D H E C
PROMOTE PROTECT PROSPER

C. Earl Hunter, Commissioner
Promoting and protecting the health of the public and the environment.

PUBLIC NOTICE
For informational purposes

The attached Corps of Engineers public notice for the South Carolina Public Service Authority, The General Permit is provided for informational purposes only.

Please send comments to the Corps address provided on the public notice. **Comments to the Corps are due by December 10, 2007, per their public notice.**

November 9, 2007

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Ocean and Coastal Resource Management
Charleston Office • 1362 McMillan Avenue • Suite 400 • Charleston, SC 29405
Phone: (843) 744-5838 • Fax: (843) 744-5847 • www.scdhec.gov

PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403

REGULATORY DIVISION 9 November 2007
Refer to: General Permit # 2007-02505-8GN

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et. seq., 1976 S.C. Code of Laws, as amended), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.) the Charleston District, Corps of Engineers proposes to reissue General Permit # 2002-14-002 with minor revisions. This permit was issued to the South Carolina Public Service Authority authorizing the construction, repair and maintenance of private non-commercial piers, docks moorings, boat houses, boat ramps, marine railways for dry storage, seawalls, groins, retainer walls, and riprap for erosion control, by adjacent property owners within the boundaries of

LAKE MARION AND LAKE MOULTRIE

in Berkeley, Clarendon, Orangeburg, Sumter and Calhoun Counties, South Carolina.

The purpose of this notice is to give all interested parties an opportunity to express their views on the proposed reissuance of the above referenced General Permit before action is taken. The General Permit, if reissued, will be effective for a period of five (5) years.

Written statements regarding the reissuance of the General Permit will be received at this office until

12 O'CLOCK NOON, MONDAY, 10 DECEMBER 2007

from those interested in the activity and whose interests may be affected by the proposed work.

The District Commander has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the General Public, for certification that the activities authorized by the proposed General Permit will comply with applicable effluent limitations and water quality standards. Activities authorized by the proposed General Permit in Berkeley County, South Carolina, must also be certified as consistent with applicable provisions of the Coastal Zone Management Act (15 CFR 930). The District Commander will not issue the proposed General Permit until such certifications are received. Persons wishing to comment or object to State certification must submit all comments in writing to the S. C. Department of Health and Environmental Control at one of the following addresses within thirty (30) days of the date of this notice.

S. C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

or
S. C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

This notice also initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the red-cockaded woodpecker (*Picoides borealis*) and the shortnose sturgeon *(Acipenser brevirostrum)*, which are both Federally endangered species, are present in the vicinity of the project area. However, it has been determined that the activities authorized by the General Permit are not likely to have an effect on these species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

In accordance with the NHPA, the District Engineer has evaluated the proposed General Permit regarding its potential to effect cultural resources including registered properties or properties listed as being eligible for inclusion in the National Register. Provisions have been made in the form of general conditions to the proposed General Permit, which should prevent any adverse effect to cultural resources due to the issuance of this General Permit. To insure that issues regarding cultural resources that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any information it may have with regard to impacts this General Permit may have on historic and cultural resources.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

The decision whether to issue a permit will be based on an evaluation of the probable impact Including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics,

general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If you have any questions concerning this matter, please contact Mr. Nat Ball at 843-329-8044 or toll free at 1-866-329-8187.

General Permit No. 2005-02505-8GN

Name of Applicant: General Public.

Effective Date: _____.

Expiration Date: _____.

DEPARTMENT OF THE ARMY
GENERAL PERMIT

A general permit to perform work in or affecting waters of the United States, both navigable and non-navigable, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the River and Harbors Act of March 3, 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344), is hereby issued by authority of the Secretary of the Army by the

District Commander
U. S. Army Corps of Engineers
Charleston District
69A Hagood Avenue
Charleston, South Carolina 29403

to authorize, where such authorizations are required, the construction, repair and maintenance of private, non-commercial piers, docks, moorings, boat houses, boat ramps, marine railways for dry storage, seawalls, groins, retainer walls, and riprap for erosion control by the adjacent property owners within the boundaries of

LAKE MARION AND LAKE MOULTRIE

in Berkeley, Clarendon, Orangeburg, Sumter
and Calhoun Counties, South Carolina

I. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that 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, as set forth more specifically in General Condition i. below and in the institution of such legal proceedings as the United States Government may consider appropriate.

b. That the permittee shall obtain written confirmation the proposed work complies with this general permit from the Charleston District, Corps of Engineers prior to the commencement of any work. For this purpose, the project proponent should submit to the Corps, written authorization or approval from South Carolina Public Service Authority (Santee Cooper), detailed plans, location maps, and other supplemental information explaining the nature of the proposed work.

c. That the permittee agrees to make every reasonable effort to perform the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and environmental resources.

d. That the permittee must perform the work authorized herein in a manner so as to minimize any degradation of water quality.

e. That the permittee shall allow the District Commander or his authorized representative 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. That the permittee shall maintain the work or structure authorized herein in good condition.

g. That 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 regulations, nor does it obviate the requirement to obtain other Federal, State, local, or South Carolina Public Service Authority (Santee Cooper) assent or to comply with any applicable standards required by ordinance for the construction of activities authorized herein. Other Federal, State, or local agencies and/or Santee Cooper are not limited by this document and may impose more stringent requirements than those identified in this document.

h. That structures authorized by this General Permit shall be designed, located, and/or operated to allow the full and free use by the public of all navigable waters adjacent to the work authorized by this permit.

i. That authorization of a specific work or structure authorized herein may be summarily suspended in whole or in part upon a finding by the District Commander that immediate suspension would be in the general public interest or there has been a violation of any terms and conditions of this permit. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by a permittee which are deemed necessary by the District Commander to abate imminent hazards to the general public interest. A permittee shall take immediate action to comply with the provisions of this notice. Within ten (10) days following the receipt of this notice of suspension, the permittee may request a meeting with the District Commander or a public hearing to present information relevant to a decision whether his/her permit should be reinstated, modified, or revoked. If a public hearing is requested it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the public hearing or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the authorization of the specific work or structure will be reinstated, modified, or revoked. Any modification, suspension, or revocation of authorization under this General Permit shall not be the basis for any claim for damages against the United States.

j. That 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 shall be installed and maintained by and at the expense of the permittee.

k. That if and when a permittee desires to abandon an authorized work, unless such abandonment is part of a transfer procedure by which the individual is transferring ownership of the structure, the permittee may be required to remove the structure.

l. That the permittee recognizes the possibility that works or structures authorized herein may be subject to damage by wave wash from passing vessels. The issuance of this General Permit does not relieve the permittee from taking all proper steps to ensure the integrity of works permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

m. That a structure owner upon receipt of a notice from the District Engineer for failure to comply with the terms, conditions, or standards of this General Permit shall, within 60 days without expense to the United States and in such manner as the Secretary of the Army or his authorized representative(s) may direct, effect compliance with terms, conditions, and standards or remove the structure.

n. That if the permittee, prior to or during the performance of the work authorized herein, encounters previously unidentified archeological remains or cultural resources within the area subject to Department of the Army authorization, the applicant agrees to cease work and contact the District Commander, so that further coordination with the South Carolina Institute of Archaeology and Anthropology and the South Carolina Department of Archives and History may be conducted.

o. That the permittee must notify the District Commander if the activity authorized by this General Permit may affect any historic properties listed, or which may be eligible for listing on the National Register of Historic Places. The activity is not authorized until the procedures for the protection of cultural resources (Appendix C to 33 CFR 325) have been completed on the eligible property or structure.

p. That this General Permit does not authorize work or structures within areas designated as "environmentally sensitive areas" by Santee Cooper.

q. That the term "permittee" means the individual authorized by the District Commander to accomplish work under this General Permit. The majority of activities authorized under this General Permit are limited to private, non-commercial use. However, subaqueous utility lines and overhead powerlines are typically constructed and/or maintained by corporations or other commercial entities. Therefore, the term "permittee" for these specific activities may include corporations or other commercial entities.

r. That if the District Commander determines federally listed threatened or endangered species and/or designated critical habitat are known to exist in the project area and that such species may be adversely affected by the proposed work, then that specific work is not authorized by this General Permit.

s. That a variance in the dimensions or locations of the activities authorized herein may be granted in instances where conformity with existing structures would be practical and in cases where exemptions would be desirable due to curvature and/or slope of the shoreline. This variance will be considered authorized upon approval by Santee Cooper. However, the District Commander reserves the right to deny such variance if effects on navigation and the aesthetic values of the surrounding area are determined to be contrary to the public interest.

t. This general permit relates only to activities authorized herein and does not convey the right to place any cover, closed structure, or structures for any nonwater-related use on or adjacent to the pier, dock, moorings, boat houses, boat ramps, marine railways for dry storage, seawalls, retainer walls, and riprap without the prior written approval of the Corps of Engineers.

u. The permitee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

II. Special Conditions

a. Piers and Docks

(1) Piers and docks shall not exceed six (6) feet in width, nor shall their length generally extend more than fifty (50) feet from the normal lake shoreline or to a water depth of four (4) feet whichever occurs first. Where a water depth of four (4) feet cannot be attained within the fifty (50) foot length from the normal lake shoreline, the length of the pier or dock may exceed fifty (50) feet if the pier or dock will not interfere with navigation, ingress or egress to adjoining property or are in any manner hazardous. In some locations such as narrow coves, the maximum size may not be permitted or docks may not be permitted at all.

(2) Piers and docks will be located a minimum of ten (10) feet from adjacent property lines and should not encroach across the imaginary lakeward extension of said property lines.

(3) Piers and docks may have a "T" or "L" shaped terminal having dimensions not greater than 16 feet in length by 24 feet in width. The length of the terminal shall be included in the 50' maximum length prescribed for the structure in Paragraph II.a.(1) above.

(4) Handrailings are permissible provided that the sides of the docks are not enclosed so as to obscure cross-vision and they do not exceed three feet in height.

(5) Piers, docks, floats and moorings shall be limited to single-family, private-owner use in conjunction with residential lots only.

(6) No sinks, toilets, showers, etc., or any type of equipment or construction which will create or cause any liquid or solid waste to be discharged into the waters of the lakes will be permitted.

(7) All fixed docks must be built at an elevation where the decking is a minimum of two (2) feet above the maximum high water line of the lake.

(8) Flotation devices on floating docks shall be encased or encapsulated. Styrofoam billets, barrels or similar devices are not permitted.

(9) Houseboats used for habitation may not be permanently moored at private docks. Permanent mooring of houseboats must be at marinas with appropriate waste pumping and treatment facilities.

b. Moorings

(1) Mooring structures, such as dolphins, pilings, or buoys, shall not be located beyond the distance prescribed in Paragraph II.a.(1) nor shall they be located greater than 20' laterally from the side of the associated pier or dock when associated with the pier or dock. The number of such structures shall not exceed two per property. A variance in the location and number of buoys may be considered on a case by case basis by Santee Cooper provided their location does not extend beyond the distances prescribed in paragraph II.a.(1) and they do not interfere with navigation or aesthetic values.

(2) Vessels secured to mooring structures must be moored in a manner which will not create any hazards to navigation.

c. Boat Houses and Boat Lifts

(1) Boat houses are only permitted in certain areas of Lake Marion as designated by the South Carolina Public Service Authority. Boat houses are allowed primarily in areas where high bluffs or hilly topography exist provided that their construction does not obstruct cross vision nor interfere with aesthetic values.

(2) Boat houses may be floating or fixed. Flotation devices shall be encased or encapsulated. Styrofoam billets, barrels or similar devices are not permitted.

(3) Boat houses will be located a minimum of ten (10) feet from adjacent property lines and should not encroach across the imaginary lakeward extension of said property lines. A variance in the distance from the adjacent property lines may be granted in instances where conformity with existing structures would be practical and in cases where exceptions would be desirable due to the curvature of the shoreline.

(4) No sinks, toilets, showers, etc., or any type of equipment or construction which will create or cause any liquid or solid waste to be discharged into the waters of the lake will be permitted.

(5) Roofs may be gabled, flat or hip. Gable or hip roofs are not to exceed ten (10) feet in height from the top of pitch to the decking of the pier or twelve (12) feet in height from top of pitch to the water surface. Flat roofs are not to exceed eight (8) feet in height from top of pitch to the decking of the pier or ten (10) feet in height from top of pitch to the water surface.

(6) Enclosed boat houses are permitted if they are constructed in such a manner that Santee Cooper concludes that clear cross vision is not obstructed.

(7) Boat house dimensions will not exceed sixteen (16) feet by thirty (30) feet.

(8) Uncovered boat lifts will be considered for all areas of Lake Marion and Lake Moultrie provided that when fully raised, the bottom of the boat may not exceed the height of the decking of the pier or dock. The total height of any portion of the lift will not exceed ten (10) feet above the maximum high water line of the lake. Uncovered lifts for personal watercraft such as jet skis will also be considered, however, no more than two (2) per waterfront lot will be allowed.

(9) Covered boat lifts will be allowed in lieu of boat houses in areas where water-based boat houses are permitted.

d. Boat Ramps

(1) Boat ramps will be constructed of reinforced concrete with a minimum thickness of four (4) inches. Use of asphalt compounds or petroleum products are not authorized under this General Permit. Boat ramps may be up to twelve (12) feet wide and the minimum length required to be functional.

(2) Boat ramps will be located a minimum of ten (10) feet from adjacent property lines and should not encroach across the imaginary lakeward extension of said property lines. A variance in the distance from the adjacent property lines may be granted in instances where conformity with existing structures would be practical and in cases where exceptions would be desirable due to the curvature of the shoreline.

(3) Vegetated wetlands must be avoided to the maximum extent practicable. If a proposed boat ramp would affect more than 500 square feet of vegetated wetlands, review and concurrence of the U. S. Fish and Wildlife Service and the South Carolina Department of Natural Resources are required.

e. Marine Railways

(1) Marine railways extending from onshore boat houses must not interfere with navigation.

(2) Marine railways will be located a minimum of ten (10) feet from adjacent property lines and should not encroach across the imaginary lakeward extension of said property lines. A variance in the distance from the adjacent property lines may be granted in instances where conformity with existing structures would be practical and in cases where exceptions would be desirable due to the curvature of the shoreline.

f. Groins and Retainer Walls

(1) Groins and retainer walls for erosion control will be permitted provided that they are constructed of treated wood, concrete, vinyl sheeting, or some other suitable material that has received prior approval by Santee Cooper.

(2) Groin walls must be a minimum of two (2) feet above the maximum high water mark of the lake and must not be excessive in length.

(3) Retainer walls must be placed against the existing erosional scarp, and landward of any wetland vegetation to prevent the loss of wetlands. The recapturing of land by earthen fill will not be permitted.

(4) Only clean earthen fill free of all potential sources of pollution may be used as backfill material. The backfilled area must be stabilized with vegetative cover after construction to minimize erosion.

g. Riprap

(1) Riprap must consist of clean stone or masonry material free of all potential sources of pollution. Riprap materials must have received prior approval by Santee Cooper.

(2) Riprap must be placed against the existing erosional scarp, and landward of any wetland vegetation to prevent the loss of wetlands.

III. Prohibited Activities:

All work that exceeds the terms and conditions specified herein is prohibited unless an Individual or Nationwide Department of the Army Permit has been obtained from the Corps of Engineers. All work for purposes other than those specified herein is expressly not authorized by this document.

IV. Required Authorizations:

a. Prior to performing the any of the work authorized herein within the prescribed geographical limits of this General Permit, the permittee must also obtain authorization from Santee Cooper.

b. Prior to performing any of the work authorized herein that entails discharges of dredged or fill material into navigable waters, the permittee will either confirm that the proposed project complies with South Carolina General Permit # _____ or obtain a Permit to Construct in Navigable Waters from the South Carolina Department of Health and Environmental Control pursuant to R. 19-450. et. seq., 1976 S.C. Code of Laws, as amended.

c. Santee Cooper has agreed to furnish the Corps of Engineers with a monthly tabulation and pertinent information on all work or activities authorized under this General Permit.

d. Work that occurs under the authorization of this General Permit in the Berkeley County portion of Lake Moultrie is subject to the attached Coastal Zone Management Plan certification dated _____.

V. 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 shall constitute a violation of the River and Harbors Act of 1899 and/or Section 404 of the Clean Water Act, and may result in the District Commander seeking judicial relief to have the permittee remove structures and/or restore the project area to its former condition as well as the imposition of penalties as provided by law.

VI. Revocation of the General Permit:

This permit may be revoked by issuance of a public notice at any time the District Commander determines that the 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 or Nationwide Permits.

VII. 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 work performed in accordance with the conditions stated herein. At the end of the first year and every succeeding year, the Corps of Engineers and the Federal and State regulatory and resource agencies will jointly review activities authorized by this General Permit to determine if significant cumulative impacts have resulted. If the District Commander determines revocation of this permit, in whole or in part, may be in order due to cumulative impacts, a public notice of the intention will be issued and after a review of all additional data submitted, action will be taken to amend, modify or revoke this permit as appropriate.

This permit shall become effective on the date of the District Commander's signature.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

_____ _____

J. Richard Jordan, III Date
LTC, Corps of Engineers
District Commander

or his Designee

Tina B. Hadden
Chief, Regulatory Division