

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

South Carolina Electric & Gas Company Project No. 516

ORDER ISSUING NEW LICENSE

<Date>

Article 301. *Upgrade of Turbine Runners* – The Licensee shall, within twelve months after issuance of the license, file a schedule with the Commission for turbine upgrades. The upgrades shall include the installation of new turbine runners. The complete, detailed schedules for runner upgrades will be determined through an adaptive program described within the Comprehensive Relicensing Settlement Agreement.

Article 401. *Implementation of the Comprehensive Relicensing Settlement Agreement*: The Comprehensive Relicensing Settlement Agreement is approved as amended by the Commission and made part of this New License. The Comprehensive Relicensing Settlement Agreement is contained as part of this License.

Article 402. *Unit 5 Operation Subsequent to Unit Upgrades* – Following the completion of Unit 5 upgrade and performance testing, the Licensee within one year will coordinate with the South Carolina Department of Natural Resources (SCDNR) and U.S. Fish and Wildlife Service (USFWS) to determine operational changes that reasonably can be made to improve striped bass habitat within Lake Murray without adversely affecting the operating performance of Unit 5. The Licensee shall file a plan within 2 years thereafter, detailing such operating scenarios, including operation timing, frequency and duration with respect to Unit 5, that the Licensee, SCDNR and USFWS agree to be reasonable and which would be expected to produce material improvement of striped bass habitat within Lake Murray. The Plan will contain the record of consultation with resource agencies.

Article 403. *Lake Level Management* – The Operating Guide Curve filed with the Commission as part of the Comprehensive Relicensing Settlement Agreement is approved. The Licensee shall implement the Normal Reservoir Operating Guidelines as part of the operation of the Saluda Hydroelectric Project upon issuance of the license. In situations during which the Licensee is unable to meet/or follow the Normal Reservoir Operating Guidelines due to low inflow levels or normal maintenance or emergency response activities, the Maintenance, Emergency and Low Inflow Protocol contained within the Comprehensive Relicensing Settlement Agreement shall be followed.

Article 404. *Lower Saluda River Benthic Macroinvertebrate Monitoring and Enhancement Program*: The Lower Saluda River Benthic Macroinvertebrate Monitoring and Enhancement Program filed with the Comprehensive Relicensing Settlement Agreement is approved. The Licensee shall implement the program following completion of each turbine upgrade as described within the program schedule. Copies of all reports will be filed with the Commission within 60 days of completion.

Article 405. *Freshwater Mussel Adaptive Monitoring and Enhancement Program*: The Freshwater Mussel Adaptive Monitoring and Enhancement Program filed with the Comprehensive Relicensing Settlement Agreement is approved. The Licensee shall implement the program within one year after issuance of the license. Copies of reports, as described in the program, will be filed with the Commission within 60 days of completion.

Article 406. *Involvement in the Santee Basin Accord for Diadromous Fish Protection*: The Licensee shall participate in and fund the Santee River Basin Accord for Diadromous Fish Protection, Restoration, and Enhancement according to the terms of the Accord.

Article 407. *Sturgeon Protection and Adaptive Management Program*: The Sturgeon Protection and Adaptive Management Program filed with the Comprehensive Relicensing Settlement Agreement is approved. Upon issuance of the license, the Licensee shall implement the program according to the program schedule. Copies of reports will be filed with the Commission within 60 days of completion.

Article 408. *Trout Evaluation and Monitoring Program*: The Trout Evaluation and Monitoring Program for the Lower Saluda River filed with the Comprehensive Relicensing Settlement Agreement is approved. Upon issuance of the license, the Licensee shall implement the program according to the program schedule. Copies of reports will be filed with the Commission within 60 days of completion.

Article 409. *Lower Saluda River Fish Community Monitoring Program*: The Lower Saluda River Fish Community Monitoring Program filed with the Comprehensive Relicensing Settlement Agreement is approved. Upon issuance of the license, the Licensee shall implement the program according to the program schedule.

Article 410. *Rare, Threatened and Endangered Species Management Program*: The Rare Threatened and Endangered Species Management Program filed with the Comprehensive Relicensing Settlement Agreement is approved. The Licensee shall implement the program within one year after issuance of the license.

Article 411. *Rare Plant and Animal Species of Interest Around Lake Murray and the Lower Saluda River Brochure*: The Rare Plant and Animal Species of Interest Around Lake Murray Brochure filed with the Comprehensive Relicensing Settlement Agreement is approved. The Licensee shall publish and make available to the public the Rare Plant and Animal Species of Interest Around Lake Murray and the Lower Saluda River Brochure within 2 years of issuance of the license.

Article 412. *Habitat for Purple Martins*: The Licensee shall designate Lunch Island (Bomb Island) as a protected habitat for purple martins under the terms of the Comprehensive Relicensing Settlement Agreement.

Article 413. *Aquatic Plant Management*: The Licensee shall coordinate with the South Carolina Department of Natural Resources Aquatic Nuisance Species Program and the South Carolina Aquatic Plant Management Council to manage invasive aquatic plants in Lake Murray for the term of the new license as identified in the Comprehensive Relicensing Settlement Agreement. The Licensee shall file a copy of the South Carolina Aquatic Plant Management Council's annual plan within 60 days of receipt by the Licensee.

Article 414. *Programmatic Agreement and Historic Properties Management Plan*: The Historic Properties Management Plan (HPMP) filed with the Comprehensive Relicensing Settlement Agreement is approved. The Licensee shall implement the HPMP within one year of issuance of the license.

Article 415. *Recreation Plan*: The Recreation Plan for the Saluda Hydroelectric Project filed with the Comprehensive Relicensing Settlement Agreement is approved. The Licensee shall implement the Recreation Plan upon issuance of the license. Within 90 days of completion of improvements or additions to the recreation facilities, the Licensee shall file as-built drawings with the Commission. The as-built drawings shall show the location, type and layout of all existing and newly constructed facilities with respect to the Saluda Hydroelectric Project Boundary.

Article 416. *Shoreline Management Plan*: The Saluda Hydroelectric Project Shoreline Management Plan filed with the Comprehensive Relicensing Settlement Agreement is approved. The Licensee shall implement the Shoreline Management Plan upon issuance of the license. The Licensee shall review and update the Shoreline Management Plan on 10 year intervals, as described therein.

Article 417. *Flow Release Program*: The Saluda Hydroelectric Project Flow Release Program filed with the Comprehensive Relicensing Settlement Agreement is approved. The Licensee shall implement the Saluda Hydroelectric Project Flow Release Program within three months subsequent to the issuance of the license.

Article 418. *Maintenance, Emergency and Low Inflow Protocol*: The Maintenance, Emergency and Low Inflow Protocol filed with the Comprehensive Relicensing Settlement Agreement is approved.. Upon issuance of the license, the Licensee shall implement the Saluda Hydroelectric Project Maintenance, Emergency, and Low Inflow Protocol during periods of low inflow to the Project reservoir.

Article 419. *Reservoir Drawdown Program*: The Saluda Hydroelectric Project Reservoir Drawdown Program filed with the Comprehensive Relicensing Settlement Agreement is approved. The Licensee shall implement the Saluda Hydroelectric Reservoir Drawdown Program upon issuance of the license. The Licensee shall notify the Commission within 30 days of implementing a Special Drawdown.

Article 420. *Lower Saluda River Warning Safety Enhancement Plan*: The Lower Saluda River Warning System Enhancement Plan filed with the Comprehensive Relicensing Settlement Agreement is approved. The Licensee shall implement the program within one year after issuance of the license.

Article 421. *Reservoir Storage Allocated for Columbia Fire Department Flows* - The Licensee shall provide up to 45,000 acre-ft of water for swift water safety training flows, as outlined in the Recreation Plan filed with the Comprehensive Relicensing Settlement Agreement. During periods of low inflow to the Project, the usable storage designated for swift water safety training will be adjusted according to the Maintenance, Emergency and Low Inflow Protocol.

Article 422. *Reservoir Storage allocated for Recreational Flow Releases* - The Licensee shall provide up to 45,000 acre-ft of water for recreation flow releases below the Project, as outlined in the Recreation Plan filed with the Comprehensive Relicensing Settlement Agreement. During periods of low inflow to the Project, the usable storage designated for recreational flows will be adjusted according to the Maintenance, Emergency and Low Inflow Protocol. The flow release schedule for the following year will be filed with the Commission by December 31.

Article 423. *Operational Compliance Monitoring Plan* – The Licensee shall file with the Commission, for approval, an Operational Compliance Monitoring Plan within 6 months of license issuance. The plan shall include the following:

- (1) a provision to monitor flows in the lower Saluda River downstream of the Project powerhouse;
- (2) a provision to monitor the water surface elevation of the Project reservoir;
- (3) a description of the methodology to calculate storage and measure flows for Swift Water Safety Training and Recreational Flow releases as required by Article 421 and Article 422;
- (4) a provision to make available gauging data to the U.S. Fish and Wildlife Service and South Carolina Department of Natural Resources within 30 days of receipt of written requests;
- (5) a provision for providing an annual report to the Commission and copies to National Marine Fisheries Service, U.S. Fish and Wildlife Service, South Carolina Department of Natural Resources summarizing deviations from minimum flow requirements contained in the Flow Release Program as identified in Article 417; and
- (6) an implementation schedule.

Article 424. *Fish Entrainment Mitigation Program*: The Saluda Hydroelectric Project Fish Entrainment Mitigation Program filed with the Comprehensive Relicensing Settlement Agreement is approved. The Licensee shall implement the Saluda Hydroelectric Project Fish Entrainment Mitigation Program upon issuance of the license.

Article 425. *Waterfowl Habitat Area*: As referenced within the Comprehensive Relicensing Settlement Agreement, the Licensee shall offer to lease approximately 1,100 acres of Forest Management land to the South Carolina Department of Natural Resources for placement in the SCDNR Wildlife Management Area Program. The term of the lease will be co-terminus with the term of this license.