



South Carolina Department of Health
and Environmental Control

Permit for Construction in Navigable Waters

in Accordance with R. 19-450 et. seq., 1976 S.C. Code of Laws

PERMITTEE: Duke Energy Carolinas, LLC and project-front property owners

PERMIT NUMBER: GP 87-14-001 (Revised July 2007)

DESCRIPTION OF WORK: This General Permit will allow work in or affecting the navigable waters of South Carolina, pursuant to regulations and procedures established under R.19-450, et seq., Code of Laws of South Carolina, 1976, as amended, to authorize the construction, repair and maintenance of private non-commercial piers, docks, boat lifts, moorings, boat houses and boat shelters, marine railways for dry storage, speculation facilities, bulkheads, riprap, landscape planting and bio-engineering for erosion control, minor water withdrawal systems, heat exchange coils for heat pumps and minor excavation by owners adjacent to the waters of Lake Wylie, Fishing Creek, Great Falls, Rocky Creek, Wateree, Keowee, Ninety-Nine Is. and Gaston Shoals in York, Chester, Lancaster, Kershaw, Fairfield, Oconee, Pickens and Cherokee Counties, in South Carolina.

DATE PERMIT ISSUED: July 9, 2007

CONSTRUCTION MUST BE COMPLETED BY: July 9, 2012

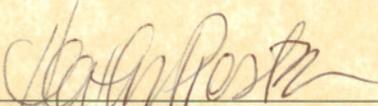
We have reviewed plans for this project and determined that there is a reasonable assurance that the proposed project will be conducted in a manner consistent with the permitting requirements of R. 19-450 et. seq., 1976 S.C. Code of Laws.

This permit is subject to the general conditions.

The S. C. Department of Health and Environmental Control reserves the right to impose additional conditions on this Permit to respond to unforeseen, specific problems that might arise and to take any enforcement action necessary to ensure compliance with State standards.

All activities authorized by this permit remain subject to the requirements of all applicable laws, regulations and ordinances of federal, state, and local governments. The permittee may not conduct or maintain any activities authorized by this permit unless such activities also comply with all other applicable laws, regulations and ordinances of federal, state and local governments.

This permit shall not be deemed to be in derogation of any property rights or interests of persons or entities other than the permittee with respect to (a) property upon which the permitted activity is situated, or (b) property affected by the permitted activity. This permit confers upon the permittee no greater rights than the permittee possessed before issuance of the permit with respect to property rights or interests of third persons or entities.


Heather Preston, Director
Division of Water Quality

7/9/07
Date

General Permit No. GP 87-14-001 (Revised July 2007)

Name of Applicant Duke Energy Carolinas, LLC (Duke Energy) and Project-Front Property Owners

Effective Date July 9, 2007

Expiration Date July 9, 2012

STATE OF SOUTH CAROLINA

GENERAL PERMIT

A General Permit to perform work in or affecting the navigable waters of South Carolina, pursuant to regulations and procedures established under R -19-450, et seq., Code of Laws of South Carolina, 1976, as amended, is hereby issued by the South Carolina Department of Health and Environmental Control (SCDHEC) to:

Duke Energy
And
Project-front property owners
adjacent to the waters of
the following lakes:

Lake	County	License #	Project Boundary	Full Pond*
Wylie (SC)	York	2232	569.4	569.4
Fishing Creek	Chester/Lancaster	2232	417.2	417.2
Great Falls	Chester/Lancaster	2232	355.8	355.8
Rocky Creek	Chester/Lancaster/Fairfield	2232	284.4	284.4
Wateree	Kershaw/Lancaster/ Fairfield	2232	225.5	225.5
Keowee	Oconee/Pickens	2503	varies (800.0 - 810.0)	800.0
Ninety-Nine Is.	Cherokee/York	2331	511.1	511.1
Gaston Shoals (SC)	Cherokee	2332	605.2	605.2

**Elevations are vertical feet above mean sea level, referenced to National Geodetic Vertical Datum of 1929 (NGVD of 1929)*

This general permit authorizes the construction, repair and maintenance of private non-commercial piers, docks, boat lifts, moorings, boat houses and boat shelters, marine railways for dry storage, speculation facilities, bulkheads, rip-rap, landscape planting and bio-engineering for erosion control, minor water withdrawal systems, heat exchange coils for heat pumps and minor excavation by the adjacent property owners subject to the following conditions:

I. General Conditions:

a. Structures authorized by this General Permit shall be private, non-commercial, simple piers, docks, boat lifts, moorings, boat houses and boat shelters, marine railways for dry storage, speculation facilities, bulkheads, rip-rap and bio-engineering for erosion control, minor water withdrawal systems, heat exchange coils for heat pumps and minor excavation conforming to the standards contained herein. Other construction of any kind within the waters of the above referenced lakes including major excavation or filling is not authorized by this document.

b. All activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and any variance or activity not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension, or revocation of this permit and in the institution of such legal proceedings as SCDHEC may consider appropriate.

- c. The structure owner must make every reasonable effort to prosecute the work authorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife, and natural environmental values, public recreational and scenic values, historic and prehistoric values.
- d. The structure owner must prosecute the work authorized herein in a manner so as to minimize any degradation of water quality.
- e. The structure owner shall permit Duke Energy Lake Services representatives, State law enforcement personnel, representatives of SCDHEC or other authorized State permit inspectors to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
- f. The structure owner shall maintain structures authorized herein in good condition. This responsibility is considered to transfer automatically along with ownership and leases of the adjoining tract.
- g. This General Permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or Local laws or regulations or Federal Energy Regulatory Commission (FERC) regulations, nor does it obviate the requirement to obtain local or Duke Energy's assent to, or to comply with, any applicable standards required by ordinance for the construction of structures authorized herein. Local governments and Duke Energy are not limited by this document and may impose more stringent requirements than those stated herein as deemed appropriate. Lakes within the Catawba-Wateree basin are subject to specific shoreline management plans, which have been developed by Duke Energy and approved by FERC. Activities covered by this General Permit within those lakes will be regulated by Duke Energy in accordance with those plans.
- h. This General Permit may be either modified, suspended, or revoked in whole or in part if SCDHEC determines that such action would serve the public interest, and such modification, suspension or revocation shall not be an act entitling the permittee to compensation for any claimed loss as a consequence of such regulatory action, under any circumstances, this permit being issued solely as an accommodation to the permittee, and being revocable as conditions may warrant.
- i. No attempt shall be made by the structure owner to prevent reasonable use by the public of all navigable waters adjacent to the activity authorized by this permit.
- j. If the display of lights and signals on any structure authorized herein is not otherwise provided for by law, such lights and signals, as may be prescribed by the United States Coast Guard or the South Carolina Department of Natural Resources (SCDNR), shall be installed and maintained by, and at the expense of, the structure owner.
- k. If and when a structure owner desires to abandon an authorized structure, unless such abandonment is part of a transfer procedure by which the individual is transferring ownership of the structure, he may be required to remove the structure. The structure owner must notify Duke Energy Lake Services, in writing within thirty (30) days following such abandonment to determine the required action.
- l. There shall be no unreasonable interference with navigation by the existence or use of structures authorized herein.
- m. Once the project is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to the environment.
- n. Structure owners are advised of the possibility that piers, docks, boat lifts, moorings, boat houses and boat shelters, marine railways for dry storage, speculation facilities, bulkheads, rip-rap and bio-engineering for erosion control, minor water withdrawal systems and heat exchange coils for heat pumps may be subject to damage by wave wash from passing vessels. The issuance of this General Permit does not relieve structure owners from taking all proper steps to insure the integrity of their structures permitted hereby and the safety of boats moored thereto from damage by wave wash and the structure owners shall not hold SCDHEC nor Duke Energy liable for any such damage.
- o. A structure owner upon receipt of a notice from SCDHEC, Duke Energy or authorized representatives of the same, of failure to comply with the terms, conditions, or standards of the General Permit shall, within 60 days without

expense to the State of South Carolina or Duke Energy and in such manner as the agency, company or their authorized representative(s) may direct, effect compliance with terms, conditions, and standards or remove his structure from the lake.

p. This General Permit relates only to simple, speculation facilities or non-commercial piers, docks, boat lifts, moorings, boat houses and boat shelters, marine railways for dry storage, bulkheads, rip-rap and bio-engineering for erosion control, minor water withdrawal systems, heat exchange coils for heat pumps and minor excavation and does not convey the rights to place any closed structure or structures for any nonwater-related use on or adjacent to the pier, dock, boat lifts, moorings, boat house or boat shelter, marine railways for dry storage, bulkheads, rip-rap, landscape planting and bio-engineering for erosion control without prior SCDHEC and Duke Energy's authorization.

q. This General Permit authorizes the construction and continued use of certain structures in the navigable waters of the above referenced lakes by landowners adjacent to the lakes. This authorization is a revocable privilege and Duke Energy and/or SCDHEC may, if it finds necessary, revoke such privilege and require removal of a structure at the expense of the owner.

r. Activities authorized by this General Permit shall not encroach across any adjacent property line or the imaginary lakeward extension of any adjacent property line without written consent from the affected adjacent property owner. Property line projections are determined by extending an imaginary line perpendicular to the project boundaries at each property corner. These projected lines are determined by bisecting the angle formed by the two lakefront property lines that intersect at each property corner. Unless the necessary written release is received from the adjoining property owner, no part of the proposed private facility (including anchoring systems) or moored watercraft may cross the project property lines. Subsequent sales of the properties whose projected lines have been crossed shall not invalidate the previous owner's permission, but replacement, expansion or relocation of the structure will invalidate the previous permission.

s. This General Permit does not authorize new construction or expansion of boat launching, docking or mooring facilities that extend into a Line Crossing Right-of-Way containing existing or planned overhead lines for electric transmission/distribution, telecommunications or cable service, railroad signal lines or any other line carrying electric current.

t. The Permittee must notify the South Carolina Institute of Archaeology and Anthropology (Mr. Jim Spirek [803] 777-8170) in accordance with South Carolina Underwater Antiquities Act of 1991 (Article 5, Chapter 7, Title 54 Code of Laws of South Carolina, 1976) in the event archaeological or paleontological remains are found during the course of work. Archaeological remains consist of any materials made or altered by man, which remain from past historic or prehistoric times (i.e., older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures, or nonrecent (i.e., older than 100 years) vessel ruins. Paleontological remains consist of old animal remains, original or fossilized, such as teeth, tusks, bone, or entire skeletons.

u. The Permittee must notify the South Carolina Department of Archives and History (Ms. Rebekah Dobrasko [803] 896-6169), Historic Preservation Division, 8301 Park Lane Road, Columbia, South Carolina 29223-4905 if any archaeological materials are encountered during the course of the work. Archaeological materials consists of any items, fifty years or older, which were made or used by man. These items include, but are not limited, to stone projectile points (arrowheads), ceramic shards, bricks, worked wood, bone and stone, metal and glass objects, and human skeleton remains. These materials may be present on the ground surface and/or under the surface of the ground.

v. Prior to beginning any land disturbing activity, appropriate erosion control measures, such as silt fences, silt barriers, or other devices must be placed around the construction area and maintained in a functioning capacity until the area is permanently stabilized.

w. The Permittee is hereby notified that certain lakes affected by this General Permit (Catawba-Wateree lakes and Lake Keowee) are also subject to a Shoreline Management Program (SMP) as mandated by FERC and developed and administered by Duke Energy. Duke Energy's Shoreline Management Guidelines are based on the SMP.

II. Special Conditions:

a. Docks and Boat Lifts

1. Private docks, whether permanent, floating or a combination of both may be up to 1000 square feet in overall size (surface area) and 120 feet in length or extend one third the distance across the affected waterway, whichever is less, provided they do not interfere with navigation, ingress or egress to adjoining property or be in any manner hazardous. In

some locations, such as narrow coves, the maximum size may not be permitted or structures may not be permitted at all. Additionally, no new or expanded private facilities will be authorized in cove areas less than 25 ft wide.

2. Docks, gazebos, boat houses and boat shelters must be single-story structures. They may be roofed and designed to allow second story use (e.g. sundecks); however, the second story must not be roofed creating a two story roofed structure.
3. All fixed pier decking (not including handrails) must be at least one vertical foot above the referenced project boundary elevation (full pond) of each lake. Small stair-stepped landings may be constructed on the sides of the station.
4. Hand railing is allowed on each dock but the sides of docks may not be enclosed. Obstruction of cross vision is prohibited.
5. Structures built within the project boundaries must not contain sinks, toilets, showers, spigots, or any other type of device, which could cause any liquid or solid waste to be discharged into the lake. (Exception: Water supply lines supporting approved pump-out facilities are exempted from this requirement.)
6. Flotation for all facilities and boat mooring buoys shall be of materials manufactured for marine use. Materials must not lose significant buoyancy if punctured, must not generally be subject to damage by animals, and must resist breaking apart under a broad range of wave energies. The uncoated, beaded polystyrene will not be permitted for any new construction or as replacement for existing facilities. Reuse of plastic, metal or other previously used drums or containers for encasement or flotation purposes is prohibited. Existing approved flotation is authorized until it has severely deteriorated and is no longer serviceable, at which time it must be replaced with approved flotation.
7. Common use boat docks between adjacent property owners are encouraged. A copy of the written agreement between participating property owners must be furnished to Duke Energy. Common-use facilities with three or more slips are not eligible for mooring additional watercraft including Personal Water Crafts (PWCs).
8. Private docks used to moor houseboats for habitation are not allowed by this General Permit. Watercraft used for habitation shall not be moored at private docks. Permanent mooring must be at marinas that provide pump-out facilities for marine sanitation devices. A watercraft is considered habitable if any of the following exists:
 - i. Sleeping overnight on the boat for two or more consecutive nights;
 - ii. Staying on, around or within the moored boat for periods exceeding 24 continuous hours;
 - iii. Hardwiring electric power or hardpiping plumbing to the boat;
 - iv. Establishing a mailing address for the boat
9. Boat lifts connected to piers are allowable provided they do not block cross-vision. Lifts for personal watercraft such as jet skis will also be allowed. Not more than two (2) jet ski lifts or jet ports per project-front lot will be allowed.

b. Mooring Structures

1. Mooring structures, i.e., dolphins, pilings, or buoys must be placed in association with piers and docks and shall not be located beyond 120 feet from the normal lake shoreline nor extend more than 1/3 the distance across the waterway, whichever is less, as provided for docks under paragraph II.a.1, above. Mooring structures shall not be located in front of the associated pier or dock nor shall they be located greater than 30 feet laterally from the pier or dock.
2. All vessels secured to mooring structures must be moored in a manner which will not create any hazards to navigation, or block boating access for others. Vessels secured to mooring structures shall not be located beyond 120 feet from the normal lake shoreline nor extend more than 1/3 the distance across the waterway.

c. Boat Houses and Boat Shelters

1. Only floating boat houses will be permitted. Boat shelters (pilings with an attached roof) may be permitted provided the sides are not enclosed.

2. Flotation for all boat houses shall be of materials manufactured for marine use. Materials must not lose significant buoyancy if punctured, must not generally be subject to damage by animals, and must resist breaking apart under a broad range of wave energies. The uncoated, beaded polystyrene will not be permitted for any new construction or as replacement for existing facilities. Reuse of plastic, metal or other previously used drums or containers for encasement or flotation purposes is prohibited. Existing approved flotation is authorized until it has severely deteriorated and is no longer serviceable, at which time it must be replaced with approved flotation.

3. Structures built within the project boundaries must not contain sinks, toilets, showers, spigots, or any other type of device, which could cause any liquid or solid waste to be discharged into the lake. (Exception: Water supply lines supporting approved pump-out facilities are exempted from this requirement.)

4. Enclosed boat houses or boat shelters are not permitted.

5. Boat houses and boat shelters must be single-story structures (see II.a.2).

d. Marine Railways

1. Marine railways extending from on-shore boat houses must not interfere with navigation.

e. Bulkheads or Retainer Walls

1. Bulkheads or retainer walls for erosion control may be permitted provided the average eroded bank height is three feet or greater and is in an area compatible with Duke Energy's SMP for stabilization. Earth fills below the project boundary are prohibited.

2. Shoreline areas with an average eroded bank height ≤ 2 feet can only be stabilized utilizing approved bio-engineering techniques and enhanced rip rap; seawalls are not allowed.

3. Bulkheads for erosion control must be constructed from pressure treated wood, metal, concrete, vinyl or fiberglass.

4. Bulkhead backfill must consist of clean earthen materials free of all potential sources of pollution.

5. The backfill area must be stabilized with a vegetative cover after construction to minimize erosion.

f. Rip-Rap or Bio-engineering

1. Rip-rapping and bio-engineering for erosion control at the project boundary contour and below may be permitted provided rip-rap is placed against the existing erosional scarp and landward of any wetland vegetation to prevent the loss of wetlands in areas compatible with Duke Energy's SMP and any rip rap is limited to only that which is necessary to adequately control erosion.

2. Rip-rap for erosion control must consist of clean stone free of all potential sources of pollution.

3. An individual permit is required from SCDHEC and may be required from the US Army Corps of Engineers for stabilization that exceeds 500 linear feet of shoreline.

4. Rip-rap use should be limited to only that necessary to adequately stabilize the existing eroded bank. Rip-rap must be confined to the area between six feet below the full pond elevation and full pond elevation except where the entire placement is above the FERC project boundaries or where severely eroded banks must be sloped back or terraced to provide minimum bank stability and where permissible based on any local or state buffer requirements.

g. Minor Excavation not Affecting the Project Boundary

1. The quantity of material to be excavated shall not exceed 150 cubic yards for each site as required for removing accumulated sediments from existing facilities in order to maintain access.
2. All excavation work, including equipment setup must be done directly in front of the applicant's property and within the nearest one-third of the cove area and/or within any middle third of the cove area that is controlled by Duke Energy unless specific written authorization is given by the affected property owner(s) (*typically through their participation as co-applicants*). Access channels must run perpendicular to the shoreline while within the third of the cove that is nearest the applicant's property. Access channels and boat basins must not extend beyond half the cove width in cove areas where the opposing shoreline is classified as Environmental (including 50-ft Environmental offsets) in Duke Energy's SMP.
3. All displaced soil must be moved above the project boundary in one handling and must be contoured and seeded to prevent erosion. All disturbed shoreline must be adequately stabilized to prevent erosion and runoff into the lake. Best Management Practices as defined by the state must be followed by placing all excavated material a minimum of 50 feet landward of the full pond contour unless special consideration is given in writing by SCDHEC.
4. All excavation must be limited to that work necessary for reasonable access to deep water and may not be located in or impact areas identified as Environmental, Natural and Impact Minimization Zones in Duke Energy's SMP where applicable. Excavation and any disturbance must be limited to that which is absolutely necessary to achieve the project's stated purpose. Prior to authorization under this General Permit, SCDNR will be given an opportunity to review and comment on all proposed excavations greater than 50 cubic yards in Lake Keowee. If there are findings of significant adverse impact, the applicant will not be allowed to proceed under the terms of the General Permit.
5. Access channels must be limited to a maximum bottom width of 10 feet. Side slopes must be excavated to a slope of 3 to 1, except where safety requirements may dictate a more gradual-slope of the sides of the channel created.
6. The proposed excavation may not be for the purpose of creating additional shoreline, may not alter the project boundary or the full pond contour, and may not impact threatened or endangered species, historic properties or environmentally sensitive areas.
7. Dredging activities must not occur during the months of March, April, May and June because of potential impacts to spawning fish.
8. Excavations are not allowed within water willow beds except as necessary to maintain access to previously approved facilities.
9. New excavations are not allowed within the 50-ft Environmental offset associated with an Environmental classification identified in Duke Energy's SMP.

h. Speculation Facilities

1. Speculation facilities are defined as lakeward structures/activities that will ultimately be used by owners of project-front property with individual, single family type dwellings (if a dwelling is constructed) but which are built by other entities (e.g. developers and owners of multiple project-front lots). Facilities that will be used by owners of lots that don't have any project frontage or by owners of multi-family type dwellings (e.g. condominiums) are not covered under the General Permit.
2. Speculation facilities that are in compliance with all other limitations of this General Permit may be authorized by Duke Energy. Speculation facilities include but are not limited to piers, docks, boat houses, boat shelters and mooring buoys. Not more than one of each designated structure will be permitted per project-front lot at the discretion of Duke Energy.
3. Before Duke Energy will issue its approval for speculation facility construction, the project-front lot owner/applicant must:
 - i. Initiate the lake use permit process by completing the appropriate Duke Energy application and

providing the necessary information to prove project-front property ownership and to establish each lot's property corners along the project boundary.

ii. Provide SCDNR with a facility master plan for a 30-day review and comment period. The plan must show the overall shoreline development, including lot lines, type and total number of structures proposed. Dimensions of all proposed structures must be clearly indicated. Duke Energy and SCDHEC must be copied on the written review request. In the event of any findings of significant adverse impact to fish and wildlife resources during this 30-day review, the proposed activities will not be authorized by this General Permit. If no adverse comments are received within the 30-day review period, Duke Energy may proceed with permit issuance subject to all terms and conditions of this General Permit.

i. Heat Exchange Coils for Heat Pumps

1. The structures must not adversely affect navigation.
2. The heating/coolant medium used within the supply piping must be water.
3. Excavated material from trench excavation not used as backfill must be deposited on high ground and properly contained and stabilized to prevent erosion.
4. Stone used as trench backfill must be clean stone free of all potential sources of pollution.
5. All supply and return piping must be buried a minimum of two feet below the lake bed from the 440 elevation to a depth of five feet below maximum drawdown.
6. The exposed portions of the coils must be anchored to the lake bottom.

j. Required Authorization

Each person seeking authorization for the activities described in this General Permit must first obtain written approval for such activities from Duke Energy's Lake Services Office. Applicants should contact Lake Services at 1-800-443-5193.

k. Penalties for Violations

Authorization obtained under this General Permit limits the size, length and use of structures. Any deviation from the specifications, or other terms or conditions of the General Permit would constitute a violation of regulations and could result in removal of the structures or work and restoration of the waterway to its former condition and/or imposition of penalties as provided by law.

l. Revocation of General Permit

This permit may be removed by issuance of a public notice at any time if SCDHEC determines that the singular or cumulative effects of the activities authorized herein have an adverse effect on the public interest. Following such revocation any future activities in areas covered by this General Permit will be processed as individual permits.

m. Reporting of Activities Authorized by the General Permit

Duke Energy shall furnish SCDHEC a monthly tabulation of all activities authorized under the General Permit, including the location and type of work performed. The report is due by the 25th day of the following month.

n. Duration of the General Permit

This General Permit will cover activities started within five (5) years and completed within six (6) years after the date of issuance unless this permit is revoked in the interim. Revoking the General Permit will not affect the work that had been authorized when the General Permit was in effect.

o. Lake Jocassee Activities

Lake Jocassee is not included in this General Permit and as such, activities authorized by the General Permit are not applicable to Lake Jocassee.

This General Permit shall become effective on the date signed by SCDHEC.

By Authority of the South Carolina Department of Health and Environmental Control

Glenn Resor 7/19/07
Signature Date

Director, Water Quality Division
Title