

**MEETING NOTES**

**SOUTH CAROLINA ELECTRIC & GAS COMPANY  
SALUDA HYDRO PROJECT RELICENSING  
LAKE AND LAND MANAGEMENT TWC**

**SCE&G Training Center  
July 14, 2008**

final ACG 8-11-08

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**ATTENDEES:**

Alison Guth, Kleinschmidt Associates  
Tommy Boozer, SCE&G  
David Hancock, SCE&G  
Ellis Harmon, Landowner  
Ron Ahle, SCDNR  
Tom Ruple, LMA  
Joy Downs, LMA  
Dick Christie, SCDNR  
John Frick, Landowner  
Jim Cumberland, SCCCL  
Amanda Hill, USFWS  
Mike Summer, SCE&G  
Doug Keisler, homeowner

Linda Schneider, landowner  
Tom Brooks, Saluda County  
Steve Bell, LW  
Bill Argentieri, SCE&G  
Tony Bebber, SCPRT  
Van Hoffman, SCANA  
Phil Hamby, Landowner  
Vivianne Vejdani, SCDNR  
Roy Parker, LMA  
James Leslie, Lake Murray Docks  
Suzanne Rhodes, SCWF  
Amy Hoffman, CCLMC  
Carl Sundius, Southshore Marina

**DATE:** July 14, 2008

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**ACTION ITEMS:**

- SCE&G will put together a table on the sizes of the islands on Lake Murray at the elevation 358.5' NAVD or 360' PD
- Copies of the letters of intent to provide lands for the Three Rivers Greenway are to be provided to Jim Cumberland provided they do not contain any proprietary or confidential information
- SCE&G will encourage pervious surfaces for pathways through buffer zones and this wording will be added into the buffer zone management plan
- SCE&G will work with law enforcement on the transmittal of information when someone has a call regarding the cutting down of trees within the buffer zone in front of an individuals property
- David and Tommy will check for language for distance across cove on multi-slip docks on easement property

**INTRODUCTIONS AND DISCUSSION**

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

Alison Guth opened the meeting and noted that the purpose of the meeting would be to review the comments and questions on SCE&G's June 10<sup>th</sup> rebalancing proposal. Alison continued to note that in the afternoon they would be discussing the write up that SCE&G put together on the deed with regards to homeowner contributions of land to the buffer.

The first question the group reviewed was the following:

*American Rivers and CCL notes their concern that the number of islands may include areas that are underwater when the lake is at or close to full pool. The request is made that SCE&G define the term "island" so that it is clear what it means and that SCE&G revise the indicated acreage/miles of shoreline as needed. (pg. 2).*

Tommy replied in reference to islands, that originally SCE&G had about 65 islands mapped which equated to about 220 acres. However, when the LIDAR was used on the Lake, Tommy explained that the acreage was reduced to around 100 acres and about 60 islands. Tommy further clarified that when they refer to islands, it includes anything that is above the 360' contour as flown by LIDAR. Steve Bell noted that there was some concern that some of the islands are not truly recreation areas because they are too small, and what they consider large enough is where one can pull up a boat and camp. David Hancock noted that there were very few that are only just big enough to walk out on. Tommy added that if they can go underwater at full pool then they were not counted. The group decided that in order to answer this question SCE&G would put together a table with the size of each island at the 358.5' NAVD or 360' PD contour. It was noted that this could be added into the recreation plan as well. Jim Cumberland and Steve noted that this would appropriately answer their question.

*American Rivers and the CCL requests that Intermittent ESA's be clearly defined in reference to the allowance of docks within Intermittent ESA's (pg.3)*

*And*

*American Rivers and the CCL urges SCE&G to be extremely conservative with regards to issuing dock permits in areas with full or intermittent ESA's (pg. 3)*

In reference to this question, Tommy noted that the ESA's are clearly identified on the maps and there will be consultation with DNR and the USFWS with locating a dock within an intermittent ESA.

*Lake Watch notes that regarding the allowance of natural area/ESA lands in the calculation of land to gain a multi-slip, common, or individual dock may result in the sale of project lands adjacent to ESA's.*

Ron Ahle clarified Steve's question by noted that it was not the purchase of lands next to ESA's but conservation areas. David noted that whatever is deemed as natural areas will not be sold or included in the calculation of slips, however there could be some areas that include ESA's that will be included in the calculation of land for slips, but there will be no docks within continuous ESA's. It was clarified that fringelands would not be sold in conservation/natural areas, however

fringelands could be sold in front of ESA's. Steve noted that his concern was that a dock would be built in the back of a cove. David drew a diagram for the group illustrating what would and would not be included in the calculation of slips.

*In reference to SCE&G's proposal to place the majority of lands owned in the LSR corridor into the Recreation Classification, American Rivers and the CCL requests that all or a significant percentage of these lands be instead placed into a Natural Area or Forest management classification as appropriate.*

Tommy explained that the intent of placing the lands in the recreation classification was so that there would be more access for the public transversing through the property. Tommy further pointed out that when it was put in the natural area classification there would be more restrictions on what could be done in these areas. Jim C. noted their concern is what will be done on the property, as they would like to see those properties protected to the maximum extent possible. During discussions, it was noted that concerns centered around clearing down to the river and the installation of large paved parking lots associated with recreation areas. Jim C. asked if someone had a proposal for the recreation land, would that proposal then go through FERC. Tommy replied that it would, and there would need to be a plan for that property that would be approved by SCE&G and reviewed by the resource agencies. Dick Christie noted that in order to answer the question posed by American Rivers and the CCL, it may be best to define the intent of the areas with wording so that the recreational activities cannot detract from the scenic properties of the river corridor.

*American Rivers and the CCL note the importance of a suitable riparian buffer along the LSR lands and suggest the SCDNR recommended buffer of 100 to 300 feet.*

The group discussed this issue and Ron explained that neotropical migratory birds and reptiles need at least 300 feet of buffer. Jim C. added that he believes the ultimate goal would be to make sure there is a buffer zone that provides adequate protection.

*American Rivers and the CCL requests that SCE&G work to improve public access along the LSR Corridor by allowing and encouraging on its lands additional, environmentally friendly, public access to the river for boaters and anglers. Notes that access points would be particularly useful at Candi Lane, near the I-26 Bridge and other locations upstream of Millrace Rapids. (pg. 3)*

Jim C. explained that their concern regarding this issue is that people will not be able to egress the river quickly and there is the need for informal take-outs. Van Hoffman explained the intentions for Candi Lane, that is designated as a future take out area. Jim C. further clarified that the extension of the Three Rivers Greenway may take care of this issue in future, however there was the need of informal take-outs in the meantime. It was decided that the recreation TWC would address this issue.

*American Rivers and the CCL requests that SCE&G commit in writing to grant access easements on LSR Corridor lands, and to work with the local governmental and non-governmental entities, to secure completion of the planed Three Rivers Greenway expansion at the earliest possible date. (pg 4)*

In reference to this item, Bill Argentieri asked the reasoning behind placing this in writing if SCE&G has already made this land available. Jim C. asked if this commitment was in writing, to which Van replied there were letters regarding this. Van also noted that there were 5 islands below Elmwood Avenue, at the confluence with the Broad River that have been deeded to the city. Jim C. replied that his question could be answered by being provided with copies of the letters of intent that are not confidential or proprietary.

*American Rivers and the CCL requests that pervious surfaces be used in the construction of meandering paths through the buffer zone. (pg. 4)*

The group discussed this issue and Tommy noted that when they needed to work with handicapped individuals, they needed to use hard surfaces. Jim C. explained the benefits of pervious concrete and asked that it be used when there was a need for hard surfaces. SCE&G agreed that they would encourage pervious surfaces as appropriate and that it may be included in the buffer zone management plan.

*American Rivers and the CCL suggests that SCE&G place a restriction on the amount of time that "permanent structures" be allowed to remain in the buffer zone. (pg. 5)*

The group had discussion on how to define a permanent structure. John F. noted that permanent structures are defined as such when they are located on a permanent foundation. The group discussed issues such as fences and dog pens within the buffer zone. Tommy clarified that the group was discussing areas behind the 75 ft. setback. Tommy further noted that the goal was to stop large houses and structures within the PBL. Phil noted that he was against purchasing property and then not being able to place anything on the property. Tommy replied that SCE&G was not going to nit pick a swing set, however, they would not allow a handyman building on the property. It was recommended to change the wording on property between 75-foot setback and PBL to not allow any building or other structural development.

*Lake Watch asks what action will be taken by SCE&G should a homeowner clear in the 75' buffer zone.*

Steve asked what SCE&G intended on doing if they discovered the cutting down of trees in the non-disturbance areas. Steve noted that he was concerned that after 5 years of people taking stuff out here and there, there would be no vegetation. Tommy noted that this was a benefit of the non-disturbance because they would be able to tell if someone was to take out vegetation. Tommy continued to note that depending on the severity, they may revoke the dock permit for three years. David noted they have a video tape of the shoreline that they can compare to. It was noted that Phil Hamby and some other individuals in the area have had people cut down trees along the shoreline in front of their property. David noted that when that happens people usually call to report it. Phil noted that he had a hard time finding the correct person to contact about this issue. And the group noted that they should work with law enforcement to address how future issues like this should be reported. Joy Downs noted that she believed there should be specific terms in the recreation plan on what can and cannot be done in buffer zones. Tommy pointed out that the recreation plan states that passive recreation can occur in buffer zones, however no one is allowed to, for example, put up a tent. Phil noted that their opinion was that there is already plenty of public opportunities around the lake with out the use of the buffer zone in front of other individuals property. Tommy reiterated

that they could not stop people from going on the buffer zones, however, they could restrict what could be done in those areas.

*In reference to SCE&G's proposal regarding requiring multi-slip docks in lieu of individual docks in "appropriate circumstances", American Rivers and the CCL notes that they support this proposal provided that SCE&G clearly define the term appropriate circumstances and commit to apply this requirement uniformly across the Future Development lands (pg. 5)*

*And*

*American Rivers and the CCL notes that they believe it is in the best interest of the resource for SCE&G not to allow individual docks unless there is a significant amount of undisturbed shoreline between them. (pg. 5)*

*And*

*Lake Watch notes their concern that developers will sub-divide large tracts of land into 200' wide parcels and sell to buyers who will then apply for individual docks. Lake Watch recommends that on tracts currently longer than 400', that SCE&G not allow individual docks*

David noted that "appropriate circumstances" would refer to a narrow cove, as a multi-slip would probably not be allowable in that area. Tommy also pointed out that there also may be an individual who has 400 feet of shoreline, however only wants one dock. Tommy noted that there are areas that will be cut up, however, and he is not sure how SCE&G can prevent that. However, they can apply it in areas where an individual buys 1000 feet of shoreline. David noted that SCE&G needed the latitude to define what was needed, and maybe consultation with DNR will take care of this. Tommy also pointed out that SCE&G's preference was multi-slip, common docks, then individual docks.

There was also discussion on existing homeowners with 100 feet of shoreline. Tommy noted that they would have to work with them on an individual basis. Carl S. asked if it would be linked to the January 2007 date, and what the significance of that date was. Tommy replied that that date was when they got information for all of the property owners around the lake. It was decided that SCE&G will add a designation that property owned as of January 1, 2007 preference will be multi-slip, common then individual docks for shoreline frontage lands greater than 400 feet. And related to previous discussions, David and Tommy will check for language for distance across cove on multi-slip docks on easement property.

*American Rivers and the CCL note that they believe that it is in the best interest of the Project to have policy on the rectifying of existing shoreline development violations included in the license. (pg. 5)*

Jim C. explained that SCE&G has informed the group that they plan on addressing the worst violators of the shoreline first, but AR and CCL would like to see a statement that SCE&G intends to do this. David replied that this was already addressed in the re-vegetation plan that is in the order from the FERC. The group discussed the possibility of SCE&G hiring an individual whose main responsibility was to inspect buffer zones.

*Lake Watch recommends that the rebalancing proposal include measures to educate the public on the right to use the new buffer areas for passive recreation and identify these areas.*

In reference to this question, Steve noted that his concerns had been addressed earlier.

The group moved to individual comments, and Phil H. noted their position and concerns in reference to the lands associated with Two Bird Cove. David explained to the group that SCE&G's last proposal was to place the future development lands in that area in the Forest Management classification. Jim Leslie added that the Windward Point Yacht Club would like to be consulted on what is done with SCE&G future development property in the cove. Tommy replied that the FERC order allowed docks in that area, as long as it does not impact navigation. Ron pointed out that there was a distinction in this situation due to the issue with the agricultural deed. Phil expressed that they would like to continue to have their deeded privileges and have the property stay in the future development classification. Tommy replied that the way the lake was managed in the past stopped with the moratorium on land sales, and the opportunity to buy the future development land in that area was not available anymore. The group discussed that Future Development property in front of Phil's property was approved by the FERC to be sold, so his situation may be different. However, Tommy noted that there was a 180 day window in which to buy the property. More discussion on this issue may occur outside the TWC on an individual basis with Phil.

Group moved on to discuss the questions regarding deed restrictions and Bill projected the three articles drafted up regarding deed restrictions on the overhead. Tommy explained that when the property is sold, these restrictions will be passed on with the title. The question arose on what would happen when the current restrictions changed with time, and if the deeded restrictions would be adjusted. It was explained that the old limited brushing requirements would apply to the deeded land behind the setback. Tommy noted that the management plan would stick with the deed. Tommy also noted that SCE&G would perform the initial limited brushing to the land. Amanda Hill asked what the management plan was for enforcing the limited brushing. Tommy noted that SCE&G would enforce the deeded restrictions. Tommy continued to explain that if the homeowner started to remove trees, SCE&G would make them replant. During discussions, John F. noted that he believed that opinions on this issue have been contorted and that SCE&G should just not sell any more docks on the Lake. Several members of the group pointed out that the group had been working towards a consensus on this issue for a while and it should not just be thrown out.

The agencies and NGO's noted that they needed to run the deed restrictions by their legal staff and provide comments. The group decided that they would not hold their next meeting until September 17<sup>th</sup>. It was explained that the outstanding issues that the group has yet to talk about included the permitting for docks on future development property, and finalizing the permitting handbook and SMP.

General Comments on the Rebalancing:

- **In order to provide optimum environmental protection for Lake Murray and the Lower Saluda River, there should be no further sales of land within the Saluda PBL. – American Rivers and the CCL (pg. 1)**
- **SCDNR notes that the latest SCE&G rebalancing plan will provide significant protections for the shoreline and riparian habitats associated with the lands in the future development classification on Lake Murray.**
- **SCWF notes that the draft proposal appears like a good compromise that they can live with**
- **Lake Murray Docks Inc. notes their position that the FERC should not “release public easements on any remaining project lands, especially in Richland and Lexington Counties”.**
- **The USFWS notes that the proposal represents an adequate proposal from SCE&G to the stakeholders for the rebalancing of resources at Lake Murray and may provide for an adequate compromise for the rebalancing of Future Development lands**

Existing Recreation Areas and New Future Recreation Areas:

- **American Rivers and CCL notes their concern that the number of islands may include areas that are underwater when the lake is at or close to full pool. The request is made that SCE&G define the term “island” so that it is clear what it means and that SCE&G revise the indicated acreage/miles of shoreline as needed. (pg. 2) Action Item/ Response – Identify the acreage for each SCE&G owned island. Show in Recreation Plan maps.**
- **American Rivers and the CCL note their agreement that additional recreational lands will enhance the Project’s resources and explains that they believe this will be especially true at the Rocky Creek recreational site where significant acreage will be added. (pg. 2)**

Forest Management Areas:

- **American Rivers and the CCL noted that SCE&G’s proposal to increase the amount of land within the Project that is in Forest Management classification represents an enhancement of protection for the remaining undeveloped land along the shoreline over current conditions. (pg. 3)**

Natural Areas:

- **American Rivers and the CCL requests that Intermittent ESA's be clearly defined in reference to the allowance of docks within Intermittent ESA's (pg.3) Action Item/Response – SCE&G will add explanation in Permitting Handbook.**
- **American Rivers and the CCL urges SCE&G to be extremely conservative with regards to issuing dock permits in areas with full or intermittent ESA's (pg. 3). Action Item/Response - Docks will not be permitted in continuous ESAs. Docks will be allowed in intermittent ESAs if room is available.**
- **Lake Watch notes that regarding the allowance of natural area/ESA lands in the calculation of land to gain a multi-slip, common, or individual dock may result in the sale of project lands adjacent to ESA's. Action Items/Response – Natural Areas New SMP designation) and Conservation Areas (new SMP designation) are the same. Natural Areas will not be included in shoreline footage for determining number of docks allowed. Docks will be located outside of the ESA area.**

Lower Saluda River:

- **In reference to SCE&G's proposal to place the majority of lands owned in the LSR corridor into the Recreation Classification, American Rivers and the CCL requests that all or a significant percentage of these lands be instead placed into a Natural Area or Forest management classification as appropriate. Action Items/Response – SCE&G still plans to put this property in the Recreation classification. Define the intent of this recreation property. Minimal disturbance recreational opportunities will not detract from the scenic, recreational and ecological properties of the river corridor and must be planned in a manner that takes the river corridor in consideration. Activities will be reviewed for approval by SCE&G, resource agencies and FERC.**
- **American Rivers and the CCL note the importance of a suitable riparian buffer along the LSR lands and suggest the SCDNR recommended buffer of 100 to 300 feet. Action Items/Response – possibly addressed in above paragraph.**
- **American Rivers and the CCL requests that SCE&G work to improve public access along the LSR Corridor by allowing and encouraging on its lands additional, environmentally friendly, public access to the river for boaters and anglers. Notes that access points would be particularly useful at Candi Lane, near the I-26 Bridge and other locations upstream of Millrace Rapids. (pg. 3) Action Items/Response – SCE&G will work with the City of Columbia or River Alliance to develop an egress at Candi Lane prior to new license issuance. There is private property access/egress being developed to address for this request. Recreation TWC will discuss this issue.**
- **American Rivers and the CCL requests that SCE&G commit in writing to grant access easements on LSR Corridor lands, and to work with the local governmental and non-governmental entities, to secure completion of the planed Three Rivers Greenway expansion at the earliest possible date. (pg 4)**

**Action Items/Response – 100-foot scenic river property and islands below confluence of Saluda and Broad rivers are already available. The other lands are available to this project once the City or River Alliance obtains appropriate funding. Provide letters if available to CCL/AR.**

Lake Murray Buffer Zone:

- **American Rivers and the CCL notes that they strongly support the non-disturbance requirement and the requirement for the meandering path to dock access (pg. 4).**
- **American Rivers and the CCL requests that pervious surfaces be used in the construction of meandering paths through the buffer zone. (pg. 4) Action Items/Response – SCE&G will encourage pervious surfaces as appropriate.**
- **American Rivers and the CCL suggests that SCE&G place a restriction on the amount of time that “permanent structures” be allowed to remain in the buffer zone. (pg. 5) Action Items/Response – The 75-foot Buffer Zone is a non-disturbance area with no clearing or installation of structures, only meandering path is allowed. It is recommended to change the wording on property between 75-foot setback and PBL to not allow any building or other structural development.**
- **Lake Watch asks what action will be taken by SCE&G should a homeowner clear in the 75’ buffer zone. Action Items/Response – If someone disturbs the property within the 75-foot buffer zone, their dock will be cancelled for 3 years and they will need to develop and implement a re-vegetation/restoration plan prior to receiving their dock permit.**
- **American Rivers and the CCL note their that they believe that conditioning approval of a dock permit application on the donation of land to the buffer zone is a satisfactory means of encouraging back property owners to assist in the presentation of the scenic and environmental characteristics of the lake by supporting the buffer zone concept. They also support SCE&G’s stated intent to enforce these buffer zone enhancements by revocation of the dock permit if the landowner does not complete the donation.**

Dock Requirements:

- **In reference to SCE&G’s proposal regarding requiring multi-slip docks in lieu of individual docks in “appropriate circumstances”, American Rivers and the CCL notes that the support this proposal provided that SCE&G clearly define the term appropriate circumstances and commit to apply this requirement uniformly across the Future Development lands (pg. 5) Action Items/Response – SCE&G would like to give the Lake Management representative the option to make this determination in the field based on individual shoreline circumstances.**

- **American Rivers and the CCL notes that they believe it is in the best interest of the resource for SCE&G not to allow individual docks unless there is a significant amount of undisturbed shoreline between them. (pg. 5) Action Items/Response –Jim believes that this is covered elsewhere.**
- **Lake Watch notes their concern that developers will sub-divide large tracts of land into 200' wide parcels and sell to buyers who will then apply for individual docks. Lake Watch recommends that on tracts currently longer than 400', that SCE&G not allow individual docks. Action Items/Response – SCE&G will not allow individual docks under these circumstances. SCE&G will add a designation that property owned as of January 1, 2007 preference will be multi-slip, common then individual docks for shoreline frontage lands greater than 400 feet. [David or Tommy - Check for language for distance across cove on multi-slip docks on easement property.]**

Deed Enforcement:

- **With regards to the enforcement of proposed land use restrictions on land in the Future Development Classification, American Rivers and the CCL note that it is essential that SCE&G include in each deed for land sold deed restrictions that are strong, detailed, enforceable, and permanent, and that will preserve the existing character of the shoreline and clearly enumerate what activities and actions the landowner may engage in on these lands. (pg. 5) Action Items/Response – SCE&G will provide a draft deed restriction wording on the property between the 75-foot setback and PBL to the TWC for their review and comment.**
- **SCDNR notes that the mechanism used to establish restrictive covenants be legally binding, perpetual, and enforceable. Action Items/Response - SCE&G will provide a draft deed restriction wording on the property between the 75-foot setback and PBL to the TWC for their review and comment.**
- **The USFWS requests that detailed information regarding the deed restrictions be provided as well as how they will be legally binding and enforced. Action Items/Response - SCE&G will provide a draft deed restriction wording on the property between the 75-foot setback and PBL to the TWC for their review and comment.**
- **SCDNR notes that a specific management plan be developed for lands deeded over to the back property owner and should be included in the SMP. Action Items/Response – SCE&G believes the management plan will be included with the deed. SCE&G will discuss this with our legal department.**
- **The USFWS notes that a management plan (with regards to deeded property) should be developed for the vegetated buffers and fringelands. This plan should be included within the Shoreline Management Plan document. Action**

Items/Response - SCE&G believes the management plan will be included with the deed. SCE&G will discuss this with our legal department.

- **SCWF notes that setbacks and other restrictions should be linked to the FERC license and all relevant planning and management documents which are part of the license.** Action Items/Response - SCE&G believes the management plan will be included with the deed. SCE&G will discuss this with our legal department.

Miscellaneous:

- **American Rivers and the CCL note that they believe that it is in the best interest of the Project to have policy on the rectifying of existing shoreline development violations included in the license. (pg. 5) Action Items/Response – This is already included in the re-vegetation plan that is part of the SMP.**
- **American Rivers and the CCL notes that the definition of “permanent structure” be provided. (pg. 5) Action Items/Response – See response to third bullet under Lake Murray Buffer Zone Section.**
- **Lake Watch recommends that the rebalancing proposal include measures to educate the public on the right to use the new buffer areas for passive recreation and identify these areas.** Action Items/Response – This is covered in the SMP and Recreation Plan.

Individual Issues:

- **Individual Regis Parsons notes that the future development lands located in Two Bird Cove be left in the development category with the second choice that SCE&G will designate the land as a Natural Area**
- **Several individuals note that they believe the Future Development lands proposed for the Forest Management Classification located in Two-Bird cove should be left in the Future Development Classification.**