as much protected shoreline as commercial, now there is only a 1.4% difference. If we convert all these percentages to miles and then extend the ratios from the 1996 maps onto the unclassified and undeveloped land that then comprised 23% of the shoreline, we find the future would have resulted in 170 miles (9.8%) of commercial use classifications. But instead, Duke has classified 379 miles (22%) as commercial and the Residential classification, a far less intrusive classification, was reduced from 47% to 34.4%. We feel this is an unjustified change in the character of the shoreline that has been masked by highlighting the small increase in protected areas. The commercial classifications are the most intrusive and damaging since they allow multiple pier slips crowding boats in narrow coves. Neither the public nor the wildlife are served by this practice. It is difficult to imagine the logic used by licensee in classifying so much shoreline, including narrow coves, as commercial. since the primary beneficiary of this slant toward the Commercial classifications would be an upland land owner who can sell boat slips with non-waterfront lots for a premium. We feel the Environmental Assessment should have weighed these classifications against a more balanced and less environmentally damaging alternative. The licensee should have no stake in the density of allowable development except to allow only so much as still protects the resources of the river and the efficiency and safety of hydropower operations.

Finally we note that the percentages and miles on the tables reproduced in the Commission’s DEA are not consistent. For example, the percentage of future Commercial-non residential shoreline miles for the 2000 maps on the table on page 6 is 11.5% while the table on page 7 it

⁴ total shoreline miles in 1996 was approximately 1635; in 2001 it was stated as 1727 with islands added

is 10%. Before the SMP is approved we request that an accurate reconciliation be conducted by licensee so that these inconsistencies are corrected and the public is informed of the true situation.

c) Shoreline Stabilization Techniques Selection Process

The Commission quotes licensee's assertion that this process "affords each stabilization application a consistent review, generally favoring the use of less hardening stabilization techniques." Observational evidence shows that virtually no new developments along the shoreline have used biological or "less hardening" stabilization techniques. Hard seawalls, made of cement are the rule with rock walls being second in popularity. We request licensee provide evidence of any difference that the SSTSP has made in the choices of erosion control. This appears to be a protective device that suggests an outcome on paper but has no effect on the shoreline. It should be incumbent on the licensee to show that its provisions do what they are designed to do. We request the Commission require licensee to track the use of and effects from the SSTSP and file a report showing how many applications went through the process, how many chose less "hard" alternatives, and how that compares to stabilization techniques used prior to or without the process.

d) Access Area Improvement Initiative

The DEA notes that Duke says they have entered into partnerships at 13 access locations. In the SMP, Duke states that prior to the AAIL they had entered 13 agreements for public parks. They also give an accounting as of June 2001 regarding progress in attracting new partners with the AAIL. It is unclear to us whether there are actually any new partnerships or whether the "13" is the same "13" that had agreements prior to the AAIL. We request that licensee provide current information on the effectiveness of the AAIL in providing recreational areas for the public with a report showing the number of inquiries, how many pending, how many preparing plans, how many accepted, how many declined and the specific nature and scope of improvements we can expect.

e) Riparian Education

Prior to issuance of the Environmental Impact Statement, we request that Duke provide a method of monitoring this to assess impact and effectiveness in educating the public and the degree of adoption by the public of voluntary measures.

f) Shoreline Management Guidelines

We agree that the Commission should reserve the right to review and deny or approve any modifications to the guidelines taken by Duke and that Duke should not have a unilateral right to modify these guidelines. Further, we request a definition of major and minor changes to the guidelines and that in the case of a major modification, that the public be given notice and an opportunity to comment.

3) COMMENTS ON SECTION VI: ENVIRONMENTAL ANALYSIS

a) Geology and Soils:

The Commission concludes that the revised classification system is not expected to impact geologic conditions “if the potential for erosion is mitigated as discussed”. We agree but reiterate our concern over adherence and enforcement by the licensee of its own guidelines. The Commission also notes there will be unavoidable loss of vegetative cover due to the development of parking areas associated with boat ramps, marinas and related facilities. This upland development by the licensee would affect aquatic resources, terrestrial resources, aesthetic resources and potentially cultural resources. Past development of access areas by the licensee is clear evidence of a disregard for using its SSTSP and a disregard for mitigating environmental damage. Areas include hard seawalls, concrete structures and large paved lots with no vegetation preserved to break the flow over the impervious surfaces. We request that the Commission direct licensee to build and maintain access areas in a state of the art manner with parking surfaces constructed so that absorption is possible, islands of trees and vegetation remain, and minimal disruption of natural shoreline takes place.

b) Water Resources:

The Commission notes that undesirable water quality effects would likely be mitigated if the SMP guidelines are adhered to during development of the shoreline. Again, we reiterate that the adherence and enforcement of these guidelines is insufficient and request that the Commission require Duke Energy to commit to increased resourcing of this program and regular reports as to its effectiveness.

In particular, the construction by licensee of access area improvements or any other developments which may affect water quality, whether within the project boundary or adjacent to it, should be conducted so as to mitigate damage to the highest degree possible including limiting impervious surfaces and preserving buffers of vegetative cover in order to provide the most amount of filtration possible.

c) Fishery Resources:

The Commission notes that in the 1996 SMP, 45% of the total shoreline of the project was classified as environmental, natural or undeveloped and further notes the importance of these areas to fish and other aquatic communities.⁵ This number is outdated and bears little relevance to the situation today. As noted earlier, it is only 24% of the total shoreline, that is currently protected as environmental or natural. The Commission also includes 3.3% of the shoreline classified as Impact Minimization Zone in the category of “protected”. However, this protection is ineffective in providing the shoreline cover, woody debris or any

⁵ Page 23 DEA

undisturbed shoreline which is so important to aquatic species. Virtually anything can be constructed in those areas subject only to the time of year when the most disruption occurs. Once the concrete ramp or seawall is in, that habitat is lost forever. Therefore we disagree that the IMZ affords any meaningful protection.

The Commission states that “development of the shoreline would result in incremental losses of some shoreline fish habitat (including spawning and nursery areas) and invertebrate food sources, for naturally reproducing populations of game and forage fish species, however most such areas are off limits for development.” We disagree that most such areas are off limits for development, since only a fragmented few are minimally protected from the influences of adjacent development. Further, dredging is allowed in shallow areas from early summer which before hatching of some fish species with nests in those areas.

The Commission cites comments from the DOI, specifically its recommendation that Duke “undertake a more robust monitoring effort to track shoreline vegetation changes, woody debris abundance and distribution, and corresponding fish and wildlife populations.” DOI suggests 6 categories for such monitoring. We are disappointed that the Commission’s response to this request is to note that “identifying and finding reference sites for comparative purposes would be very difficult” and relies on Duke’s “commitment” to protecting habitat. We feel this is insufficient and should be subject to review.

The Commission concludes this section by noting there would be “incremental cumulative fish habitat loss and degradation resulting from the gradually increasing alteration of shoreline vegetation and cover, increasing point and non-point source pollution, and associated increases in sedimentation, turbidity and nutrient enrichment.” We feel the word “gradual” does not reflect the true situation and point out that shoreline development has increased at an unprecedented pace over the past 5 years resulting in a far greater impact on fish habitat. We therefore request that Duke undertake studies as recommended by the DOI to track the existing and projected cumulative impacts of this more rapid development on fish populations.

d) Terrestrial Resources:

The Commission states that there is the “potential for natural habitat to exist even in areas where residential or commercial development occurs upland of the project reservoir.” and, “It is unlikely these areas will be fully developed over the remaining license term.” We again request that Commission staff conduct a site visit. While it may be true that certain of the reservoirs will not be fully built out within the next 5 years, there is every reason to believe that the reservoirs close to urban areas will be built out soon and this “potential for natural habitat” will be lost forever.

In the previous section we wrote about the effects of classifying undeveloped areas of shoreline while adding the islands to the percentages. While the islands will afford some habitat for fish and birds, they do little if nothing for terrestrial species who are losing their access to the lake and natural wildlife corridors. For this reason we again reiterate our concern for the increase in Commercial classifications and the shifting of protected and recreational areas to the islands.

e) Recreational Resources:

The SMP contains 1/2 of 1% (8.9 miles) of shoreline classified for public recreation. Classified for “future” public recreation are an additional 97 miles. We believe that these 97 miles came primarily from the classification of the islands as Future Public Recreation which done little if anything to increase the availability of the recreational resources of the project. The islands are accessible only to those who have boats and are useless to bank fishermen, swimmers, hikers, those with disabilities and anyone whose access to the water is via the true shoreline. We request that the Commission review licensee’s percentage of Public Recreation “shoreline” in this light. We note that licensee is constructing one fishing pier accessible to those with disabilities and one canoe launching facility. This is insufficient for a project this size. The licensee’s plan for providing adequate recreational facilities fails to adequately accommodate diverse uses such as swimming beaches, hiking trails, canoe portages, and bank fishing.

The licensee plans to improve certain of its access areas with paving roads and parking areas. These paved areas will increase run off into the reservoirs and further diminish terrestrial habitat. We request that the Commission review these proposals and require licensee to construct any access areas improvements in an environmentally friendly manner with porous surfaces wherever possible and with tree and vegetative cover left in place or planted. Several access areas such as Hagar’s Creek on Lake Norman scar the shoreline with their barren concrete surfaces sloping straight into the water. Neither a buffer nor aesthetic values were preserved. The licensee may state that it cannot control what other land owners do upland of the project boundary that may compromise the project’s resource values, but it can construct its own facilities in such a way as to model its stated goal of providing “for public and private access without destruction of the Project’s natural resources...”⁶

The Commission notes that licensee’s recreational projects may result in “longer term impacts” (page 36, DEA) but was unable to evaluate them due to the general nature of the proposals. We request that before an Environmental Impact Statement is issued and approved that the licensee provide more detailed descriptions of these projects.

g) Socioeconomics

⁶ Duke Energy Corp, Shoreline Management Plan Update 7/30/01, page 3

The Commission states that “overall, commercial and residential development allowed by the SMP is expected to have a beneficial effect on the socioeconomic condition within the project region”. While this is true in the near term, and especially for those beneficiaries of escalating land values adjacent to the project, it is also well known in other parts of the country that rapid overdevelopment of a fragile resource such as a reservoir can have deleterious effects to water quality and subsequently to property values. Polluted lakes are problematic sources for drinking water and can lose their capacity to assimilate sewage. The reservoirs along the Catawba river provide drinking water for over one million people and assimilate millions of gallons of effluent. Any loss of this capacity will have a negative socioeconomic impact. The lakes are also experiencing problems due to invasive species. When water quality degrades, boaters and fishermen go elsewhere and land values drop. The Commission also notes that the “improvements to public and private recreational sites may attract more visitors to the reservoirs and local areas resulting in additional revenues generated for business that cater to tourists.” Unfortunately the improvements are not the type that attract overnight tourists but are generally boat access ramps for day fishermen and water skiers.

C) COMMENT ON FINAL RECOMMENDATIONS FROM THE COMMISSION

We request that the Commission’s recommendation number (1) regarding the Shoreline Management Guidelines be modified to include its earlier stated condition that should Duke choose to make “refinements” to the SMP Guidelines, that “Duke should notify the Commission 90 days in advance of implementing such refinements, allowing the Commission to review the changes. The Commission reserves the right to change such refinements.” and that a definition of “major” and “minor” refinements be provided and that there is public notice of changes in the guidelines.

D) CONCLUSION

Adherence

We find lack of adherence to and enforcement of existing shoreline management rules to have contributed to shoreline management problems and environmental degradation. We reiterate our request that the Commission (1) require licensee to provide adequate resources to ensure the intentions of its SMP and guidelines are met, including an environmental inspector as outlined in section (1) above; and to require licensee to reassess the commercial classifications in narrow coves according to its own guidelines as stated in section (1) above.

Adequacy

In addition to the above requests, we have made several requests in our comments pursuant to improving adequacy of the SMP. Those requests are summarized and listed below.

- 1) That the Commission require the Licensee to show it has committed increased and sufficient resources to alleviate adherence problems including addition of an environmental inspector. (Section 1)
- 2) That the Commission require Duke to reassess all coves to ensure the classifications do not breach conditions and that their classification scheme adheres to its guidelines. (Section 1)
- 3) That the Commission work with licensee, state and Federal agencies, the Marine Commissions, the Riverkeeper and other NGO's to agree a definition of narrow coves and the restrictions on development in them. (Section 2-a)
- 4) That the Commission conduct a site visit to observe development impacts on Shallow Water Fish Habitat and other impacts of the current shoreline classification system and its enforcement. (Section 2-b-1)
- 5) That the licensee conduct a study in concert with US Fish and Wildlife and the state wildlife resource agencies to determine the effectiveness of the current shoreline classification system in adequately protecting shallow water fish habitat. (Section 2-b-1)
- 6) That the Commission direct the licensee to undertake a study to determine a suitable balance of uses for each lake based on needs of the local populations of wildlife and people. (Section 2-b-2)
- 7) That an accurate reconciliation be conducted by licensee so that inconsistencies in classification tables, shoreline miles and percentages are corrected and the public is informed with consistent and correct figures. (Section 2-b-2)
- 8) That the Commission require licensee to track the use of and effects from the SSTSP and file a report showing how many applications went through the process, how many chose less "hard" alternatives, and how that compares to stabilization techniques used prior to or without the process. (Section 2-c)
- 9) That the licensee provide current information on the effectiveness of the AAI in providing recreational areas for the public with a report showing the number of inquiries, how many pending, how many preparing plans, how many accepted, how many declined and the specific nature and scope of improvements we can expect. (Section 2-d)
- 10) That prior to issuance of the Environmental Impact Statement Duke provide a method of monitoring their Riparian Education program to assess impact and effectiveness in educating the public and the degree of adoption by the public of voluntary measures. (Section 2-e)
- 11) That the Commission provide a definition of major and minor changes to the guidelines and that in the case of a major modification, that the public be given notice and an opportunity to comment. (Section 2-f)
- 12) That the Commission direct licensee to build and maintain access areas in a state of the art manner with parking surfaces constructed so that absorption is possible, islands of trees and vegetation remain, and minimal disruption of natural shoreline takes place. (Section 3-a)
- 13) That Duke undertake studies as recommended by the DOI to track the existing and projected cumulative impacts of rapid development on fish populations. (Section 3-c)

14)That before an Environmental Impact Statement is issued and approved that the licensee provide more detailed descriptions of proposed recreational projects. (Section 3-f)

While we find that the currently proposed SMP is a slight improvement over the 1996 plan we also find the SMP is not consistent with Section 10(a) of the FPA because it does not appropriately balance development interests with public recreation, water quality, water supply and fish and wildlife habitat requirements. The SMP as proposed by Duke will lead to the long-term degradation of public benefits. Comprehensive review of the SMP, its shoreline classification and its potential impacts to public benefits is required.

We request the Commission conduct a full Environmental Impact Statement due to the scale of the SMP affecting 11 reservoirs in 14 counties over two states and 1727 miles of shoreline, and the potential for serious adverse effects on the human and natural environment.

Regards,

Victoria “Vicki” Taylor
President, Catawba-Wateree Relicensing Coalition