

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2008-137
SENATE BILL 1046**

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

SECTION 5. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 18th day of
July, 2008.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 8:19 p.m. this 28th day of July, 2008