

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE BILL 1046**  
**Judiciary II (Criminal) Committee Substitute Adopted 5/8/07**  
**Third Edition Engrossed 5/14/07**  
**House Committee Substitute Favorable 7/11/07**  
**House Committee Substitute #2 Favorable 7/25/07**  
**House Committee Substitute #3 Favorable 7/15/08**

Short Title: Yadkin Project Study.

(Public)

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Sponsors:

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Referred to:

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March 21, 2007

A BILL TO BE ENTITLED

1  
2 AN ACT TO STUDY THE IMPACTS ON THE STATE OF NORTH CAROLINA OF  
3 THE POTENTIAL ISSUANCE OF A FIFTY-YEAR LICENSE BY THE  
4 FEDERAL ENERGY REGULATORY COMMISSION FOR THE OPERATION  
5 OF THE YADKIN HYDROELECTRIC PROJECT.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The Environmental Review Commission ("Commission") shall  
8 study the impacts on the State of the potential issuance of a new fifty-year license by the  
9 Federal Energy Regulatory Commission ("FERC") to Alcoa Power Generating, Inc.,  
10 ("APGI") in the FERC relicensing proceeding known as FERC Project No. P-2197. The  
11 Commission is authorized to consider and develop proposals regarding all of the  
12 following issues:

- 13 (1) The socioeconomic impacts of APGI's decision to discontinue its job-  
14 producing manufacturing activities at its Badin facility that relied on  
15 the use of low-cost power from the Yadkin Hydroelectric Project.  
16 (2) Assurance of an adequate, clean future water supply for the region.  
17 (3) The allocation of water for non-power uses from the Yadkin  
18 Hydroelectric Project.

19 **SECTION 2.** The Commission shall submit a report to the 2009 General  
20 Assembly no later than February 1, 2009. This report shall include findings and any  
21 recommendations, including legislative proposals that would assist in implementing the  
22 recommendations.

23 **SECTION 3.** Nothing in this act shall preclude the Governor or any State  
24 agency or department from taking any action necessary to protect the interest of the  
25 State in the FERC relicensing procedure known as FERC Project No. P-2197.

1           **SECTION 4.** The Department of Environment and Natural Resources  
2 ("DENR") shall, to the extent allowed by State and federal statutes and rules, and  
3 without delaying its decision, consider the report submitted by the Commission under  
4 Section 2 of this act in making any decision on an application for water quality  
5 certification requested by APCI in connection with FERC relicensing of Project No.  
6 P-2197. The report submitted by the Commission under Section 2 of this act shall be  
7 included in the information necessary to trigger the 60-day time limit for the Director's  
8 decision pursuant to 15A NCAC 02H .0507(a) and shall be promptly supplied to the  
9 Director of the Division of Water Quality in DENR upon receipt by the General  
10 Assembly. Failure by the Commission to issue a report by the date specified in Section  
11 2 will not prohibit DENR from making a final determination on such certification, nor is  
12 it the intent of the General Assembly to delay the processing by DENR of any such  
13 certification. Nothing in this act shall affect the authority of DENR to provide notices,  
14 request additional studies or information, conduct hearings, or issue or deny a 401  
15 Water Quality Certification for FERC relicensing Project No. P-2197.

16           **SECTION 5.** This act is effective when it becomes law.