

**COMMENT
By The
HIGH ROCK LAKE ASSOCIATION**

**Submitted To
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

Docket #P2197-054
Applicant: Alcoa Power Generating Company, Inc.
Name of Project: Yadkin
August 28, 2002

The High Rock Lake Association is submitting this Comment to the Federal Energy Regulatory Commission (FERC) pursuant to its Notice dated August 1, 2002. The High Rock Lake Association has represented the users of High Rock Lake for over 40 years. We believe APGI's request for a reduction in stream flow of 900 cfs was an insufficient reduction. We believe the figure of 900 cfs was a compromise figure heavily influenced by the demands of SC representatives at the closed meeting held July 25, 2002. While we welcome any reduction which would preserve the job and economics of those dependent on the North Carolina Lakes, the health of our citizens and the fish and wildlife around the lake; we believe discharge from the Yadkin Project 2197 must be balanced with inflows during drought conditions.

The temporary approval of FERC allowing the average discharge of 900cfs during August has further depleted the reservoirs from the dangerously low levels that existed July 25, and there is no chance of preventing further damage if the 900 cfs discharge continues after September 15, 2002.

HLRA is requesting FERC's order to allow APGI to return to the conditions of its license after September 15, 2002. We read the license to require no more than 150 cfs average discharge after September 15 in order to satisfy its downstream agreements with Carolina Power and Light.

FERC should not put itself in a position of brokering water quantities between states. We do not believe that is the Federal Energy Regulatory Commission's chartered responsibility. South Carolina has no right to expect private companies or the citizens of North Carolina to suffer for the benefit of South Carolina industries, business, and tourism.

We believe SC has only the right to expect water quantities in the rivers entering its borders that reflect the natural stream flow created by Nature. We do not believe Alcoa or CP&L has an obligation or duty to compensate for naturally caused shortfalls in what SC deems to be "minimum acceptable flow rates". When North Carolina dams are operated to capture storm surges or other occurrences causing higher than average flow in North Carolina rivers, and discharges these surges over a period of time, then SC (with its absence of flood control structures) appears to benefit.

FERC has allowed the North Carolina Department of Environment and Natural Resources (DENR) to facilitate the discussions and control the flow of the Yadkin/Pee Dee River and they are doing an excellent job. We strongly urge FERC to continue to work with NCDENR to allow local monitoring of water releases and to find alternate solutions to South Carolina's problems

HLRA is particularly concerned by issues raised by the State of South Carolina (SC) in its August 23, 2002 comments on the subject docket.

The recommendation by SC to continue the variance of 900 cfs filed by Yadkin Inc- APGI after September 11th will result in total depletion of North Carolina lakes on the Yadkin River Basin under the current drought conditions being experienced in North Carolina. The following comments are specifically directed at statements contained in the document submitted by Chief Legal Counsel to the Office of the SC Governor on this docket dated August 23, 2002. Although our remarks are offered after the specified comment date, we trust FERC will

recognize our need to comment on SC's arguments and will consider our concerns.

WATER SUPPLIES IN SC

Although SC argues that it estimates that a stream flow of 900 cfs is needed in the lower Pee Dee to keep the Grand Strand, Georgetown County and Myrtle Beach from being in jeopardy of contamination by salt water, the facts thus far do not prove this to be true:

- Georgetown has already closed their intake. However they are buying water from Grand Strand Water and Sewerage to supplement their wells.
- The Grand Strand intake is 17 miles up the Waccamaw River and 12 miles from the salt line (August 26, 02). There has been no movement in the salt since the lowering of the river flow. They take all of their 30 million gallons per day from this intake. However they do have backup wells that produce about 15 million gallons, if needed.
- Myrtle Beach does not anticipate a problem. The salt is 6 miles from their intake (August 29, 02). If needed, they could supply six (6) million gallons per day to others.

SC INDUSTRY & BUSINESS CONCERNS

SC officials plead for more water in the Pee Dee River, alleging that "if flows decrease, additional costs will be incurred" {by industry}. This is an absurd argument, when draining NC lakes to satisfy SC demands would cause the private companies who own the dams in question to lose all income potential from these facilities, and cause tremendous economic impact to all business in NC that depend upon the Project reservoirs.

The HRLA has been unable to find any evidence of water use restrictions being mandated by officials in SC, in marked contrast to efforts by North Carolina to conserve our water supplies. People in SC are still golfing on irrigated golf courses, washing cars and otherwise using as much water as they like.

In North Carolina business are closing or hanging by their fingernails. Employees are losing their jobs. The lakes are unusable for recreation. Mosquitoes are breeding where there was water. Fish and wildlife are dying. North Carolina has mandatory water restrictions in many places.

If SC officials had exercised the foresight to construct dams for reservoirs on the Pee Dee River, such as the Kerr Scott Reservoir on the Yadkin, then perhaps they could better deal with their current anxieties.

SC Fish and Wildlife

SC presents a number of *POSSIBLE* scenarios that could result from low water in its rivers. If these scenarios concern FERC, then FERC should personally visit High Rock Lake to witness the *ACTUAL* effect of low water. The draining of High Rock Lake by APGI this summer has resulted in all the environmental problems feared by SC.

SC Navigable Waters

Just as in SC, navigation of waters in North Carolina lakes and rivers is important to commercial and recreational users. High Rock Lake is no longer accessible to commercial and recreational users, and SC demands would render our other lakes to the same condition.

REQUEST TO FERC

The High Rock Lake Association expects FERC to abstain from any modification to APGI's current license that would cause further depletion of Project reservoirs. Further, we would hope this review would afford FERC the opportunity to address APGI's deviation this summer from lake levels mandated by the Operating Guides in its licence and take steps to insure the recovery of proper lake levels in High Rock Lake. Given current conditions of low river flow, HRLA respectfully asks FERC to order impoundment of all water entering High Rock Lake that is in excess of APGI's obligation of flowing 150 cfs downstream of its project until the lake is returned to the 13 year

average elevation denoted in Part III , Figure 2-3 of the Operating Guidelines.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that I have this 29th day of August, 2002, served on these Comments via U.S. Mail upon all persons on the service list maintained by the Federal energy Regulatory Commission for Project No 2197.

Respectfully submitted,

Henry M. Boone