

MEETING NOTES

**SOUTH CAROLINA ELECTRIC & GAS COMPANY
SALUDA HYDRO PROJECT RELICENSING
LAKE AND LAND MANAGEMENT TECHNICAL WORKING COMMITTEE**

**SCE&G's Lake Murray Training Center
December 10, 2007**

Final JMS 12-17-07

ATTENDEES:

Bill Argentieri, SCE&G
Alan Stuart, Kleinschmidt Associates
Van Hoffman, SCANA Services
Nevin Biser, Lake Resident
Regis Parsons, Lake Resident
Randy Mahan, SCANA Services, Inc.
Tony Bebber, SCPRT
Tommy Boozer, SCE&G
Archie Trawich, Jakes Landing/CALM

Jim Cumberland, SCCL
David Hancock, SCE&G
Amanda Hill, USFWS
Steve Bell, Lake Watch
Jeni Hand, Kleinschmidt Associates
Ron Ahle, SCDNR
Donna Shealy, Lake Resident
Carl Sundius, Southshore Marina/CALM

DATE: December 10, 2007

DATE OF NEXT MEETING: **Date:** January 3, 2008
Time: 9:30 AM
Location: Lake Murray Training Center

ACTION ITEMS:

- Send Alison Guth comments on the Permitting Handbook before December 28, 2007.
Lake and Land Management TWC
- Incorporate changes to the Permitting Handbook before the January 3, 2008 Lake and Land Management TWC meeting.
Alison Guth
- Include a license article that will require SCE&G to meet with stakeholders and agencies to review the permitting handbook on an annual basis once the SMP has been approved.
Alison Guth/Alan Stuart

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DISCUSSION

These notes serve as summary of the major points presented during the meeting and are not intended to be a transcript or analysis of the meeting.

Alan Stuart of Kleinschmidt Associates welcomed everyone and noted that the purpose of this meeting was to review and discuss concerns of Lake Murray commercial marinas and the Lake Murray Shoreline Management Plan (SMP). Alan explained that Carl Sundius of Southshore Marina will be giving a brief presentation on commercial marinas and concerns for their future on Lake Murray. He also explained that for the remainder of the meeting he would like the group to begin accepting/rejecting changes to the SMP.

Guidelines for Commercial Marinas for Lake Murray; Carl Sundius

Carl Sundius of Southshore Marina/Commerce Association of Lake Murray briefly presented guidelines that commercial marina owners would like to change in the Lake Murray SMP. The presentation may be viewed by clicking the following link: <http://www.saludahydrorelicense.com/documents/FERCpresentation07Dec10.ppt>. In summary, Carl noted that he was concerned that commercial marinas of today may not support adequate future public access for Lake Murray. He further explained that it seems that Lake Murray is becoming privatized because there is not enough access to support the public. He noted that the guidelines that have been put into place for commercial marina owners are too strict and in order for owners of commercial marinas to expand and/or build new marinas, the guidelines need to be changed. Carl handed out guidelines that commercial marina owners would like to see put into place. Carl explained each of the following guidelines (the original guidelines developed by the Lake and Land Management TWC are contained in the General Permitting Handbook):

1. No commercial marinas facility may encroach or extend more than one-third the distance across any cove area or waterway.
2. The proposed commercial marina should be located within the confines of the imaginary projected property lines as they extend lakeward.
3. Commercial marinas must locate the outside edge of the docks closest to the adjoining property line at least one and half boat lengths of the largest boat accommodated on the dock facing this property line.
4. Excavations for commercial marina facilities to improve public access may be considered on a case-by-case basis with consultation of appropriate state and federal resource agencies and regulatory authorities.
5. Commercial marina facilities must be responsible for water quality during construction and marina operations and must maintain a water testing plan.

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6. Commercial marina facilities with greater than (10) watercraft or that accommodate watercraft with marine sanitation facilities will be required to install, operate, and maintain sewer pump-out disposal system that is available for public use.
7. Commercial marina facilities must provide public restrooms.
8. Commercial marina facilities are encouraged to provide public fishing access areas.
9. Commercial marina facilities must comply with all local county state, and federal regulations.
10. Commercial marina applicants must sign and complete the Commercial Marina Application Agreement before SCE&G will process a permit request.

Tommy Boozer noted that when the group (TWC) developed the commercial marina guidelines they tried to come up with simple guidelines and a simple process that would enable adequate access for the public around Lake Murray and tried to make it feasible for owners to expand marinas or build new marinas to meet public demand. Carl said that commercial marina owners felt that the proposed, new regulations will make it very difficult to expand existing marinas. Ron Ahle opened that demand for public marinas is dropping, and that this phenomenon is not necessarily driven by these restrictions. Carl noted that somehow we must provide more access for the public on Lake Murray before the opportunity to do so disappears. He stated the belief that these restrictions are preventing marinas from expanding and thereby providing more public access. Tommy pointed out that commercial marinas already in existence are exempt from many of the more restrictive requirements applicable to new marinas. The set-backs still do apply, however. Tommy reminded all that SCE&G's regulations, relative to the sitting size, and other requirements for commercial marinas, including the set-back requirements, have been in place since 1984. Tommy explained that some of the commercial marina set-back requirements were put in place to protect existing and potential nearby residential homeowners in the vicinity of marinas.

Joy Downs expressed the Lake Murray Association's position that a 200 boat slips limit for commercial marinas seems fair and is acceptable, but that the distance separations required between marinas perhaps could be lowered in some circumstances. Tommy pointed out that while the distance requirements between marinas are implemented by SCE&G, SCDHEC and the Corps of Engineers also have those distance requirements incorporated into their General Permits for Lake Murray. Ron stated that these restrictions are very similar to what have been adopted in other FERC relicensing proceedings. Alan noted that these restrictions will be included in the expected 10 year review process. So, they are not set in stone. Tommy declared that SCE&G wants the commercial marinas to stay in business, but that some restrictions must remain in place.

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Carl said that the commercial marina owners group would like to work on restrictions regarding distances between facilities and the radii around the marinas. The group briefly discussed issues regarding radius restrictions and required distances between each commercial marina. It was generally agreed that it would be acceptable for Commercial Marina facilities accommodating between twenty-one (21) and one hundred twenty-five (125) watercraft at a time to be located at minimum of 250 feet from the nearest common property line, measured at each outside edge of the dock walkway, or meet minimum county zoning requirements, which ever provides for the greater distance. The group also agreed to the reasonableness of increasing the maximum limit of on-water slips from two hundred to three hundred (300), assuming no overriding safety and access issues for a proposed location. Regardless of the number of slips, however, the build-out period must conform to the U. S. Army Corps of Engineers and SCDHEC permit time frames. It was also recommended to add a bullet in the General Permitting Handbook (GP) under the Commercial Marina section stating that existing marinas may expand, remodel, and/or rebuild within their existing footprint with the approval of the local, state and federal agencies. However, such expansions are to be allowable only for providing public access, and should the marina be sold for privatization, or become privatized (i.e. restricted to a members-only access or dedicated solely to a specific development or specific developments after obtaining the permit, then the permit for expansion will be cancelled.

Lake Murray Shoreline Management Plan

Alan focused the group's attention to the Lake Murray SMP and noted that the group should begin accepting and/or rejecting changes made by committee members. The group started reviewing the SMP. Ron Ahle recommend including the Permitting Handbook as an appendix to the Lake Murray SMP. Alan dissented, noting that should the Permitting Handbook be included in the SMP, any changes to the SMP proposed later would as a result have to be sent out to the public for review and then resubmitted to FERC for approval. Alan and SCE&G representatives argued strongly that this amounted to an undesirable and unnecessary complication to the administration of the SMP, making it too cumbersome and reducing the flexibility necessary for the efficient administration of a plan that must be able to address developing and unforeseeable circumstances promptly. Ron noted that he feels that as the guiding instrument for the SMP, the Handbook should be included as an appendix. Randy noted that we are simply referencing the Handbook in the SMP, which means that we do not have to include it as an appendix. Alan noted that if the Permitting Handbook is included in the SMP, then the Handbook will no longer be guidelines, they will become rules. Alan noted that SCE&G will have a license article that will require SCE&G to meet with stakeholders and agencies to review the Permitting Handbook on an annual basis once the SMP has been approved.

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The group discussed each of the edits/comments made by individual committee members and accepted or rejected them. The group stopped editing at the History of the Lake Murray Shoreline Management Plan. The group agreed to meet again on January 3, 2008 to continue editing the Lake Murray SMP. Alan noted that all committee members should have comments on the Permitting Handbook to Alison Guth by December 28, 2007. Alan noted that Alison would have the edits incorporated by the next meeting.