

## Lake Murray Watch and Lake Murray Homeowners Coalition

March 14, 2008

The Honorable Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First St. NE  
Washington, DC 20426

**Re: Comments on the Draft License Application for the South Carolina Electric and Gas Saluda Project (FERC Project P-516)**

Dear Secretary Rose:

Lake Murray Watch and the Lake Murray Homeowners Coalition have reviewed the draft document and submits the following comments.

### **General**

The Draft License Application(DLA) filed in December, 2007, is an incomplete draft document in that most of the identified issues, as of this filing, are still being reviewed and discussed at the Technical Working Committee (TWC) level. At some point, recommendations from the TWC's must be forwarded to the appropriate Resource Conservation Groups for review and possible approval.

Noting the August 2008 deadline for filing the final application, Lake Watch is optimistic that if SCE&G steps up the pace, most issues can be resolved and complete final application would be available for filing within the noted timeline. Otherwise it is doubtful that the final application will be much different from the draft.

Lake Watch (LW) and the Lake Murray Homeowners Coalition (LMHOC) respectfully request that the public be given an opportunity to comment at the time "information gaps" are filled. The draft document contains numerous placeholders.

Below are comments on specific sections of the DLA.

### **PROJECT OPERATION AND RESOURCE UTILIZATION 1.0 PROJECT OPERATION**

It should be noted that, in order to be considered a reserve generation asset at any given time, Saluda Hydro must remain on standby and cannot be providing generation for other purposes.

**LW and LMHOC- SCE&G should explain that it can meet its reserve obligation by using a combination of resources that provide rapid response. The applicant should also provide information on the frequency and duration of reserve generation. For instance in 2007 Saluda was used a total of 13 times to respond to emergency situations.**

The licensee states that Saluda Hydro is operated primarily as a reserve generation facility in the Applicant's system.

**LW and LMHOC- It should be noted that the Saluda Hydro is not the only generation resource capable of coming on line within a few minutes to meet reserve requirements. The licensee also uses the Fairfield Pump Storage facility and its quick start gas turbine units to meet emergency situations. Having multiple "reserve" resources is important in that it allows the licensee to utilize Saluda during heavy rain events to avoid having to use the flood gates. In addition it allows the licensee to provide safe controlled recreational flows to downstream users during high recreation times.**

The reservoir is normally maintained between El. 348.5' NAVD88<sub>1</sub> (winter) and El. 356.5' (summer).

**Based of USGS data, the average yearly fluctuation range is closer to 352' to 358'. More recently, SCE&G has agreed to operate between 354' and 358' in response to concerns from lake groups about impacts from low levels to use of docks and more importantly safety issues arising from unmarked hazards that occur at elevations below 354'. The issue of lake draw downs is currently being reviewed by several re-licensing committees.**

### **1.3 Proposed Operation During Adverse, Mean, and High Water Years**

The licensee states that "In high flow years, the need to pass higher inflow may require that Saluda Hydro be dispatched on an economic basis for several hours per day or for several days during the week. During these periods of extended generation, the units being so utilized are not available for reserve use, as described previously. Due to the relatively large hydraulic capacity through the powerhouse (approximately equal to the 1 percent exceeds flow), it is rarely necessary to use the spillway for reservoir level management."

**LW and LMHOC have requested on several occasions most recently on March 12, 2007, for information on how the company determines when it is necessary to release and how much is needed to be released in order to maintain a reasonable**

**cushion below its allowed maximum level of 360' in order to avoid having to use the spillway gates. The information has not been provided, therefore we ask the FERC not to act on a proposed guide curve until the licensee comes forth with this information.**

In high flow years, the need to pass higher inflow may require that Saluda Hydro be dispatched on an economic basis for several hours per day or for several days during the week. During these periods of extended generation, the units being so utilized are not available for reserve use, as described previously. Due to the relatively large hydraulic capacity through the powerhouse (approximately equal to the 1 percent exceeds flow), it is rarely necessary to use the spillway for reservoir level management.

In order to perform maintenance on project structures and the reservoir, it will occasionally be necessary to draw the reservoir down to el. 343.5'. Maintenance work requiring such a drawdown would include but not be limited to: control of aquatic vegetation in the reservoir, maintenance or repairs to the intake towers, spillway structure, and the upstream face of the original dam, in order to maintain the project in a safe and reliable condition.

**Any planned draw down below the approved guide curve should require approval by the FERC with sufficient public notice. As far as draw downs for nuisance weed control, there is disagreement over the effectiveness draw downs have in the control of hydrilla and concerns regarding impacts draw downs have on recreation and businesses. Because of this, SC DNR is utilizing grass carp to control the weed.**

## **Exhibit E**

### **Water Quality**

#### **2.2.2.1.4**

**CE-Qual-W2 Model** – A presentation was given to the Water Quality Resource Conservation group. There has been no official endorsement, or consensus of the results of the model by the WQ RCG. A review of the model is ongoing.

#### 2.3.1

The recommendation is made in the ICD comment letter of the LSSRAC (letter dated August 12, 2005) that a Total Maximum Daily Load (TMDL) be established for Lake Murray. Similarly, Lake Watch requested that an Assimilative Capacity Assessment be performed on Lake Murray to address non-point pollution sources in the creek in cove areas of the Lake. An Assimilative Capacity Assessment is also requested by the Lake Murray Homeowners Coalition (LMHOC) (ICD comment letter dated August 15, 2005). The Lake Murray Association (ICD comment letter dated August 12, 2005) also recommended that a TMDL be performed on areas not meeting current water quality standards and testing of other areas around Lake Murray.

**LW and LMHOC- Lake Watch and the Lake Murray Homeowners Coalition requested that an Assimilative Capacity Assessment be undertaken to help determine potential impacts from non-point source runoff in cove areas. Additionally, there is concern that water quality monitoring stations are too few and mostly located in open water. In order to obtain an accurate picture of water quality conditions at the project more monitoring stations are needed. A clear understanding of the lake's capacity to cope with non-point source runoff is critical. We believe it would be appropriate for the licensee to (1)conduct additional testing in cove's that are likely impacted by stormwater runoff and (2) perform an assimilative capacity study.**

#### **4.1.1 Wildlife Resources**

Although the Lake Murray shoreline continues to undergo development, the project area contains extensive habitats that support diverse and abundant wildlife populations. The majority of wildlife habitats in shoreline areas are found in the 75 ft. setback, riparian buffer zones, Environmentally Sensitive Areas (ESAs), Forest and Game Management areas and undeveloped areas of the project. Details regarding the vegetative resources (*i.e.*, wildlife habitats) are presented in Section 5.0

**LW and LMHOC- It should be noted that the licensee has disposed of almost 400 miles of project lands down to the 360' elevation since the initial license was granted . Protection of wildlife resources along these shorelines is voluntary by private property owners. We would not agree that in these areas the shoreline contains extensive habitats that support diverse and abundant wildlife populations. With regards to 75' buffer zones, many of these shorelines appear as "well manicured" lawns. The FERC order to implement the "Buffer Zone Restoration Plan" is not underway.**

#### **5.2.2 Botanical Resources- Control of Nuisance Weeds**

SCE&G- It was agreed that the plan would be handled under the Aquatic Plant Management Council and that a Memorandum of Understanding (MOU) would be developed between SCDNR and SCE&G (See Meeting Notes from February 9, 2006 under Appendix E-4).

**LW and LMHOC- Neither LW or LMHOC agreed that the Aquatic Plant Management Council (APMC) should develop a plan for weed control for inclusion in this license. We believe the license should state that the licensee will review and consider the yearly plan submitted by the APMC, along with any potential impacts to project operations and resources, including impacts to recreation users and fish and wildlife resources. Because impacts could be significant SCE&G should seek approval from the FERC.**

## 7.0 Recreation Resources

### **7.3.1 Existing Recreation Use**

*SCE&G- The Saluda Project supported approximately 695,000 recreation days within the project boundary during the 2006 peak recreation season, defined as April 1st and September 30th in the 2003 FERC Form 80 Report on Recreational Resources (Exhibit E-30). Lake Murray experienced approximately 463,000 recreation days during this time period (67 percent of total use), while the LSR experienced a total of approximately 232,000 recreation days during the peak recreation season (33 percent of total use).*

**LW and LMHOC- A survey of visitors at SCE&G owned parks was conducted during peak recreation season. The licensee has used this information to estimate recreation days at the project during this period. Even though a request was made to survey homeowners, commercial sites and a portion of the registered boaters, SCE&G chose not to survey those users. Noting there are approximately 10,000 private docks, numerous private marinas, boat ramps and commercial facilities one might conclude that a “project wide” recreation use estimate based only on visits at SCE&G public sites would be a gross mis-statement of reality. The statement should read that 463,000 recreation days were the result of visits made to SCE&G parks.**

## **7.6 Agency and Public Recommendations Concerning Recreational Resources**

### **7.6.1 Initial Stage Consultation**

*SCE&G- Lake Watch (letter dated August 15, 2005) requested that a dispute resolution study be performed during the relicensing process. Lake Watch explained in their ICD comment letter that this study be performed to determine how to best improve communication with the public in resolving disputes or complaints.*

**LMW- This recommendation was directed to overall lake management. In the past complaints to SCE&G have many times fallen on deaf ears, leaving no option but to file the complaint with the FERC. Lake Watch believes it would be appropriate to establish a protocol that would ensure that complaints be properly evaluated, documented and placed in the FERC file. This issue has not been resolved and Lake Watch will continue to work with SCE&G and other stakeholders to ensure that**

**project issues are properly addressed at the local level. The licensee's response "SCE&G uses a variety of communications tools to provide the public with timely information concerning lake and river issues." misses the point.**

## **7.6.2 Second Stage Consultation**

The RCG also identified that the conservation of land for future recreation as an important issue. Therefore, in addition to the issues listed under the initial consultation, the RCG identifies that providing wildlife areas is an important recreational value. The Work Plan notes that a possible resolution to this is the conservation of large tracts of land within the PBL into easements.

**LW and LMHOC- Because of delays in addressing the issue of conserving project lands for recreational use, in October of 2007, an ad hoc recreation focus group was formed to begin discussions on the issue. The focus group reviewed a survey of lands within the Future Development classification conducted by the Land and Land Management TWC. The LLMTWC scored almost 350 tracts of land for natural resource and recreational values. The focus group analyzed tracts for passive and formal recreation site use. The group found that approximately 70 tracts had good to excellent values. The group also reviewed shorelines in the Forest and Game Management, Easement, and 75 ft. Buffer Zone classifications. The group developed a report with recommendations and submitted the document to both the Recreation Management TWC and the Lake and Land Management TWC. The report is attached to this filing.**

**The FERC requires that the licensee include in Exhibit E,**

**"(iv) A statement, including an analysis of costs and other constraints, of the applicant's ability to provide a buffer zone around all or any part of the impoundment, for the purpose of ensuring public access to project lands and waters and protecting the recreational and aesthetic values of the impoundment and its shoreline"**

**The current shoreline plan allows the licensee to sell, after FERC approval, project lands down to 75' from the high water mark on shorelines in the Future Development classification. The Recreation Focus group's report indicated that the public is not likely to want to recreate on developed shorelines with small buffers noting that studies show that a minimum of 200' is needed to separate development from public recreation. (see attached report)**

In the Safety RCG, Lake Watch representatives sought a review of the shoal marker program on Lake Murray. They noted that low lake levels could possibly negate the usefulness of the buoys.

**LW - Lake Murray Watch reminded SCE&G that the FERC wanted a previous issue regarding unmarked hazards below 354' contour, to be addressed in this re-**

licensing process. Lake Watch provided the letter from the FERC and DNR. Lake Watch believes that operating at levels above the 354' msl eliminates most unmarked hazards, and operating at higher levels can eliminate the need for many of the existing hazard buoys. Lake Watch bases this on interviews with several lake fishing guides and from the personal experience of some of its members. This issue has not been resolved and we expect further discussions with SCE&G.

## **7.7 Recreation Needs Identified in Management Plans**

### **7.7.1**

#### **South Carolina State Comprehensive Outdoor Recreation Plan (2002)**

While there are no recommendations specific to the Saluda Project, the SCORP does identify 11 state-wide management priorities for recreation development. Detailed recommendations within each of the 11 major issue categories are outlined in the SCORP.

**LW and LMHOC- We disagree with the statement above. SCORP is very specific in its recommendation as noted here. “Hydropower Projects - The SCDNR, SCPR, and others will continue to encourage utility companies to conserve open space on lakes and rivers associated with hydropower projects; “Is SCE&G not a utility in SC that operates a hydro facility? Please note that this recommendation mirrors the recommendations by the Recreation Focus Group**

## **7.8 Measures or Facilities Recommended by Agencies**

Comments on the Project ICD and relicensing resource group meetings identified issues and recommendations associated with existing and potential future recreational use of project lands and waters (also discussed in detail in Section 7.6.1). Among the recommendations made by agencies and stakeholders through the consultation process are the following:

**LW and LMHOC- SCE&G did not include recommendations by agencies' and NGO's to re-classify lands in the Future Development to the Recreation classification. (See Section 7.6.2) In addition there's no mention of recommendations to maintain lake levels higher to ensure “year round” vs. “part time” recreational use, safer boating, and enhancement of economic values.**

## **8.2 Agency and Public Recommendations Concerning Land Use**

### **8.2.1 Initial Stage Consultation**

The CCL/American Rivers, in a joint letter dated August 10, 2005, also requested that the land classifications be reviewed at the Project. It is noted in the above mentioned letter that this is to “ensure that an adequate balance of shoreline uses is achieved in the future”.

*SCE&G-"Project lands are currently a topic of discussion for the Lake and Land Management RCG and TWC. They have to date completed a Project lands rebalancing exercise in February and April of 2007. More discussions on the results of the rebalancing exercise are to ensue in the following months."*

**LW and LMHOC- An survey of project lands in the Future Development classification was conducted by the LLM TWC . Approximately 350 tracts of undeveloped project lands were scored for nature resource, recreational, and economic values. The results of this survey indicated that almost 80 miles of shoreline in this classification scored high for public values. We believe this survey is one of the most important studies produced in the re-licensing process and should be included in the draft application.**

#### **8.4 Applicant's Policy Regarding Shoreline Development**

**SCE&G-**As described previously, after issuance in 1984 of the presently effective license, SCE&G began requiring that private property owners who bought land within the Project boundary maintain a 75-foot-wide vegetated setback located between the lake's high water mark (358.5-foot contour interval) and back property development. These setback lands are maintained as vegetated areas intended to protect and enhance the Project's scenic, recreational and environmental values in the area bordering the Lake Murray shoreline. Owners of adjoining lands are allowed to travel by foot to the lake through the setback, but are not permitted to encroach with improvements, place any water-oriented encroachments (docks, ramps, etc.), change the contour of the land, or post the property, without written consent from SCE&G.

**LW and LMHOC- SCE&G indicated that adjoining property owners are not permitted to encroach on project lands including installation of docks without written consent from the licensee. It should be noted that SCE&G requires back property owners to purchase project lands in order to obtain a permit to construct a dock. The policy is being challenged by several members of the LLM TWC. SCE&G claims it has the legal right to enforce this policy because it owns the land can stop any encroachments that are not specifically allowed in the license. The issue has not been resolved. Inquiries should be directed to Steve Bell , 803-730-8121 .**

**Respectfully yours,**

**Steve Bell  
Lake Murray Watch**

**Bertina Floyd  
Lake Murray Homeowners Coalition**

## **Attachment A-**

# **An Assessment and Report on the Recreational Value of Undeveloped Project Lands at the Saluda River Project**

## **A- Introduction**

### **In General:**

- 1) Lake Murray has almost 650 miles of shoreline and 48,000 acres of surface area at high pool.
- 2) Past & and current practices of selling and developing project lands have negatively impacted the public's use and enjoyment of the project's shoreline.
- 3) Concerns about the transfer of project lands to private ownership and development of project resources were raised in previous shoreline management reviews.
- 4) The Federal Energy Regulatory Commission's (FERC) 2003 approval of the Land Use and Shoreline Management Plan noted that re-balancing of shoreline classifications is needed and should be addressed in the ongoing comprehensive re-licensing process.

In order to properly address this issue, a focus group with recreation expertise was formed. The group met on October 10, 2007, to assess the recreational values of the project's shore lands in order to determine future needs during the next license period.

### **Attendees:**

- Jim Cumberland- Coastal Conservation League
- Gerrit Jöbbsis- American Rivers
- Malcolm Leaphart- Naturalist- Trout Unlimited
- Mike Waddell- Trout Unlimited
- Suzanne Rhodes- SC Wildlife Federation
- Jenn Taraskiewicz- SC Wildlife Federation
- Guy Jones- River Runner
- Richard Mikell- Adventure Carolina
- Cynthia Flynn- League of Women Voters
- Steve Bell- Lake Murray Watch
- Attending in an advisory status:
  - Roger Hall, SCDHEC
  - Tony Bebber- SCPRT
  - Bill Marshall-SCDNR (Lower Saluda River Advisory Council).
- Not present at the meeting but supporting the proposal:
  - ⌚③ Dan Tufford- Columbia Audubon
  - ⌚③ Bertina Floyd- Lake Murray Homeowners Coalition

③ Cary Chamblee- SC Chapter, Sierra Club

## The Focus - Undeveloped Shorelines

B - The group specifically reviewed undeveloped project lands on Lake Murray in these classifications:

- easement
- future development
- forest and game management.

The group also considered project lands on the lower Saluda River. The group did not look at existing formal recreation sites. An evaluation of those areas is ongoing in the Recreation Management Technical Working Committee.

## B- Information Used to Assess Lands

- Benefits of preserving natural shorelines for informal recreational opportunities.
- Elements that make up a good shoreline
- Examples of buffer zone widths for recreation
- FERC regulations related to project land use
- A break down of shoreline allocations and distribution of shoreline uses throughout and beyond the project's boundary
- Results of the State Comprehensive Recreation Plan
- Comparison of shoreline allocations at this project with nearby projects
- Description of the existing land use classifications
- Visuals of shorelines in each classification
- Results of the Land and Land Management Natural Resource sub-committee's survey of future development lands
- Economic value of preserving natural lands
- Comments to ICD and historical data in the FERC record
- Lower Saluda River Corridor Plan
- Lower Saluda Scenic River Corridor Plan Update

## 1- The Need for Shoreline Protection

- Shoreline lands are those lands surrounding an impoundment upstream of a hydropower project, and lands along the affected river downstream of a project.
- Shoreline lands typically begin at the high water mark and extend outward a certain distance to protect the recreational, environmental, and scenic values of the reservoir or river.
- The interface between river and reservoir waters and the abutting terrestrial (riparian) land is ecologically sensitive.
  - Fauna such as beavers, mink, raccoons, deer, waterfowl, bald eagles, osprey, loons, and reptiles and amphibians are highly dependent on this type of habitat.
  - Human activity on shorelines can impact water quality, erosion, wetlands, fish and wildlife habitat, recreational opportunities, and scenic values on the shoreline.

2

- Residential and commercial development, dock and marina construction, and high impact recreational activities are well-documented stresses to lake and river resources.
- Studies show that the public wants natural areas conserved as places “to get away from it all” to enjoy hiking, walking, picnicking, bank fishing, swimming, and birding in an informal, natural setting rather than at formal facilities. See South Carolina Department of Recreation and Tourism, “2002 South Carolina State Comprehensive Outdoor Recreation Plan,” at 102 (available at <http://www.scprt.com/facts-figures/outdoorrecreationplan.aspx>); Tennessee Valley Authority, 1999 Shoreline Management Initiative.

## 2- Qualities needed for informal recreation opportunities on shorelines

- Public access by land and/or water
- Diverse flora, fauna, and wildlife
- Wide buffers- minimum 150’ where possible
- Topography (gentle slopes) which allows use of the shoreline
- Large contiguous tracts for walking trails

## 3- Recommended buffer zone widths on shorelines

- US Forest Service – Recommends 200’ for recreation based on criteria, setting and experiences
- Mandatory Shoreland Zoning Act, State of Maine – restricts development within 250 ft. of lakes and rivers
- Institute of Ecology, University of Georgia – based on review of scientific literature, recommends riparian buffers of 100 ft. to protect water quality and up to 300 ft. to provide optimal habitat for wildlife.
- Center for Environmental Policy, University of South Carolina – the Statewide Task Force on Riparian Forested Buffers recommends buffers of 100 ft to enhance water quality and 300 ft. for additional wildlife protection.

## 4- Federal Laws and Regulations related to Shoreline Protection

- Lands for Recreation (18 CFR 2.7): The Commission expects the licensee to assume the following responsibilities: (a) To acquire in fee and to include within the project boundary enough land to assure optimum development of recreational resources afforded by the project.
- Environmental Report (18 CFR 4.51(f)(6)(iv)): Applicants must provide: “A statement including an analysis of cost and other constraints, of the applicant’s ability to provide a

3

buffer zone around all or any part of the impoundment, for the purpose of ensuring public access to project lands and waters, and protecting the recreational and aesthetic values of the impoundment and its shoreline”

- Standard Land Use Article Included in Licenses: In accordance to the provisions of this article, this licensee shall have the authority to grant permission for certain types of use and occupancy.....and to convey certain interest in lands and waters only if the proposed use and occupancy is consistent with protecting and enhancing the scenic, recreational and other environmental values of the project.
- General Policy and Interpretations (18 CFR 2.7): The Commission will evaluate the recreational resources of all projects .....and seek within its authority the ultimate development of these resources consistent with the needs of the area. And the Commission will not grant any authorization for a licensee to dispose of any interest in project lands unless a showing is made that such a disposal is not inconsistent with any approved recreation plan or in the absence of a plan, the lands do not have recreational value.
- Equal Consideration: Section 4(e) of the Federal Power Act requires FERC to give “equal consideration to the purposes of energy conservation, the protection, mitigation of damage to and enhancement of fish and wildlife ( including related spawning grounds and habitat), the protection of recreational opportunities, and the preservation of other aspects of environmental quality.”

## 5 - Breakdown of Shoreline Classifications

### Total - 652 miles on Lake Murray

- Easement – 385.19 miles – 59%
- 75 ft. setback – 27.3 miles – 4%
- Future Development - 101.83 miles- 16%
- Project Operations – 1.63 miles- 0%
- Public Recreation – 32.14 miles – 5%
- Commercial Recreation – 5.81 miles – 1%
- Forest and Game Management – 98.23 miles – 15%
- Conservation Areas – .71 miles – 0%

### Total – 22 miles on lower Saluda River

- SCE&G lands with Scenic River easement – 5.4 mi. – 25%
- Sold SCE&G lands with Scenic River easement – 0.4 mi. – 2%
- Other SCE&G lands (includes Riverbanks Zoo and Garden and upper river lands upstream of Saluda Shoals Park) – 4.2 mi. – 19%
- Other private lands – 12 mi. – 55%

4

## 6- South Carolina Comprehensive Outdoor Recreation Plan

FERC says the Recreation Plan for a hydroelectric project should be consistent with area needs and with state and federal Comprehensive Recreation Plans

- South Carolina's Statewide Comprehensive Outdoor Recreation Plan (SCORP) identifies the following as Priority Issue 1: Protect significant lands for natural and cultural resources allowing public recreational use.
- To address Issue 1, the SCORP recommends the following: SCDNR, SCPRT, and others will continue to encourage utility companies to conserve open space on lakes and rivers associated with hydropower projects.

## 7- Shoreline Allocations- Comparison with Other Lakes

<u>Lake Murray</u>	<u>Lake Lanier</u>	<u>Lake Hartwell</u>	<u>TVA Lakes</u>
Recreation- 5%	Recreation- 21%	Recreation- 24%	Protected- 63%
Protected- 15%	Protected- 32%	Protected- 26%	Developed- 37%
Developed- 80%	Developed- 47%	Developed- 50%	

## C- Assessment of Recreational Values of Project lands on Lake Murray

1- Qualities and activities considered for assessing recreational values

—

Each shoreline classification was evaluated for its quality and suitability to support potential public recreational activities such as walking and hiking, watching wildlife, bank fishing, picnicking, and camping and enjoying natural scenery.

Recommendations are given to suggest actions that will protect and/or enhance the related recreational values and opportunities.

- "Getting away from it all"
- Walking and hiking
- Nature watching
- Bank fishing
- Picnicking
- Camping
- Sightseeing

5

## 2- Easement- Developed

### **Description:**

- Approximately 300 miles of shoreline; privately owned down to the 360' elevation (high water mark)
- Year round and vacation homes
- Docks spacing from 30' to 200 ft.
- Public access allowed up to the 360' elevation

### **Quality of the recreational experience:**

- Scenic- the scenic quality of much of the developed shoreline is degraded by shoreline clearing, poor; limited amount of trees; impacts from docks, boats, and gazebos
- Terrestrial and Fauna- poor: Typically manicured lawns not conducive to wildlife
- Recreational access and opportunities- poor: limited to narrow strip, public/private conflicts, limited privacy

### **Recommendations to protect and improve recreational values:**

- Educate property owners on public's right to access
- Enact and enforce tighter restrictions on limited brushing. and better enforcement
- Educate homeowners on the value of shoreline vegetation and riparian habitat.

## 3- Easement- Undeveloped

### **Description:**

- Typically undeveloped forested shoreline privately owned down to the 360' high water mark
- Approximately 90 miles of shoreline is in this classification

### **Qualities of recreational experience:**

- Scenic- Good due to natural shoreline
- Terrestrial and Fauna- Typically good; But future development and clearing would result in poor qualities
- Access - Typically good but future development with private structures will block access along the shoreline
- Opportunities- Overall, poor due to being confined to a narrow strip.

### **Recommendations needed to protect and enhance recreational values:**

6

- Eliminate individual docks. Go to multi-slip docks to lessen impacts from private structures and utilize common docks where multi-slip facilities are not feasible. i.e. not enough room
- A policy of no clearing below the 360' contour except for path to docking facility.
- Encourage buffer zones using permitting authority

7

#### 4- 75' Buffer

##### **Description:**

- Approximately 26 miles. Buffers on shorelines before 1989 were implemented as building set backs. Buffers after 1989 restricted clearing to trees less than 3". Requirements for buffers after 2001 restrict any clearing within 25' of the 360' contour.
- Dock spacing typically ranges from 70 ft. to 100 feet.

##### **Quality of the recreational experience:**

- Scenic- Typically poor for near shore activities due to private structures; Good from long distance
- Terrestrial and fauna- Typically poor but depends on quality of the buffer zone
- Access- Good from a boat only, but shoreline docking facilities and other structures give perception of "private" ownership and the potential for private/public conflicts
- Opportunities- Poor- public perception of private ownership and potential for private/public conflicts

##### **Recommendations needed to protect and enhance recreational opportunities and scenic values:**

- To enhance scenic values, implement the vegetative restoration plan for all buffer areas that have been inappropriately cleared.
- Educate property owners on the public's right to access these areas.

#### 5- Future Development

##### **Description**

- Approximately 100 miles consisting of 350 parcels with a total of 2500 acres. Allows all uses; private development, recreation or forest and game management. Typically forested and extends upland on the average 150 ft.
- Existing use- Natural areas that provide wildlife habitat, informal recreation opportunities and scenic values.
- Future use- Project lands can be sold down to the 75' buffer of the 360' contour for private use and individual docks are allowed with a minimum 100 ft. spacing. Parcels in this classification could be re-classified to Forest and Game Management or Recreation.

##### **Quality of the recreational experience:**

Existing-Quality of these resources is high with natural settings allowing users to "get away from it all" utilize the project lands for hiking, bank fishing, picnicking, hunting, nature watching etc.

8

Scenic values are high due to heavily forested areas and the absence of private structures. Forested areas support terrestrial and wildlife values.

Future-Private development would significantly impact recreational values, by reducing the upland forest and buffer areas, by impairing public use of the near shore waters.

**Recommendations to protect and enhance the recreational values and opportunities:**

Re-classify to Public Recreation. Private access structures should be restricted to a single access point per parcel that was scored. On parcels adjacent to public roads, informal parking areas should be provided. These shore lands should be marked by either signage or color coded paint markings on trees indicating informal public recreation areas. No sale of project lands in these areas should be allowed. No clearing or under brushing.

**LLM TWC Survey of Future Development Lands**

- The LLM TWC Natural Resource Subcommittee reviewed over 350 tracts in this classification.
- Members assessed recreation values with an emphasis on low impact recreation such as hiking, birding, fishing, picnicking and scenic qualities.
- A tract with land and water access with good qualities received a ranking of 5.
- A tract with only water based access but with other good qualities received a ranking of 3.
- A tract with limited recreation opportunity received a ranking of 1.
- A tract with little or no opportunity for recreation was not ranked.
- Out of the 350 tracts:
  - 39 received a 5 ranking,
  - 63 received a 3 ranking
  - 46 received a 1 ranking,
  - 203 were not ranked
- Totaling the 5 and 3 rankings equates to approximately 60 miles of shoreline

## 6. Forest and Game Management

### Description

- Approximately 106 miles and 4200 acres of shoreline mostly located in riverine sections in the upper lake; typically wide and heavily forested; classification does not allow private docking facilities

### Quality of the recreation experience:

- Quality is high due natural settings allowing users to “get away from it all typically provide excellent opportunities for hiking, bank fishing, picnicking, hunting, nature watching etc.

9

- Scenic values are high due to the absence of private docks and the heavily forested shoreline which in many cases extends upland several hundred feet.
- These areas are mostly concentrated in the uppermost portion of the project and are not readily accessible from most access points or roads.

### **Recommendations needed to protect and enhance recreational values**

- Maintain the high qualities of this resource by keeping these parcels in the current classification.
- On parcels adjacent to public roads, informal parking areas should be developed. These areas should be marked by either signage or color coded paint marking indicating informal public recreation areas.
- Limited private access should be considered on narrow tracts where back property owners offer proposals that better protect the shoreline and natural/recreational resources.

## **7- Shorelands on the Lower Saluda River**

### **Description**

- Below Lake Murray to its confluence with the Broad River, the 11-mile Lower Saluda River has approximately 22 miles of shoreline. SCE&G has land holdings along approximately 9.6 miles of river shoreline where conditions are largely undeveloped and forested with a small percentage of area cleared or developed for power production at the dam and the crossing of power transmission lines downriver.
- SCE&G has donated a 100-foot-wide Scenic River conservation easement to the state along 5.4 miles to conserve the natural character of the Lower Saluda State Scenic River. Two public access facilities associated with these easement areas include Saluda Shoals Park and the Gardendale put-in.
- The larger sections of SCE&G-owned shorelines that are not under the Scenic River easement include approximately 2.5 miles upstream of Saluda Shoals Park and another 1.4 miles at Riverbanks Zoo and Garden, which is outside the Project Boundary.

### **Quality of recreational experience**

- The quality of recreational experience is high as the natural qualities of the Lower Saluda River attract large numbers of outdoor recreationists from its surrounding metropolitan area who access the river through four existing parks and access sites to water-based recreation in the river, as well as bank fishing, walking, wildlife watching, rock-hopping and sunbathing on the shorelines.
- The Lower Saluda River Corridor Plan and Plan Update envision the conservation and enhancement of public recreational experience with the establishment of additional parks and trails coupled with continued habitat protection on river-bordering lands.

10

**Recommendations**

- Designate all SCE&G lands along the river that are not required for power production as natural/recreational land; and establish recreational parks and trails and habitat protection consistent with the Lower Saluda River Corridor Plan and Plan Update.

**D- General Discussion****1- Sale of Project Lands- Consistency with Federal Regulations**

SCE&G's current Land Use and Shoreline Plan appears to be inconsistent with FERC regulations that address recreation issues. For instance, FERC expects the licensee to acquire in fee and to include within the project boundary enough land to assure optimum development of recreational resources afforded by the project. The current land use plan allows the sale of project lands in areas that have good to excellent natural resource and recreational values. However, the current recreational plan does not address the recreational opportunities on undeveloped project lands. Instead, it focuses on formal access sites. Rather than optimizing the available recreational resources by designating these areas for public use, the current LUSMP allows the sale of these lands for private use.

**2- Public Awareness of Recreational Opportunities on Project Lands**

By law, the public is allowed reasonable access and use of project lands and waters for recreational activities. However, except for designated areas that are listed in the licensee's recreation plan, the public has no access to information regarding the location of project lands available for public use. There exist no signs or markings that would direct the public to these areas. The focus group concluded that it is likely that past use has been impacted by the public's lack of awareness of its right to use project lands and of the location of these areas. To remedy the situation, lands should be identified on maps and included in the recreation plan.

**3- 75' Buffer Zone**

The current Land Use and Shoreline Management Plan attempts to meet multiple project needs by utilizing a 75 foot buffer zone as a common area, shared by homeowners, wildlife, and public users. In reality the buffer zone becomes the domain of the homeowner. In the past lake residents have expressed concerns and voiced opposition to public use of lands in front of their homes. Individual docks and watercraft imply that the land is private property. Without signage, the public is unaware of its right to use these areas. The focus group concluded that the public likely would not want to recreate in areas that appear to be private property.

11

#### 4- The Need for Re-balancing

- Past intense development has significantly eroded public use and enjoyment of Lake Murray's shoreline and near-shore areas.
- Project lands that have natural resource and recreational values are being sold for private use.
- Over 425 miles of shoreline is in private development with another 80+ miles in a classification that allows development.
- Total build-out could reach 80% with over 15,000 private docks.
- Twenty years ago, fish and wildlife experts recommended that no more than 40% of the shoreline should be developed (1989 LUSMP 5 year review)
- Only 5% is designated for recreation.
- Only 15% is designated for wildlife protection.
- During the last shoreline review, the FERC recognized the need for re-balancing shore land uses and instructed SCE&G to address the issue during the upcoming comprehensive re-licensing process.
- The current plan attempts to merge competing interest needs, including natural resource protection, public recreation and private development within a 75 ft. buffer zone.

#### 5- The bases for re-balancing are:

- To assure optimum development of recreational resources afforded by the project,
- To assure public use and enjoyment of project lands to the fullest and practical extent possible,
- To protect scenic values,
- To protect terrestrial and wildlife resources,
- To be consistent with recreation needs as stated in the SC Statewide Comprehensive Outdoor Recreation Plan, and
- To accomplish these goals now in order to reduce future public /private conflicts.

There is a growing demand for public access to open spaces to enjoy the natural experience and to "get away from it all". The current recreation plan and the LUSMP do not adequately address these demands.

### E- Correcting the Imbalance

#### 1. Easement – Developed

- Educate property owners on public's right to access
- Tighter restrictions on limited brushing and better enforcement
- Educate homeowners on the value of shoreline vegetation and natural habitat.

12

## 2. Easement – Undeveloped

- Priority should be given to one multi-slip docking facility for a community over multiple individual docks. Prohibit individual docks except where multi-slip docks are not feasible (i.e., insufficient space). Utilize common/community docks in these areas.
- A policy of no clearing below the 360' contour except for path to docking facility.
- Encourage buffer zones by giving incentive to property owners.

## 3. Developed with 75 ft. Buffer

- To enhance scenic values, implement the vegetative restoration plan for all buffer areas that have been inappropriately cleared.
- Educate property owners on the public's right to access these areas.

## 4. Future Development

- Tracts that scored 3 or higher should be reclassified as Recreation lands and included in the project's Recreation Plan. These areas should be developed into public recreation areas with emphasis on "passive" use in order to protect the areas' natural resource values and environmentally sensitive areas. A plan should be developed to establish nature trails, informal picnic areas, courtesy docks for water based access, small fishing piers and informal parking areas where project lands lie adjacent to public roads. The plan should be implemented over the life of the new license with initial emphasis on lands located between the dam and the Route 391 bridges. No sale of lands should be allowed in these areas.
- Tracts that scored 1 should be protected for their scenic and wildlife values by reclassification to Natural Areas.
- Private access should be considered at a single access point per parcel of land that was scored. Private facilities would be restricted to a courtesy dock and ramp or multi-slip facilities where back property owners offer proposals that would better protect the shoreline. For example, private development plan that uses low density/low impact techniques or allowing public use of a boat ramp and providing parking facilities.
- Large tracts or lands adjacent to large forest tracts should be given priority for potential future local/regional/state park sites.
- Priority also should be given to improved shoreline management at the project.

## 5. Forest and Game Management

- Maintain the high qualities of these resources by keeping these parcels in the current classification allowing recreational use.
- On parcels adjacent to public roads, informal parking areas should be provided with paths leading to the shoreline. These areas should be identified on maps and marked by either

13

signage or color coded paint on trees indicating informal public recreation areas. Private access should be considered on narrow tracts at a single point per parcel where back property owners offer proposals that better protect the shoreline and natural/recreational resources.

## 6. Lower Saluda River Lands

- Designate all SCE&G lands along the river that are not required for power production as natural/recreational land; and develop a plan for implementation over the new license period to establish recreational parks and trails and habitat protection consistent with the Lower Saluda River Corridor Plan and Plan Update. Encourage other landowners to conserve riparian lands.

## F. Results

### 1. Existing breakdown of lake shoreline classifications (Total – 652 miles)

- Developed 80% (appx)
- Public Recreation 5%
- Protected 15%

### 2. Breakdown of lake shoreline classifications after re-balancing based on the above recommendation

- Developed 70% (appx.)
- Public Recreation 15%
- Protected 15%

## Conclusion

- The proposal rebalances to assure optimum development of recreational resources at the project, ensures enhanced public access to project lands and waters while protecting the natural resource and aesthetic values of the project, and is consistent with the scenic, recreational, and other environmental values of the project.
- If implemented this re-balancing proposal will be cost effective noting these lands are within the project boundary and will not require the licensee to purchase lands to comply with these needs.
- The proposal also will reduce stress on existing and future formal sites.
- The proposal will have little impact on economic benefits because almost 130 miles of undeveloped shoreline will remain in a development status, 50% of the shoreline is

already developed, and the limited private access proposed on recreation and forest and game management lands will allow additional development.

- The proposal will protect large contiguous tracts for future development as local, regional, or state park sites.
- The proposal will support eco-tourism along with its many economic benefits.
- If not implemented, the public will suffer an irretrievable loss of hundreds of acres of natural and recreational resources along approximately 60 miles of shoreline with a replacement cost to taxpayers in the millions of dollars.
- Implementing the Lower Saluda River Corridor Plan and Update will provide a better distribution of public access sites along the river, provide more safe refuge for people recreating in the often unstable water levels of the Saluda, and conserves significant natural and recreational values of the river for the next 30-50 years.



Document Content(s)

FERCDLA.DOC.....1-24