

and Natural Resources (NCDEHNR) and the Tennessee Wildlife Resources Agency (TWRA) of its intention to make such a request. Before granting any such request the Commission shall provide notice to and an opportunity for NCDEHNR and TWRA to be heard. The Licensee may also operate the Project so that the reservoir surface water elevations do not meet the requirements specified herein for short periods upon agreement between the Licensee, NCDEHNR, and TWRA. If the Project is operated so that the reservoir surface water elevations do not meet the requirements specified herein pursuant to the provisions of this article, the Licensee shall notify the Commission, and, as appropriate, NCDEHNR, and/or TWRA, in writing as soon as possible, but no later than 10 days after each such incident. The Licensee shall provide an annual report to the Commission by February 15 of each year detailing the elevations at which the Project was operated during the preceding calendar year. Copies of the report shall be provided to NCDEHNR and TWRA, or their successor agencies.

Article 404. Unless ordered to do so by the Commission or unless it receives an agreement in writing from the North Carolina Department of Environment, Health and Natural Resources and the Tennessee Wildlife Resources Agency and the prior approval of the Commission, the Licensee shall not operate the Johnson valve located on the Project's low-level maintenance drawdown structure.