



Yadkin Project Shoreline Management Plan (FERC No. 2197)

Appendix F: Subdivision Access Approval, Multi-Use Facility Permitting, and Industrial Approval Procedures

I. Overview

A. General

The Yadkin Project (Project) includes four reservoirs: High Rock, Tuckertown, Narrows (Badin Lake), and Falls. The Project is licensed by the Federal Energy Regulatory Commission (FERC) as project number 2197. As a FERC licensee, Cube Yadkin Generation LLC (Cube) operates and manages the Project reservoirs in accordance with the terms of its license and the applicable rules and regulations of FERC. These responsibilities include providing adequate public access and public recreation facilities and protecting important natural, environmental, cultural, and scenic resources.

These Procedures apply to subdivisions adjoining the FERC-licensed Project boundary (Project Boundary) or the Cube-Managed Buffer (defined below) and multi-use facilities and industrial uses/facilities within the Project Boundary, on the Cube-Managed Buffer, or on Cube-Managed Lands (defined below). Generally, the Project Boundary follows the normal full-pool elevation of the four reservoirs. Any land or waters lying within the Project Boundary are regulated by FERC through the terms of the Project license and are covered under these Procedures. Property managed by Cube includes the land below the waters of the reservoirs and the generating facilities.

In addition, there are shoreline areas along the Project reservoirs owned and managed by Cube. Often ownership of these shoreline parcels is to a specific elevation contour and, therefore, the width of these parcels can vary considerably. Collectively, these strips of shoreline property, up to 100 feet from the Project Boundary, are considered “Cube-Managed Buffer.”

In other areas, Cube owns shoreline property that extends back from the water a considerable distance. In these areas, the first 100 feet of shoreline property from the normal full-pool elevation of the reservoirs is also considered “Cube-Managed Buffer.” All other Cube lands more than 100 feet from the Project Boundary are referred to as “Cube-Managed Lands.”

Cube allows public access to Project lands and waters, so far as consistent with the proper operation of the Project, and also to portions of the Cube-Managed Buffer for purposes of navigation and recreation, including fishing and hunting. All other uses of the Project lands and waters, or the Cube-Managed Buffer, including the development of private access, subdivision access, multi-use recreation facilities (marinas, boat docks, fishing piers, boat launches, etc.), and industrial uses/facilities, require Cube’s written permission. Private access across or other use of Cube-Managed Lands is generally not granted. These Procedures outline the steps that must be taken by developers seeking Cube’s permission to use or occupy Project lands and waters or the Cube-Managed Buffer or to develop a subdivision where private access requests are anticipated.

In addition, Cube has adopted a Shoreline Stewardship Policy (Stewardship Policy), which summarizes Cube's policies, procedures, and requirements regarding use of the Project lands and waters and the Cube-Managed Buffer. Developers are encouraged to obtain a copy of the Stewardship Policy and familiarize themselves with the Policy and the procedures and requirements that developers and owners of adjoining property and others must comply with in order to maintain eligibility to construct, maintain, and/or operate facilities within the Project Boundary or the Cube-Managed Buffer.

Under the Yadkin Project FERC license, Cube has the authority to grant permission for certain types of use and occupancy of Project lands and waters and to convey certain interests in Project lands and waters. However, this can be done only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the Project. Therefore, Cube has the continuing responsibility to supervise and control the uses and occupancies for which it grants permission, and to monitor the use of, and ensure compliance with, the covenants of the instrument of conveyance for any interests that it has conveyed under the Yadkin Project FERC license. If a permitted use or occupancy violates any condition of the Yadkin Project FERC license or any other condition imposed by Cube for the protection and enhancement of the Project's scenic, recreational, or other environmental values, or if a covenant of a conveyance made under the authority of the Yadkin Project FERC license is violated, Cube will take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if necessary, (i) canceling permission to use and occupy Project lands or waters, (ii) requiring the removal, at the permittee's sole expense, of any non-complying structures and facilities, and (iii) appropriate restoration and/or mitigation, up to and including restoring Project lands and waters and the Cube-Managed Buffer to their original condition. Cube also has the right to take similar actions for violations regarding the Cube-Managed Buffer and other Cube-Managed Lands. Enforcement of these Procedures is discussed in more detail in Section VII, below.

B. Subdivisions

Reservoir access for lots in new subdivisions adjoining the Project Boundary or the Cube-Managed Buffer will not be granted unless the proposed subdivision access is first reviewed and approved by Cube. Only after Cube has approved the subdivision access will any lots be eligible to apply for either a construction permit or a private recreation facility (individual or shared pier) permit. In the case of subdivisions for which the developer is proposing multi-use facilities (as defined below), prior notice to or prior approval by FERC may also be required.

The subdivision access approval process is a procedure under which Cube, or in certain cases, FERC, determines whether the requirements of the Yadkin Project FERC license are met as they relate to the effect of the reservoir access anticipated for the subdivision on the reservoir and adjoining shoreline. Included in this determination is a final decision, with respect to lot width, water depth and cove width only, as to whether certain lots adjacent to the reservoir shoreline are eligible for a private pier. For lots that are deemed eligible for a private pier as part of this subdivision approval process, the procedures and requirements set forth in the Stewardship Policy or Specifications for Private Recreation Facilities at High Rock and Narrows Reservoirs

(Specifications) must also be complied with before Cube will issue a construction permit to any lot owner.

The subdivision approval process requires that the subdivision developer prepare an Environmental Assessment (EA) for some proposed subdivisions. A full EA, as described in Section V below, is required for the following types of subdivisions:

1. Any subdivision with lots adjacent to a Project reservoir shoreline that is located wholly or partly within the shoreline Conservation Zone, as delineated in the Yadkin Project Shoreline Management Plan (SMP, Appendix D);
2. Any subdivision with more than 5 lots adjacent to a Project reservoir shoreline (even if the subdivision is not located in the shoreline Conservation Zone);
3. Any subdivision adjacent to the Project reservoir shoreline with proposed multi-use facilities that, considered in the aggregate, can accommodate more than 10 watercraft.

Developers of all other types of subdivisions are not required to prepare a full EA, but must complete the Agency Consultation Process described in Section VI below.

Subdivision developers seeking to include multi-use facilities as part of the subdivision, including piers serving more than two lots, boat launches, community swimming areas, marinas, or other community/group facilities, need only complete a single EA for the proposed subdivision. In these cases, the EA must include information required for both the private access needs of the subdivision and multi-use facility aspects of the proposed subdivision, and will be used by Cube to review and approve the private access needs of the subdivision and any proposed multi-use facilities.

C. Multi-use Facilities

Cube must review and approve the construction, modification (reconstruction, additions, or expansion), and operation of any multi-use recreation or access facility (as defined in Section III) occupying lands or waters within the Project Boundary or the Cube-Managed Buffer. Repairs to an existing multi-use facility that require a building permit from the applicable County also require a written construction permit from Cube. Additional guidance may be obtained by Cube upon request. Depending upon the type of facility being proposed, prior notice to or the prior approval of FERC may also be required.

Consistent with the Yadkin Project FERC license, Cube may authorize certain multi-use recreation and access facilities occupying Project lands and waters only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the Project. The multi-use facility permitting process is a procedure whereby Cube, or in some cases FERC, determines whether the requirements of the Yadkin Project license are met as they relate to the effect of the construction and operation of proposed multi-use facilities on the reservoir and adjoining shoreline.

To be eligible for a multi-use facility construction or operating permit, the applicant must be an owner of property adjoining either the reservoirs or the Cube-Managed Buffer (adjoining property owner).

The multi-use facility permit process requires the developer to prepare an EA for some types of proposed facilities. A full EA, as described in Section V below, is required for any proposed new construction or modification of the following types of multi-use facilities:

1. Any multi-use facility that is located wholly or partly within the shoreline Conservation Zone, as delineated in the Yadkin Project Shoreline Management Plan (SMP, Appendix D);
2. Any multi-use facility(ies)¹ that is designed to accommodate more than 10 watercraft; or
3. Any commercial multi-use facility that accommodates watercraft and is located within 1/2 mile of an existing marina.

Developers of all other types of multi-use facilities are not required to prepare a full EA, but must complete the Agency Consultation Process described in Section VI below.

Upon completion of the multi-use facility permitting process and any required prior FERC notice or approval, Cube will issue a construction permit for the proposed multi-use facility. Following construction and after a final inspection of the new facility, Cube will issue a multi-use facility operating permit. Multi-Use facility operating permits must be renewed every 5 years, and may be terminated by Cube in accordance with the terms of the multi-use operating permit, or for failure to abide by the Stewardship Policy and other applicable Cube procedures and requirements.

D. Industrial Uses/Facilities

Uses or facilities other than those related to recreation and adjoining property owner access to the Project are generally considered industrial uses. All industrial uses/facilities of, or on, Project lands and waters, the Cube-Managed Buffer, or Cube-Managed Lands require Cube's written permission. Depending upon the proposed use/facility, Cube may be required to obtain prior approval from FERC or to provide FERC with prior notice before approving the proposed industrial facility/use, as described in Section IV below.

Cube requires developers of all proposed industrial uses/facilities that require prior FERC approval to prepare and submit an EA, as outlined in Section V below, as part of their request to

¹ For subdivisions and commercial enterprises, Cube will aggregate all proposed multi-use facilities, except for planned individual and shared piers, to determine the total number of watercraft that the facilities can accommodate. If, considered in the aggregate, the proposed multi-use facilities can accommodate more than 10 watercraft, then collectively the multi-use facilities will require prior FERC approval. If, considered in the aggregate, the facilities can accommodate 10 or fewer watercraft, then the multi-use facilities will be permitted on an individual basis as shown above.

Cube for permission to use/occupy Project lands and waters, the Cube-Managed Buffer, or Cube-Managed Lands. For all other proposed industrial uses/facilities, the developer must conduct an Agency Consultation Process, as described in Section VI below.

E. Contact Cube Early

Entities considering the development of subdivisions adjoining the Project Boundary or the Cube-Managed Buffer, the construction of new multi-use or industrial uses/facilities or the modification of existing facilities should contact Cube as early as possible in the planning process to discuss the specific permitting/approval requirements that apply to the proposed activity and to obtain copies of the appropriate application materials and instructions. Cube can be contacted at the address and phone numbers below:

Cube Yadkin Generation LLC (Cube)
293 NC 740 Highway
Badin, NC 28009
704-422-5555

II. Subdivision Access Approval Process

A three-part process is utilized for the review and approval of access for planned subdivisions adjoining the Project Boundary or the Cube-Managed Buffer. The three parts are: 1) pre-application meeting; 2) application development; and 3) subdivision access approval notification. Each is described below.

A. Pre-Application Meeting

1. A subdivision developer must meet with Cube prior to submitting an application for subdivision access approval. This initial meeting should be held as early as possible in the planning process to avoid confusion and delay in preparing information required for the application.
2. Prior to the meeting, the developer must complete a Pre-Application Meeting Worksheet that identifies the information that the developer is expected to bring to the meeting, including:
 - a. Maps or sketches showing the location of the proposed subdivision with respect to the reservoir shoreline and existing property boundaries;
 - b. General information on the proposed subdivision, including:
 - i. the number of subdivision lots and the number, size, and type of other facilities involved;
 - ii. the anticipated need for access to Project lands or waters;
 - iii. the anticipated need for use of or access across the Cube-Managed Buffer or other Cube-Managed Lands;

- c. A proposed schedule for submitting the application and constructing the proposed subdivision;
 - d. The name, address, and phone number of a Professional Engineer that the developer proposes to certify any planned multi-use facilities;
 - e. The name, address, and phone number of the environmental professional(s) that the developer proposes to conduct the required EA.
3. At the pre-application meeting, Cube will review the information on the proposed subdivision access for consistency with the Stewardship Policy and other applicable requirements, review the requirements for completing the subdivision approval process including the EA, and provide a list of reviewing agencies.

B. Application Development

1. A developer seeking subdivision access approval must file a completed EA or complete the Agency Consultation Process for the proposed subdivision. The Agency Consultation Process is detailed in Section VI of these Procedures. Specifications for conducting an EA are detailed in Section V of this document.
2. An EA is required for any of the following types of subdivisions:
 - a. Any subdivision with lots adjacent to a Project reservoir shoreline that is located wholly or partly within the shoreline Conservation Zone, as delineated in the Yadkin Project Shoreline Management Plan (SMP, Appendix D);
 - b. Any subdivision with more than 5 lots adjacent to a Project reservoir shoreline (even if the subdivision is not located in the shoreline Conservation Zone);
 - c. Any subdivision adjacent to the Project reservoir shoreline with proposed multi-use facilities that, considered in the aggregate, can accommodate more than 10 watercraft.
3. An EA is not required for other types of subdivisions, but the developer must complete the Agency Consultation Process described in Section VI of this document.
4. The EA must be prepared by a qualified environmental professional or consulting firm.
5. The subdivision developer must submit the EA to Cube as part of the Subdivision Access Approval Application. A complete application must include:
 - a. An Application Checklist.
 - b. A completed EA or Agency Consultation Process package. Note that for proposed subdivisions, the completed EA must contain the information in Section V.A.1.a-e.

- c. A copy of the final subdivision covenants that establish the required 100-foot forested setback requirement consistent with the Stewardship Policy.
 - d. Copies of all correspondence from resource agencies regarding the EA, including all comment letters, minutes of meetings with agencies, and any other information relevant to the review of the EA.
 - e. Two copies of the subdivision plat map that will be recorded and approved by the county in which the subdivision is to be located.
 - f. A non-refundable subdivision access approval application fee in accordance with Cube's current fee schedule for subdivision applications.
6. Cube will review the application for completeness. If Cube finds the application to be incomplete, it may request additional information from the applicant.
 7. Upon finding that an application is complete, Cube will determine the applicable FERC notice or approval requirements. For any aspect of the subdivision that requires prior FERC notice or approval, Cube will provide notice to or file a request with FERC for the proposed subdivision. The decision on whether any aspect of the proposed subdivision requires FERC approval will be made solely by Cube on a case-by-case basis. If prior FERC approval is required, the applicant should anticipate at least a 90-day review period by FERC.

C. Subdivision Access Approval

1. Cube will determine whether to issue approval of the proposed subdivision access based on its review of the application package and, where applicable, FERC's response. Cube's determination will be based, in part, on the following criteria:
 - a. The proposed subdivision access and the applicable subdivision covenants are consistent with Cube's requirements for shoreline development and will satisfy the 100-foot forested setback requirement outlined in the Stewardship Policy.
 - b. The proposed subdivision access will not adversely impact the reservoir and shoreline environment, or the developer has proposed measures to adequately mitigate any adverse environmental impacts.
 - c. The proposed subdivision access will not adversely impact any significant cultural resources located in the reservoirs or along its shoreline, or the developer has proposed measures to adequately mitigate any adverse impacts to cultural resources.
 - d. The proposed subdivision adequately addresses safety impacts and will not unduly impede or restrict public use of, or access to, the Project reservoirs.

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- e. Lots in the subdivision for which the developer anticipates private or shared piers will meet Cube's minimum requirements for lot width, water depth, and cove width.
 - f. The proposed subdivision access EA has been reviewed by federal and State resource agencies and the reviewing agencies have indicated that they have no concerns or that their concerns have been adequately addressed by the developer.
 - g. In the case of proposed subdivisions with any aspect that requires prior FERC notice or approval, Cube finds acceptable any requirements or conditions imposed by FERC.
2. Cube reserves the right to make case-by-case determinations in situations that are not explicitly covered by these Procedures.
 3. As stated in Section I.B., the subdivision access approval process is a procedure whereby Cube, or in certain cases, FERC, determines whether the requirements of the Yadkin Project FERC license are met as they relate to the effect of the reservoir access anticipated for the subdivision on the reservoir and adjoining shoreline. Included in this determination is a final decision, with respect to lot width, water depth and cove width only, as to whether certain lots adjacent to the reservoir shoreline are eligible for a private pier. Although the determination is subject to being revoked for failure to conform to the Stewardship Policy or other permitting requirements existing at the time the private access approval is granted, or by supervening regulatory authorities that are not within Cube's control, it is unaffected by changes in ownership of the individual lots.
 4. If Cube decides to approve the proposed subdivision access, Cube will issue the developer a written approval. This approval will contain a list of lots within the subdivision that Cube has determined meet Cube's current requirements for minimum lot width, water depth, and cove width. Aside from this subdivision access approval (constituting a current statement of eligibility for a private pier from an environmental and recreational perspective), Cube can offer no assurances regarding future changes in environmental and recreational requirements or the effect of such changes on private pier eligibility, including Cube's or FERC's discretion under the Federal Power Act to continue to permit such facilities.
 5. After Cube has approved the proposed subdivision access, Cube will begin processing private pier applications. Individual lot owners must apply for a construction permit and then a private recreation facility permit, and must comply with the Stewardship Policy and the Specifications.
 6. The primary sanctions for failure by the lot owner to comply with any of the Stewardship Policy requirements, including the 100-foot forested setback requirement, include the loss of eligibility for a private recreation facility permit and use of, or private access across, the Cube-Managed Buffer. Cube will also require corrective action including but not limited to restoration and/or mitigation. For enforcement details, see Section VII.

7. In the subdivision access approval letter, Cube will also provide a list of lots that are not considered eligible for private or shared piers, along with an explanation of why these lots are not eligible.
8. The subdivision developer is responsible for laying-out the proposed subdivision such that all lots can meet the 100-foot forested setback requirement. Cube will only grant setback variances where compliance with the 100-foot forested setback requirement would render a particular lot unbuildable². If any individual lot is denied pier eligibility because the lot is not sufficiently sized to meet the required 100-foot forested setback, a developer may apply to Cube for a setback variance for that lot. In those instances, Cube expects the number of variances granted within a given subdivision will not exceed 5% of the total number of lots. Cube will grant no variances for failure to satisfy minimum water depth, lot width, and cove width requirements.
9. If Cube denies the subdivision access application, a written statement will be mailed to the applicant stating the reasons for denial. An applicant may reapply for subdivision access approval at any time. An applicant can also request a meeting with Cube to discuss the reasons for application denial and steps, if any, that the applicant may take to improve the application.

III. Multi-use Facility Permitting Process

A. General

1. Multi-use facilities are any public or private facilities, other than private individual or shared piers (two adjoining lot owners), for recreation or for purposes of accessing Project lands or waters.
2. A multi-use facility construction permit from Cube is required before construction of any new multi-use facilities or modification of any existing multi-use facilities that occupy Project lands or waters or that are wholly or partly located on the Cube-Managed Buffer.
3. Following construction, operation of these facilities requires a multi-use facility operating permit from Cube.
4. Under the Yadkin Project FERC license, Cube may authorize certain types of multi-use facilities on Project lands or waters without prior FERC notice or approval. Other facilities require prior FERC notice or approval. Table 1 summarizes the types of multi-use facilities that Cube may approve without prior FERC notice, those that require a 60-day prior notice to FERC, and those that require prior FERC approval. Table 1 also indicates EA and Agency Consultation Process requirements for various types of multi-use facilities. In the case of a new subdivision for which more than one multi-use facility is proposed, Cube will aggregate the proposed multi-use facilities and consider the

² An unbuildable lot is defined as a lot which cannot otherwise accommodate a three-bedroom house of 1,800 square feet. A developer is responsible for platting the subdivision so as to minimize the number of unbuildable lots.

combined number of watercraft that could be accommodated by the facilities in determining the applicable FERC notice or approval requirements.

Table 1
Summary of Multi-use Facility Types and Required Prior FERC Notice/Approval

Summary of Multi-use Facility Types and Required Prior FERC Notice/Approval					
Facility Description	Facility Type	FERC 60-Day Notice Required	Prior FERC Approval Required	EA or Agency Consultation (AC) Required¹	Type of Cube Permit Required
Facility(ies) accommodates more than 10 watercraft and is operated as part of a commercial enterprise. ²	Marina (commercial)	No	Yes	EA	Multi-use
Facility(ies) accommodates more than 10 watercraft and is not operated as part of a commercial enterprise. ²	Marina (non-commercial)	No	Yes	EA	Multi-use
Facility(ies) accommodates 1–10 watercraft and is operated as part of a commercial enterprise.	Marina (commercial)	Yes	No	AC	Multi-use
Facility(ies) accommodates watercraft, is operated as part of a commercial enterprise, and is located within 1/2 mile of an existing marina.	Marina (commercial)	No	Yes	EA	Multi-use
Facility(ies) accommodates 1–10 watercraft, is not operated as part of a commercial enterprise, and is not a private (individual or shared) pier.	Boat Dock	No	No	AC	Multi-use
Facility(ies) is a boat launch ramp operated as part of a commercial enterprise or provides other services.	Boat Launch Ramp (commercial)	Yes	No	AC	Multi-use
Facility(ies) is a boat launch ramp not operated as part of a commercial enterprise and provides no other services.	Boat Launch Ramp (non-commercial)	No	No	AC	Multi-use
Facility(ies) is a pier with no accommodation for watercraft and is operated as part of a commercial enterprise (examples include commercial fishing piers).	Multi-use Pier (commercial)	Yes	No	AC	Multi-use
Facility(ies) is a pier with no accommodation for watercraft, but which is available for use by more	Multi-use Pier (non-commercial)	No	No	AC	Multi-use

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<p>than two adjoining lot owners (examples include fishing piers, homeowner association piers, private club piers, etc.).</p>					
<p>(1) An EA is required for all proposed multi-use facilities, regardless of category, that are located wholly or partly within the shoreline Conservation Zone, as delineated in the Yadkin Project Shoreline Management Plan (SMP, Appendix D). (2) For subdivisions and commercial enterprises, Cube will aggregate all proposed multi-use facilities, except for planned individual and shared piers, to determine the total number of watercraft that the facilities can accommodate. If, considered in the aggregate, the proposed multi-use facilities can accommodate more than 10 watercraft, then collectively the multi-use facilities will require prior FERC approval. If, considered in the aggregate, the facilities can accommodate 10 or fewer watercraft, then the multi-use facilities will be permitted on an individual basis as shown above.</p>					

5. A multi-use facility permittee planning any modification of an existing multi-use facility must first notify Cube, and Cube will determine prior FERC notice or approval requirements and EA or Agency Consultation Process requirements, and whether an amendment to the existing multi-use permit is required.
6. Multi-Use facility construction and operating permits will be issued only to the adjoining property owner who will benefit from or be serviced by the proposed multi-use facilities. However, the adjoining property owner may designate a “contact agent” who has authority to act on behalf of the owner in any discussions with Cube.
7. In any instance in which a governmental body operates a facility with any other entity (except Cube), a multi-use permit will be issued jointly to the governmental body and all such entities acting in conjunction with the governmental body. The governmental body and all such entities will be jointly and severally responsible for compliance with all terms and conditions of the permit.
8. The multi-use facility permittee(s) is solely responsible for operating and maintaining the permitted facilities in compliance with all terms and conditions of the permit, the Shoreline Stewardship Policy, all applicable Cube procedures and requirements, and all applicable local, State, and federal laws. The permittee(s) will indemnify and hold harmless Cube, and their successors and assigns from any personal injury, property damage, losses of or damage to natural resources or the environment, or other liability resulting from the permittee’s operation of the facilities or the permittee’s failure to comply with any applicable local, State, or federal laws, as is set forth in more detail in the multi-use permit.
9. A four-part process is utilized for the issuance of a permit for new multi-use facility construction and the amendment of a multi-use permit. The four parts are: 1) pre-application meeting; 2) application development; 3) construction permit; and 4) multi-use facility operating permit. Each is described below.

B. Pre-Application Meeting

1. Anyone seeking a multi-use facility construction permit must meet with Cube prior to submitting an application for a multi-use facility permit. This initial meeting should be held as early as possible in the planning process to avoid confusion and delay in preparing information required for the application.
2. Prior to the meeting, the applicant must complete a Pre-Application Meeting Worksheet that identifies the information that the applicant is expected to bring to the meeting including:
 - a. Maps or sketches showing the location of the proposed facilities with respect to the reservoir shoreline and existing property boundaries;
 - b. General information on the proposed facilities including:
 - i. the number, type and size of facilities involved, including an estimate of the number of watercraft the facilities can accommodate;
 - ii. the anticipated need for access to Project lands or waters;
 - iii. the anticipated need for use of or access across the Cube-Managed Buffer or other Cube-Managed Lands;
 - c. A proposed schedule for submitting the application and constructing the proposed facilities;
 - d. The name, address, and phone number of a Professional Engineer that the applicant proposes to certify the proposed multi-use facilities;
 - e. The name, address, and phone number of the environmental professional(s) that the applicant proposes to conduct the required EA.
3. At the pre-application meeting, Cube will review the information on the proposed multi-use facilities for consistency with the Stewardship Policy and other applicable requirements, review the requirements for completing the multi-use facility permitting process including the EA, provide notice of its insurance requirements and provide a list of reviewing agencies.

C. Construction Permit Process

1. An applicant seeking a multi-use facility construction permit must prepare a multi-use facility construction permit application and receive a construction permit from Cube prior to beginning construction of new facilities or modification of existing multi-use facilities.
2. As part of the application, the applicant must prepare and submit an EA or an Agency Consultation Process package for the proposed facilities.

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- a. An EA must be prepared and filed with Cube for construction of any new multi-use facility, and may be required for modification of an existing multi-use facility, that is designed to accommodate more than 10 watercraft or that is located wholly or partly within the shoreline Conservation Zone, as delineated in the Yadkin Project Shoreline Management Plan (SMP, Appendix D).
 - b. In the case of new subdivisions and commercial enterprises, Cube will aggregate all proposed multi-use facilities to determine the total number of watercraft that the proposed facilities can accommodate. If, considered in the aggregate, the facilities can accommodate more than 10 watercraft, then an EA will be required for that subdivision, regardless of the number of lots involved, or for the commercial enterprise, as the case may be.
3. Applicants for all other types of multi-use facilities are required to complete the Agency Consultation Process described in Section VI of this document.
 4. The EA must be prepared by a qualified environmental professional or consulting firm.
 5. A complete application for a multi-use facility construction permit must include:
 - a. An Application Checklist;
 - b. A map of the proposed development site showing all existing and proposed facilities. The map must also clearly indicate the location of the Cube-Managed Buffer or other Cube-Managed Lands located along the shoreline or adjoining the proposed facilities. (Such a map should be included in the EA);
 - c. Construction plans or detailed drawings of the proposed facilities, at a scale of 1:2,400 (1 inch = 200 feet) or larger;
 - d. Certification by an approved registered Professional Engineer that the proposed facilities and any changes to existing facilities are safe and structurally sound;
 - e. A complete Environmental Assessment (EA) or completed Agency Consultation Process package;
 - f. Copies of all necessary county, State and federal permits required for the proposed facility;
 - g. A non-refundable construction permit application fee in accordance with Cube's current multi-use facility application fee schedule.
 6. Cube will review the application for completeness. If Cube finds the application to be incomplete, it may request additional information from the applicant.

7. Upon finding that an application is complete, Cube will determine the applicable FERC notice or approval requirements. For all new multi-use facilities that require prior FERC notice or approval, Cube will provide notice to or file a request with FERC for approval of the proposed facility. The decision on whether proposed new facilities or modification of existing permitted facilities require prior FERC notice or approval will be made solely by Cube on a case-by-case basis. If prior FERC approval is required, the applicant should anticipate at least a 90-day review period by FERC.

D. Construction Permit Approval Criteria and Provisions

1. Cube will determine whether to issue a multi-use facility construction permit based on its review of the application package and, where applicable, FERC's response to the prior notice or Cube's request for prior approval. Cube's determination will be based, in part, on the following criteria:
 - a. Proposed facilities meet the following specifications:
 - i. Proposed facilities will generally not encroach or extend into Project waters more than 1/4 of the distance to the opposite shoreline or more than 120 feet into Project waters, whichever is less; and in no case will proposed facilities extend further into the water than is necessary to achieve the intended use;
 - ii. Proposed facilities will meet Cube's minimum water depth requirements (6-foot minimum water depth at normal full-pool elevation) such that the minimum water depth is available to all proposed slips or along all portions of the facilities intended for docking watercraft;
 - b. Piers, boat docks, and marinas incorporate the use of floating sections such that the facilities will remain functional under normal fluctuations in reservoir water levels that occur during the recreation season;
 - c. Proposed facilities are otherwise consistent with Cube's policies for shoreline development and will adequately meet their intended purpose;
 - d. The proposed multi-use facilities will not adversely impact the reservoir and shoreline environment, or the developer has proposed measures to adequately mitigate any adverse environmental impacts;
 - e. The proposed multi-use facilities will not adversely impact any significant cultural resources located in the reservoirs or along its shoreline, or the developer has proposed measures to adequately mitigate any adverse impacts to cultural resources;
 - f. The proposed facilities adequately address safety impacts and will not unduly impede or restrict public use of, or access to, the Project reservoirs;

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- g. Proposed facilities have been reviewed by federal and State resource agencies and the reviewing agencies have indicated that they have no concerns, or that their concerns have been adequately addressed by the applicant;
 - h. Proposed facilities providing for the sale of petroleum products will, at a minimum, comply with all applicable federal, State, and local regulations and will be installed to ensure that adverse environmental and safety impacts are avoided;
 - i. In the case of proposed facilities that require prior FERC notice or approval, Cube finds acceptable any requirements or conditions imposed by FERC.
 - j. The developer has provided Cube with a certificate of insurance evidencing that it carries insurance in the amount and form required by Cube.
2. Cube reserves the right to make case-by-case determinations in situations that are not explicitly covered by these Procedures.
3. When issued, the multi-use facility construction permit will be mailed to the applicant. If the application is denied, a written statement will be mailed to the applicant stating the reasons for denial. An applicant may reapply for a multi-use facility construction permit at any time. An applicant can also request a meeting with Cube to discuss the reasons for application denial and steps, if any, that the applicant may take to improve the application.
4. Upon receipt of the construction permit, the applicant must secure a county building permit. Construction may not begin until Cube has received from the applicant a copy of the approved county building permit.
5. Approved new construction, or modification of existing multi-use facilities, must be completed within 18 months from the issuance of the construction permit or within such other time frame as may be stated in the construction permit.
6. An extension of time, not to exceed 1 year, may be granted at Cube's discretion in response to a written request from the permittee, including justification for the requested extension.
7. Cube reserves the right to modify a construction permit to include additional or modified standards and requirements at the time of the permit extension, if the applicable standards and requirements have been modified since the issuance of the original construction permit.
8. The permittee must notify Cube when construction is completed.

E. Multi-Use Facility Operating Permit

1. Cube will enter into a multi-use facility operating permit with the applicant for new or modified facilities when the following requirements have been met:
 - a. Final inspection — Upon completion of construction, Cube will schedule and conduct a final inspection to ensure that the facilities are constructed in conformance with the construction permit.
 - b. Permit fee — Payment of applicable annual operating permit fees, which vary based on the type and number of facilities, use of the facilities, and ownership (a current fee schedule can be obtained from Cube).
 - c. Proof of insurance
 - i. All multi-use facilities must carry comprehensive general liability insurance for personal injury and property damage in the amount of at least \$5,000,000, with terms satisfactory to Cube, and other insurance required by Cube in an amount and with terms satisfactory to Cube. Such insurance must be primary and must name Cube as additional insureds. A multi-use facilities' owner or operator must provide to Cube, on an annual basis, a certificate evidencing the insurance required by Cube and proof that all premiums on the policy are paid and up to date.
 - ii. Any governmental body desiring to construct, maintain, and otherwise operate a multi-use facility must obtain and maintain for the facility comprehensive general liability insurance for personal injury and property damage in the amount of at least \$5,000,000, with terms satisfactory to Cube, and other insurance required by Cube in an amount and with terms satisfactory to Cube. Such insurance must be primary and must name Cube as additional insureds, and must insure Cube against any acts and omissions of any governmental employee, agent, or contract employee (collectively "employees"). The governmental multi-use facility must also provide, on an annual basis, a certificate evidencing the insurance required by Cube and proof that all premiums on the policy are paid and up to date. In instances in which a governmental body operates a multi-use facility in conjunction with another governmental body or any other entity as co-permittee(s) (except Cube), this insurance may be obtained by any of the co-permittees and must conform to the conditions described above.
2. All of the requirements for the issuance of a multi-use operating permit must be met within 90 days of completion of construction, and no operating permit will be issued absent written proof of the requirements specified in this Section III.E.1.c.
3. If a multi-use facility operating permit is not renewed, lapses, or is terminated, closure of the multi-use facility is required at the permittee's sole expense, and the permittee, at its sole expense, must remove any and all structures, equipment, appurtenances, and any other materials associated with the facilities, and restore the Project lands and water or the Cube-

Managed Buffer to their original condition. Cube may also undertake other enforcement as detailed in Section VII, below.

F. Annual Fees

Multi-use operating permit fees will be paid to Cube annually in accordance with Cube's current fee schedule.

G. Permit Renewal or Termination

1. A multi-use operating permit must be renewed every 5 years. Cube will notify the permittee of the upcoming permit expiration date.
2. In order to renew a multi-use facility operating permit, (i) the permittee must have complied with the permit, (ii) all fee payments must be up to date, (iii) the permittee must provide a certificate of insurance evidencing that the permittee carries insurance in the amount and form required by Cube and (iv) the permittee must provide Cube with certification from a registered Professional Engineer that all permitted facilities are in good repair, structurally sound, and in compliance with all applicable county, State, and federal requirements.
3. A multi-use operating permit may be terminated by Cube in accordance with its terms and as provided in Section VII below.

H. Multi-use Permit Transfers

1. Multi-Use facility operating permits are not automatically transferable.
2. Prior to the sale or transfer of multi-use facilities, the current property owner (seller) or seller's agent must contact Cube to request a permit transfer. Upon request, Cube will arrange a site visit. If Cube finds (i) the seller has complied with the permit, the Stewardship Policy, and all other applicable Cube procedures and requirements, (ii) all fee payments are up to date, and (iii) a registered Professional Engineer has determined that all permitted facilities are in good repair, structurally sound, and in compliance with all applicable county, State, and federal requirements, Cube will provide the seller or the seller's agent with a form to request transfer of the permit.
3. The buyer must pay a transfer fee, in accordance with Cube's current fee schedule, and provide Cube with proof of insurance for the multi-use facilities, as described in Section III.E.1.c of these Procedures, at which time Cube will provide to the buyer a new multi-use facility permit that must be completed and signed by the buyer at the time of closing.
4. If facilities are deemed not transferable at the time of inspection, Cube will provide the seller or the seller's agent with a written description of repairs [up to and including replacement of the existing structure(s)], and other actions that must be undertaken before

the facilities will be transferable. A written construction permit must be obtained from Cube prior to undertaking such repairs.

I. Existing Multi-use Facilities

1. Cube may at times be aware of existing multi-use facilities that have not previously been issued a multi-use facility operating permit. Cube will provide written notice to the owner of the unpermitted facilities of the need to submit an application for a multi-use facility operating permit in accordance with these Procedures. In general, the owner will be responsible for submitting items b, c, d, f, and g as described in Section III.C.5. Generally, an EA will not be required for facilities existing prior to July 1, 1999. However, existing facilities will be reviewed by Cube to ensure their general compliance with the Stewardship Policy, and consultation with State and federal resource agencies may be required.
2. Cube will inspect the facilities, determine the adequacy of the information provided, and determine the applicability of any FERC notice or approval. Upon receipt of any required FERC approval, payment of the annual permitting fee, if applicable, and satisfaction of the insurance requirements listed in Section III.E.1.c, above, Cube will issue a multi-use facility operating permit for the facilities.
3. Modification of existing multi-use facilities must be approved pursuant to the standard four-part permitting process described in Section III.B–E, above.

IV. Industrial Uses/Facilities

Uses or facilities other than those related to recreation and adjoining property owner access to the Project are generally considered industrial uses. All industrial uses/facilities of or on Project lands and waters, the Cube-Managed Buffer, or Cube-Managed Lands require Cube's prior written permission. Depending upon the proposed use/facility, under the Yadkin Project FERC license Cube is required to seek prior approval from FERC or provide FERC with 60 days' notice before approving the proposed industrial use/facility. In some cases, Cube can authorize a proposed industrial use/facility without prior FERC notice or approval but must report such authorizations to FERC annually. Table 2 summarizes the types of industrial uses/facilities that Cube may approve without prior FERC notice, those that require a 60-day prior notice to FERC, and those that require prior FERC approval. Table 2 also indicates EA and Agency Consultation Process requirements for various types of industrial uses/facilities.

Cube requires developers of all proposed industrial uses/facilities that require prior FERC approval to prepare and submit an EA as part of its request to Cube for permission to use/occupy Project lands and waters or the Cube-Managed Buffer. In addition, an EA is required for all proposed industrial uses/facilities located wholly or partly within the shoreline Conservation Zone, as delineated in the Yadkin Project Shoreline Management Plan (SMP, Appendix D). Developers of all other proposed industrial uses/facilities must conduct an Agency Consultation Process. Both the EA and Agency Consultation Process are outlined below. In addition, there may be other process/approval requirements from State agencies and local governments.

Table 2
Prior FERC Notice Requirements for Proposed Industrial Uses/Facilities

Prior FERC Notice Requirements for Proposed Industrial Uses/Facilities

	Cube Written Permission Required	FERC Annual Report	FERC 60-Day Prior Notice	Prior FERC Approval	Cube EA Required¹	Cube Agency Consultation Process Required
Replacement, maintenance, or expansion of existing bridges and roads	✓	✓				✓
New bridges or roads	✓		✓			✓
Minor access roads	✓	✓				✓
Storm drains and water mains	✓	✓				✓
Sewers that do NOT discharge to Project waters	✓	✓				✓
Sewer or effluent lines that DO discharge directly into Project waters	✓		✓			✓
Other pipelines that cross project lands or waters but do NOT discharge to Project waters	✓		✓			✓
Non-project transmission lines/cables with NO support structure in Project Boundary	✓	✓				✓
Non-project overhead transmission lines/cable WITH support structure in Project Boundary	✓		✓			✓
Major distribution cables (submarine, underground or overhead)	✓	✓				✓
Water intake or pumping facilities ≤1 mgd	✓	✓				✓
Water intakes >1 mgd (including irrigation systems)	✓			✓	✓	

(1) An EA is required for all proposed industrial uses/facilities, regardless of category, that are located wholly or partly within the shoreline Conservation Zone, as delineated in the Yadkin Project Shoreline Management Plan (SMP, Appendix D).

V. Environmental Assessment Specifications

1. General Description — a detailed description of the proposed subdivision, multi-use facilities, or industrial uses/facilities, including maps illustrating boundaries of the subdivision property or facilities, proposed lot lines, and the placement of structures in relation to existing property boundaries and the reservoir shoreline. Maps must clearly indicate the location of any Cube-Managed Buffer or other Cube-Managed Lands adjoining the site of the proposed subdivision or facility. In the case of subdivisions, the EA must also contain the following specific information:
 - a. A map of the subdivision showing all proposed private lots, as well as any lots to be used as common areas. Each lot should be clearly identified with an individual lot number, and the map must clearly indicate any Cube-Managed Buffer or adjacent Cube-Managed Lands.
 - b. A list or map showing lots that are proposed for private, shared (for two adjoining lots), or multi-use facilities (group piers, launches, etc.), or other facilities that require a permit from Cube.
 - c. The shoreline width of each lot adjacent to the Project reservoir as measured at normal full-pool elevation of the reservoir (623.9-foot contour (USGS datum), 655.0-foot contour (Yadkin datum) on High Rock Reservoir and 509.8-foot contour (USGS datum), 541.1-foot contour (Yadkin datum) on Narrows Reservoir). Lot width in areas where there is Cube-Managed Buffer should be measured by extending the side lot lines to the normal full-pool elevation of the reservoir.
 - d. The water depth at normal full-pool elevation near the center of each lot adjacent to the reservoir at a distance of 75 feet from the shoreline.
 - e. A reasonable site plan for each lot adjacent to the reservoir shoreline illustrating how Cube's requirement for a 100-foot forested setback will be achieved (see the Stewardship Policy).
2. Purpose — a description of the purpose and need for the proposed subdivision or facilities or modification of existing facilities.
3. Shoreline Impact — a description of the amount and type of impact on the reservoir and the shoreline within 100 feet of the normal full-pool elevation of the reservoir.
4. Required Permits — a listing of all federal, State, and local permits/approvals that will be required.
5. Shoreline Development Restrictions — a description of any State or local development restrictions that apply to the proposed subdivision or facilities, including any county ordinances, watershed protection, buffer zone, or setback requirements.

6. **Building Setback** — a description of how the developer proposes to meet or exceed Cube’s 100-foot forested setback requirement. In order for lots in a subdivision to be eligible for a private pier or to be granted other access or activity permits, Cube requires a 100-foot forested setback from the reservoir for all new structures (including but not limited to buildings, houses, driveways, roof overhangs, decks, porches, patios, cantilevered decks, stairs, posts, columns, fences, retaining walls, landscaping walls, and gazebos). (See the Stewardship Policy.) For subdivisions, the EA must indicate how setback and forested area requirements for property owners will be enforced (e.g., restrictive covenants, deed restrictions, etc.).

B. Existing Environment

1. **Existing Shoreline Characteristics** — a description of the shoreline and adjoining land area within 100 feet of the normal full-pool reservoir elevation, including a general description of existing land use and condition, shoreline topography, shoreline vegetation, and other notable features.
2. **Existing Reservoir Characteristics** — a description of the reservoir area adjacent to the proposed subdivision or facilities, including a detailed map of water depths within 75 feet of the shoreline, the slope of the reservoir bottom, a description of the reservoir substrate, and a description of any reservoir features including the presence of any aquatic vegetation and lap trees.
3. **Existing Reservoir Access/Facilities** — a description of any existing access to the reservoir such as pathways, piers, or boat launches on the property proposed for the subdivision or facilities.
4. **Designation as Conservation Zone** — an estimate of the portion of the proposed subdivision or facilities that would fall within the Conservation Zone as delineated in the Yadkin Project Shoreline Management Plan (SMP, Appendix D).

C. Environmental Impacts and Proposed Mitigation

1. **Environmental Impacts** — a detailed assessment of the potential impact on the reservoir and the land area along the shoreline within 100 feet of the normal full-pool reservoir elevation. This section must at a minimum consider the following effects:
 - a. Change in shoreline land use.
 - b. Impact of completed subdivision or facilities on the reservoir shoreline.
 - c. Impact on shoreline vegetation and plant communities.
 - d. Impact on shoreline wildlife and wildlife habitat.
 - e. Impact on the reservoir as habitat for fish and other aquatic life.

- f. Impact on wetlands and areas of aquatic vegetation.
 - g. Impact on reservoir water quality, including the potential for increased sedimentation and nonpoint source pollution from runoff.
 2. Recreation Use Impacts — an assessment of the increase in recreation use of the reservoir and reservoir shoreline resulting from the proposed subdivision or facilities, or modification, and the effects of increased use on the reservoir and shoreline. This section must consider the following:
 - a. An estimate of resulting increased boating and/or other water-related recreation use.
 - b. An assessment of the effects that the increased recreation use will have on the reservoir and the reservoir shoreline.
 3. Mitigation Proposals — a description of any measures proposed by the developer to avoid, reduce, or mitigate impacts to the reservoir and reservoir shoreline that are expected to occur as a result of the proposed or modified/expanded subdivision or facilities. This section should also include a discussion of any measures proposed to address concerns raised by federal or State resource agencies. For a subdivision or facilities wholly or partly within the shoreline Conservation Zone (as delineated in the Yadkin Project SMP, Appendix D), the EA should emphasize mitigation of adverse effects on the important natural resources found in the Conservation Zone.

D. Cultural Resource Evaluation

1. For proposed facilities or subdivisions located wholly or partly within High or Medium cultural resource probability zones, as delineated in the Yadkin Project Shoreline Management Plan, (SMP, Appendix C), a cultural resource evaluation will also be required as part of the EA.
2. The cultural resource evaluation requires an assessment of potential impacts to cultural resources located along the shoreline within 100 feet of the normal full-pool reservoir elevation.
3. In cases where a cultural resource survey must be conducted, applicants must submit the following information to the agencies as part of their information submittal:
 - a. The results of a survey conducted by a professional archaeologist indicating the location of any significant historic/prehistoric cultural sites in the area that are along the shoreline within 100 feet of the normal full-pool reservoir elevation.
 - b. A description of potential impacts to cultural resources resulting from the proposed subdivision or facilities.

- c. The developer's proposal for avoiding or mitigating anticipated impacts to cultural resources.

E. Agency Consultation

The EA must include a record demonstrating that the developer has consulted with federal, State, and county resource agencies and has received agency comments indicating their satisfaction with the proposal. Cube will provide the applicant with a list of reviewing agencies. At a minimum, this section must include the following:

1. A list of all resource agencies consulted.
2. Copies of any correspondence between the consulted agencies and the developer.
3. Copies of letters from consulted resource agencies indicating that they have reviewed the proposed subdivision or facilities or modification and that they have no concerns, or that their concerns have been adequately addressed by the developer.

F. Applicant Information

1. Name, address, and phone number(s) of the applicant, along with a brief description of the background and qualifications of the applicant in terms of type of business experience, and where registered or licensed.
2. A brief description of the background and qualifications of any/all firms that assisted in the preparation of the EA.

VI. Agency Consultation Process

A. General

Certain types of smaller subdivisions, multi-use facilities, and industrial uses/facilities that are not located in the shoreline Conservation Zone, as delineated in the Yadkin Project Shoreline Management Plan (SMP, Appendix D), are not required to complete an EA but are required to conduct the Agency Consultation Process described below.

The applicant must prepare a package of information for submission to State and federal resource agencies for their review and comment. Cube will provide the applicant with a list of the reviewing agencies. The information package must include the following basic information. In the case of modification of existing facilities, the information package must focus on the proposed modification.

B. Information Package

1. Cover Letter — a cover letter similar to the attached, providing the agency with basic information regarding the proposed subdivision access or facilities.
2. Description — a brief description of the proposed subdivision or facilities or modification, including maps illustrating boundaries of the subdivision property or facilities, proposed lot lines, and the placement of structures in relation to property boundaries and the reservoir shoreline. Maps should clearly indicate the location of any Cube-Managed Buffer or adjacent Cube-Managed Lands. In the case of subdivisions, the developer should also include (i) a copy of the subdivision plat that will be filed with the county, (ii) a description of the anticipated desires of individual property owners for reservoir access and individual access facilities (piers), and (iii) a description of provisions for joint or common access to the reservoir, including any multi-use facilities proposed.
3. Shoreline Impact — a brief description of the anticipated impact on the reservoir and the shoreline within 100 feet of the normal full-pool elevation of the reservoir.
4. Required Permits — a list of all federal, State, and local permits/approvals that will be required.
5. Shoreline Development Restrictions — a description of any State or local development restrictions that apply to the proposed subdivision or facilities, such as any watershed protection, buffer zone or setback requirements and including any provisions of the Yadkin Project Shoreline Management Plan such as the 100-foot forested setback from the reservoir shoreline that apply to the proposed subdivision or facilities.
6. Applicant Information — Name, address, and phone number of the applicant, and a brief description of the background of the applicant.

C. Cultural Resource Evaluation

1. For proposed subdivisions or facilities located wholly or partly within High or Medium cultural resource probability zones, as delineated in the Yadkin Project Shoreline Management Plan (SMP, Appendix C), a cultural resource evaluation will also be required as part of the Agency Consultation Process.
2. The cultural resource evaluation requires an assessment of potential impacts to cultural resources located along the shoreline within 100 feet of the normal full-pool reservoir elevation.
3. In cases where a cultural resource survey must be conducted, applicants must submit the following information to the agencies as part of their information package described in VI.B, above:

Subdivision Access Approval, Multi-Use Facility Permitting, and Industrial Use Procedures

- a. The results of a survey conducted by a professional archaeologist indicating the location of any significant historic/prehistoric cultural sites in the proposed development area that are along the shoreline within 100 feet of the normal full-pool reservoir elevation.
- b. A description of potential impacts to cultural resources resulting from the proposed subdivision or facilities.
- c. The applicant's proposal for avoiding or mitigating anticipated impacts to cultural resources.

D. Submission of Information to Agencies

1. The complete information package must be sent to the following agencies for their review and comment before being submitted to Cube. A sample cover letter for use in submitting the information package to the agencies is attached.
 - a. U. S. Fish and Wildlife Service
 - b. U. S. Army Corps of Engineers
 - c. North Carolina State Clearinghouse
 - d. North Carolina Wildlife Resources Commission
 - e. North Carolina Department of Cultural Resources
 - f. North Carolina Division of Water Quality
 - g. North Carolina Division of Water Resources
 - h. North Carolina Division of Parks and Recreation

VII. Enforcement

- A. One of the underlying goals of these Procedures is to protect and enhance the natural, environmental, cultural and scenic resources within the Project Boundary and on the adjoining lands. Cube's highest priority is to preserve the natural character of the shoreline as it exists today, and this is reflected in the procedures and requirements of these Procedures as well as the Stewardship Policy. Cube believes that most adjoining property owners and developers appreciate the beauty and importance of a natural shoreline and will comply with these Procedures. In those instances where violations of these Procedures occur, however, Cube will consider those violations as serious matters. Violations of these Procedures include: (i) any failure to comply with the provisions of these Procedures, the Stewardship Policy, or other applicable Cube procedures or requirements; and (ii) failure to obtain or to

comply with written permission from Cube, where required, before undertaking construction or other activities.

- B. The primary sanctions for violations of these Procedures are loss of eligibility for: (i) a multi-use facility permit within the Project Boundary (i.e., on a reservoir) or subdivision reservoir access approval or industrial use/facility approval; and (ii) use of, or access to the Project lands and waters across, the Cube-Managed Buffer. Cube will also require corrective action including but not limited to restoration and/or mitigation. Eligibility may be reinstated only where adequate restoration and/or mitigation is undertaken and Cube determines that reinstatement of eligibility is otherwise consistent with the underlying goals reflected in these Procedures, the Stewardship Policy, and the Yadkin Project Shoreline Management Plan. Cube, as it deems appropriate, will consult with federal and State regulatory agencies in determining adequate restoration and/or mitigation measures.
- C. In addition, in the event of a violation of these Procedures, Cube, at its sole option, has the right to: (i) terminate any existing multi-use facility, industrial or other permits, requiring closure of the facility at the adjoining property owner's (or developer's) sole expense, revoke any subdivision reservoir access approval previously given to the developer if the developer is responsible for the violation, and terminate any industrial approval or rights granted; and (ii) erect a barrier along the Project Boundary or across the Cube-Managed Buffer to restrict access to the Project lands and waters; and (iii) require, at the adjoining property owner's (or the developer's) sole expense, (a) removal of any multi-use facilities and any pathways or other facilities and structures located within the Project Boundary or on the Cube-Managed Buffer, and (b) restoration and/or mitigation, up to and including restoring Project lands and waters and the Cube-Managed Buffer to their original condition. In addition, if the adjoining property owner (or the developer) fails to take the required action after notice from Cube, Cube will consider any facilities or structures remaining within the Project Boundary or the Cube-Managed Buffer as a trespass upon its property, and reserves the right to, at the adjoining property owner's or the developer's sole expense, remove the facilities or structures, treat them as its own property without any liability to the adjoining property owner or the developer for payment, and perform the required restoration and/or mitigation. Cube also may pursue any other rights or remedies, including damages, it may have in any permit, or at law or in equity.

VIII. Attachments

Attachment 1 - Environmental Assessment – Agency Review

Mail Copy of EA To:

• **NC State Environmental Review Clearinghouse**

Ms. Crystal Best
North Carolina Department of Administration
State Environmental Review Clearinghouse
1301 Mail Service Center
Raleigh, NC 27699-1301
919-807-2419

Physical Address for UPS or FedEx:

Ms. Crystal Best
NC Department of Administration State Environmental Review Clearinghouse
116 West Jones Street, Suite 5106
Raleigh, North Carolina 27603

Please Also Provide Copy of EA To:

• **NC Department of Natural and Cultural Resources**

State Historic Preservation Office
Ms. Renee Gledhill-Earley
4617 Mail Service Center
Raleigh NC 27699-4617
Environmental.Review@ncdcr.gov
919-807-6579

• **NC Wildlife Resources Commission**

Ms. Olivia Munzer
Sykes Depot, 2430 Turner Road
Mebane, NC 27302
Olivia.munzer@ncwildlife.org
336-290-0056

• **NC Department of Environmental Quality**

Ms. Lyn Hardison, SEPA Environmental Coordinator
NCDEQ- Washington Regional Office
943 Washington Square Mall
Washington, NC 27889
lyn.hardison@ncdenr.gov
252-948-3842

- **NC Department of Environmental Quality
Division of Water Resources
Water Planning Section**

Mr. Tom Fransen
1611 Mail Service Center
Raleigh, NC 27699-1611
tom.fransen@ncdenr.gov
919-707-9015

- **NC Department of Environmental Quality
Division of Water Resources
Water Quality Permitting Section
401 & Buffer Permitting Branch**

Ms. Karen Higgins
1617 Mail Service Center
Raleigh, NC 27699-1617
karen.higgins@ncdenr.gov
919-807-6360

- **NC Division of Parks and Recreation**

Mr. Michael Murphy
1615 Mail Service Center
Raleigh, NC 27699-1615
michael.murphy@ncparks.gov
919-707-9333

- **US Fish and Wildlife Service**

For Davidson, Davie, Rowan and Stanly Counties

Asheville Field Office
Ms. Janet Mizzi
160 Zillicoa Street
Asheville, NC 28801-1082
janet_mizzi@fws.gov
828-258-3939 ext. 223

For Montgomery County

Raleigh Field Office
Mr. Pete Benjamin
P.O. Box 33726
Raleigh, NC 27636-3726
pete_benjamin@fws.gov
919-856-4520, ext. 11

- **US Army Corps of Engineers**

For Davidson, Davie, and Rowan Counties

US Army Corps of Engineers
Raleigh Regulatory Field Office
Mr. John Thomas
3331 Heritage Trade Drive, Suite 105
Wake Forest, NC 27587
John.T.Thomas.JR@usace.army.mil
919-554-4884 x 25

For Montgomery County

US Army Corps of Engineers
Wilmington Regulatory Field Office
Mr. Brennan Dooley
69 Darlington Avenue
Wilmington, NC 28403
Brennan.J.Dooley@usace.army.mil
910-251-4694

For Stanly County

US Army Corps of Engineers
Raleigh Regulatory Field Office
Mr. David Shaeffer
3331 Heritage Trade Drive, Suite 105
Wake Forest, NC 27587
David.L.Shaeffer@usace.army.mil
704-510-1437

- **County Planning/Building Inspections Department**
Please choose appropriate county contacts.

Stanly County

Mr. Michael Sandy, Planning Director
Stanly County Planning and Zoning Department
Stanly County Commons, 1000 North First Street, Suite 13-B, Albemarle, NC 28001
planning@stanlycountync.gov
704-986-3660

Montgomery County

Mr. Andrew Gahagan
Montgomery County Planning Department
444 North Main Street
Troy, NC 27371
andrew.gahagan@montgomerycountync.com
910-572-3304

Davidson County

Mr. Guy Cornman, III
Davidson County Planning and Zoning Department
913 Greensboro Street, Suite 305
Lexington, NC 27292
guy.cornman@davidsoncountync.com
336- 242-2220

Rowan County

Mr. Ed Muire, Planning Manager
Rowan County Planning and Development Department
402 N. Main Street, Room 204
Salisbury, NC 28144
Ed.Muire@rowancountync.gov
704-216-8599

• **US Forest Service (for Narrows Reservoir projects)**

Uwharrie National Forest
District Ranger
789 NC Highway 24/27 East
Troy, NC 27371
uwharrie@fs.fed.us
910-576-6391

• **Cube Yadkin Generation LLC (Cube) (4 copies)**

Ms. Karen Baldwin
Cube Yadkin Generation LLC
293 NC 740 Highway
Badin, NC 28009
kbaldwin@cubecarolinas.com
704-422-5525

Attachment 2 - Sample Cover Letter for Agency Consultation Package

Date

Agency Address

Agency Address

Agency Address

Dear _____,

Enclosed is package of information outlining a proposed development located along the shoreline of the (High Rock or Narrows) Reservoir which is operated by Cube Yadkin Generation LLC (Cube), as part of the Yadkin Hydropower Project (FERC No. 2197). Cube requires that developers of smaller projects consult with federal and state resource agencies regarding their proposed development.

Enclosed is some basic information about the project being proposed. Please provide to me any written comments on this proposal within thirty (30) days. Agency comments will be forwarded to Cube as part of our application for approval of the proposed development. Cube will consider agency comments in evaluating and approving the proposal.

Thank you for your review.

Sincerely,

Attachment 3 - Agency Consultation

Mail Copy of Agency Consultation Information To:

• **NC State Environmental Review Clearinghouse**

Ms. Crystal Best
North Carolina Department of Administration
State Environmental Review Clearinghouse
1301 Mail Service Center
Raleigh, NC 27699-1301
919-807-2419

Physical Address for UPS or FedEx:

Ms. Crystal Best
NC Department of Administration State Environmental Review Clearinghouse
116 West Jones Street, Suite 5106
Raleigh, North Carolina 27603

Please Also Provide Copy of Agency Consultation Information To:

• **NC Department of Natural and Cultural Resources**

State Historic Preservation Office
Ms. Renee Gledhill-Earley
4617 Mail Service Center
Raleigh NC 27699-4617
Environmental.Review@ncdcr.gov
919-807-6579

• **NC Wildlife Resources Commission**

Ms. Olivia Munzer
Sykes Depot, 2430 Turner Road
Mebane, NC 27302
Olivia.munzer@ncwildlife.org
336-290-0056

• **NC Department of Environmental Quality**

Ms. Lyn Hardison, SEPA Environmental Coordinator
NCDEQ- Washington Regional Office
943 Washington Square Mall
Washington, NC 27889
lyn.hardison@ncdenr.gov
252-948-3842

- **NC Department of Environmental Quality
Division of Water Resources
Water Planning Section**

Mr. Tom Fransen
1611 Mail Service Center
Raleigh, NC 27699-1611
tom.fransen@ncdenr.gov
919-707-9015

- **NC Department of Environmental Quality
Division of Water Resources
Water Quality Permitting Section
401 & Buffer Permitting Branch**

Ms. Karen Higgins
1617 Mail Service Center
Raleigh, NC 27699-1617
karen.higgins@ncdenr.gov
919-807-6360

- **NC Division of Parks and Recreation**

Mr. Michael Murphy
1615 Mail Service Center
Raleigh, NC 27699-1615
michael.murphy@ncparks.gov
919-707-9333

- **US Fish and Wildlife Service**

For Davidson, Davie, Rowan and Stanly Counties

Asheville Field Office
Ms. Janet Mizzi
160 Zillicoa Street
Asheville, NC 28801-1082
janet_mizzi@fws.gov
828-258-3939 ext. 223

For Montgomery County

Raleigh Field Office
Mr. Pete Benjamin
P.O. Box 33726
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- **US Army Corps of Engineers**

For Davidson, Davie, and Rowan Counties

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- **County Planning/Building Inspections Department**
Please choose appropriate county contacts.

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• **US Forest Service (for Narrows Reservoir projects)**

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