

Electronically Filed

Dominion Energy South Carolina, Inc.
DESC Power Generation
220 Operation Way, MC B223, Cayce SC 29033
DominionEnergySC.com



September 24, 2024

Debbie-Anne A. Reese, Acting Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Subject: Dominion Energy South Carolina, Inc.
Saluda Hydroelectric Project, P-516-518
Response re: Compliance Inquiry – Buffer Zone and Riparian Management Plan

Dear Acting Secretary Reese:

Dominion Energy South Carolina, Inc. (DESC) hereby files electronically the information requested in Ms. Mary Karwoski's letter to Ms. Iris Griffin dated July 29, 2024. The items in that letter are repeated below along with DESC's responses.

Item 1. We note discrepancies between the information you provided in the September 22, 2023 letter and the Buffer Plan. The Buffer Plan states replanting standards are to stabilize disturbed areas by planting forbs, grasses, shrubs, and trees as needed, and to allow natural succession to continue. In most of the photographs showing the encroachments at the Harbour Watch Subdivision it is almost impossible to discern the difference between a private backyard and the buffer zone.

- According to the Buffer Plan, Zone II area (from the 360-elevation extending 25 feet inland, measured horizontally) are required to have at least a 50% understory consisting of native species of grasses, forbs, and shrubs. The photographs provided show that most of this portion of the buffer zone has been cleared, except for overstory trees, and is generally managed to maintain open views to Lake Murray often with little to no understory material. Please provide additional details regarding your revegetation strategy, especially as it relates to re-establishing the understory layer in Zone II and achieving the 50% density requirement.

Response: The buffer zone and riparian management plan that was approved in the Order Modifying and Approving Buffer Zone and Riparian Management Plan (120 FERC ¶ 62,105), issued August 9, 2007 ("2007 Order") does not apply to buffers established pre-2007 such as Harbour Watch. Pre-2007 buffers were managed to allow limited brushing. As stated in our response dated September 22, 2023, DESC has planted the buffer with trees 20-25ft apart.

- The invoice provided in Attachment 1 of the September 2023 filing lists replacement tree species planted as Willow Oak, Maple, River Birch, and Bald Cypress and shrub species as wax myrtle. You stated trees are to be planted 20-30 feet apart, while the Buffer Plan states spacing between any two trees must not exceed 25 feet. Please provide an explanation for the discrepancy in the maximum spacing you are proposing. Also, provide an explanation for planting River Birch and Bald Cypress,

as those species are not on the recommended species list provided in the Buffer Plan. Please provide photographs of the replacement trees planted through March 2024, and include a reference that will verify that the trees planted meet the 6-foot height above ground requirement and the maximum space between replacement trees planted is 20 feet.

Response: While the invoice incorrectly stated 20-30 feet, the instructions given to and followed by the landscaper were in fact to plant trees no more than 25 ft apart. Additional tree species were planted due to the large order of 500 trees. The contractor could not supply the amount needed by only utilizing a few species in the 6 ft. height requirement. The combination of time of year (which was optimal time to plant), tree height requirements, and the deadline to complete the work made it difficult to order such a large number of trees with such few species options. In addition, River Birch and Bald Cypress are on the recommended trees list in the buffer plan for Zone 1.

See **Attachment 1** "Tree Spacing and Height Requirements" with photographs.

- The Buffer Plan allows for traditional lawn species in Zone III portions of the buffer zone (25 feet to 75 feet upland of Zone II, measured horizontally). However, while allowed, the Buffer Plan states traditional lawn species must be managed without the application of nutrients or pesticides. Several photographs show what appears to be highly managed manicured lawns, which suggest the use of fertilizers and or pesticides/herbicides. Please describe how you inform adjacent property owners that the use of fertilizer/pesticides are not permitted on lawn areas in the buffer zone and how you enforce this policy. Additionally, please provide information regarding how regular mowing and intensive management of lawn areas (removing leaf fall, pine needles, woody debris, etc.) contributes and or hinders your efforts to revegetate the buffer zone, including establishing an effective understory layer.

Response: Although, as noted above, the Harbour Watch buffer zones do not fall under the Buffer Zone and Riparian Management Plan, we have always prohibited the use of herbicides on the buffer or below the 360 contour. We have since added the use of fertilizer and pesticides to the prohibited list. We have always verbally informed property owners that the use of herbicide, fertilizer or pesticides on our property is not allowed. Regarding mowing and intensive management of lawn areas on the Harbour Watch buffer, these pre-2007 buffer zones have not been re-vegetated to establish understory layers because this was not a requirement prior to the 2007 Order approving the buffer zone and riparian management plan.

- Provide an updated progress report, including photographs, regarding your efforts to de-privatize and remove buffer zone encroachments from the 16 properties identified in the September 22, 2023 filing.

Response: Subsequent to the September 22, 2023 response filing, DESC and legal counsel representing Harbour Watch homeowners met onsite and on a case-by-case basis

determined appropriate resolution for each property. In general, natural looking materials used for paths were allowed to remain. For the homeowners who did not retain legal counsel, similar standards were applied as those that were negotiated with homeowner's legal counsel. See **Attachment 2** "Harbour Watch 16 Properties Updated Photos and Status".

Item 2. As requested, you provided a copy of the permit issued for 288 Vinge Road which authorized the installation of a boat lift, rip rap, and limited brushing (vegetation removal). The permit provided contains no guidance regarding any limitations on the proposed work, including vegetation removal. The September 2023 filing states the shoreline at this location had significant erosion, which was encroaching on the buffer zone, and DESC issued the permit to armor the shoreline with rip rap. The Buffer Plan states that in Zone I (vegetated perimeter below the 360 elevation) for slopes 2 to 1 or flatter, an understory cover consisting of grasses, forbs, and shrubs with a height of at least 6 inches or duff or natural mulch at least 4 inches thick will be established or encouraged to develop over at least 75% of this zone for the stability of the shoreline. Lake Murray Watch provided pre- and post-brushing photographs of this shoreline, which appears to have slopes less than 2 to 1. Copies of these photographs are provided below for reference. Using publicly available historical aerial photography, we were unable to verify significant erosion at this location. If available, please provide photographs showing the erosion along this portion of shoreline which required armoring, verify the slope of the shoreline, and if relevant provide other factors which support the need to authorize rip rap stabilization in lieu of a vegetated solution. Additionally, provide information on the sediment control measures you required during this work, as the post clearing photograph appears to show considerable areas of bare earth where the understory has been cleared.

For Zone II areas (0-25 feet inland from the 360 elevation), the Buffer Plan states absolutely no removal of trees other than dead or diseased specimens is permitted in this zone and removed trees must be replaced as needed to meet the spacing requirement. Please provide the justification for the removal of virtually all vegetation, including trees, in the Zone II portion of the buffer zone at this location and why you have not enforced the requirement for replanting in this area. While the Buffer Plan allows for selective thinning in Zone III of the buffer zone to remove undesirable or dead trees and shrubs, the photographs suggest that more than diseased or dead trees have been removed. Please provide justification for the number of trees and other vegetation removed in the Zone III portion of the buffer in this area.

Response: DESC does not have pictures of the shoreline erosion for this property before the work was done. In addition, DESC does not believe that the "before" picture provided by Lake Watch depicts the same area where the shoreline work took place. DESC also disagrees that the slope at 288 Vinge Rd was less than a 2 to 1 slope. In fact, it was steeper than 2 to 1 in most areas of the shoreline because it was significantly undercut with massive holes and washouts in the side of the buffer and trees had fallen into the lake from such erosion. The planting of grasses and forbs at this location would not have been effective and would have eroded/fallen away as well. This area is a point lot

with heavy boat traffic and wind contributing to significant erosion. The bare spots in the picture above the riprap which may appear as dirt in the photo is actually mulched up wood from the brushing. Machinery was used for mulching but was not authorized by DESC. The lakebed is below the riprap and in this area the lakebed is mainly dirt. Instructions were given by Dominion to install a barrier cloth behind the riprap to keep dirt from washing into the lake. See **Attachment 3** "Moore and Lominick Signage", pages 6-13, which shows that this area is not actually bare. These pictures show that there is a good amount of undergrowth as well as previously existing and newly planted trees.

The reference to the Zones I, II, and III do not apply to the Vinge Rd. property since the 2004 order approving the sale of 14 parcels applies to this buffer.

As stated previously, DESC does not believe the "before" picture provided by Lake Watch is of the affected area. Most of the trees in the actual affected area at this property were diseased, dying, and/or dead with many of them having significant beaver damage. DESC has replanted trees in this area according to the Buffer Plan.

- Item 3. You provided the requested information regarding the difference between the 2006 and 2017 Management Prescriptions/Environmentally Sensitive Area maps. From the explanation and information in Attachment 4, it appears that the buffer zone, shown as a thick redline along the shoreline adjacent to the Vinge Road properties, indicates a more restrictive and robust buffer zone. The buffer zone in this area was a requirement of ordering paragraph (B) of the Order Approving Change in Land Rights, issued January 29, 2004 (2004 Order).

As indicated in September 2023 filing, the area is described as adjacent to the Randy and Myra Moore and Scott Lominick parcels in the 2004 Order. In the 2004 Order, these parcels are described as undeveloped shoreline containing naturally vegetated land including willow and buttonbush, which are high-resource habitat areas for fish and wildlife, and having scenic, recreational, and environmental values integral to the project. While the Land Use and Shoreline Management Plan requires you to retain title to the 75-foot buffer zone adjacent to the 360 elevation, the 2004 Order requires you to establish a 50-foot natural buffer zone around each environmentally sensitive area (ESA) identified or adjacent to the parcels identified in the order, before they are sold, and mark each natural buffer and ESA with appropriate markers. Additionally, ordering paragraph (C) requires you to establish a 25-foot natural buffer zone above the 360 elevation in areas without ESAs.

Since many trees and all of the understory vegetation has been removed from the buffer, please provide justification how the buffer meets the natural buffer requirement of the 2004 Order. The photographs provided in Attachment 2 of the September 2023 filing do not show the natural buffer and ESA markers required by the 2004 Order. Please provide photographs showing these markers in the buffer zone adjacent to both the Moore and Lominick parcels. Additionally, please provide a signed copy of the Shoreline Management and Vegetation Protection Agreement which identifies the

restrictions within the buffer zone to which Thad H. and Susan Riley, permittees for the 288 Vinge Road parcel, agreed to abide.

Response: The 25' non-disturbance buffer was inadvertently not marked and signed when the property was originally sold but not immediately developed. After several years had passed, DESC mistakenly issued a limited brushing permit for the non-disturbance portion of this buffer. To correct this, the buffer has been planted with trees using the guidelines in the buffer zone and riparian management plan. The buffer has been signed according to the 2004 Order.

See **Attachment 3** "Moore and Lominick Signage". The copy of the vegetation agreement is in **Attachment 4** "288 Vinge Road Vegetation Agreement".

Item 4: The extension of the buffer zone along the shoreline adjacent to the lot adjacent to the Randy and Myra Moore and Scott Lominick parcels was a requirement of the 2004 Order. However, the post-brushing photograph shows a diminished buffer zone which appears to open views to Lake Murray for the benefit of future construction on the adjacent parcel. Please provide an explanation why many of the trees and nearly all understory vegetation was removed from the buffer zone and if there are plans to restore the buffer zone to its previous condition. Additionally, please provide an explanation why machinery and or tracked equipment appears to have been allowed below the 360 elevation and within the vegetative buffer zone.

Response: The contractor who was hired by the property owners used a mulching head to grind the damaged and dead trees on the buffer (most of them on the shoreline were undercut from wave action thus creating a safety hazard in the event they fell). DESC was not aware machinery was being used to this extent and no authorization for its use was given. Trees have since been re-planted according to the 2004 order and it has been signed accordingly.

If you have any questions about this filing, please contact Mr. Billy Chastain at (803) 217-7149 or by email at billy.chastain@dominionenergy.com.

Very truly yours,



William K. Chastain, Manager
Lake Management Department
DESC Power Generation

WKC/ra

c: J. W. Miller/H. E. Delk, Jr./I. N. Griffin/R. Ammarell/SH File
W. K. Chastain, Jr./L. H. Baughman/B. McCartha/M. L. Chapman/C. D. Santiago
J. H. Hamilton/J. Bressler
Corporate Records

List of Attachments

1. Tree Spacing and Height Requirement Photo Examples
2. Harbour Watch 16 Properties Updated Photographs and Status
3. Moore and Lominick Tracts Signage Photographs
4. 288 Vinge Road Signed Vegetation Agreement

Attachment 1: Tree Spacing and Height

Tree spacing illustration:



Attachment 1: Tree Spacing and Height

Tree height illustration:



Attachment 2: Harbour Watch 16 Properties Photos and Status

116 and 120 Anchorage Ln. DESC agreed to let walkway stay due to low area holding water when it rains. This allows the property owners get to and from their dock safely.



Attachment 2: Harbour Watch 16 Properties Photos and Status

128 Anchorage Ln. Pavers removed and brick fireplace removed.



Attachment 2: Harbour Watch 16 Properties Photos and Status

104 Osprey Pt. DESC is still working with homeowner to remove edging rails.



Attachment 2: Harbour Watch 16 Properties Photos and Status

108 Osprey Pt. Path violation is complete. Pinestraw and natural flagstone added over black fabric.



Attachment 2: Harbour Watch 16 Properties Photos and Status

109 Osprey Pt. DESC is still working with the property owner to remove gravel area.



Attachment 2: Harbour Watch 16 Properties Photos and Status

141 Windjammer. DESC is still working with the property owner to remove the railing on the path. The walkway material is allowed to stay due to the natural appearance of the walkway.



Attachment 2: Harbour Watch 16 Properties Photos and Status

129 Breezy Pointe Ln. Walkway material allowed to stay due to the natural appearance of the walkway.



Attachment 2: Harbour Watch 16 Properties Photos and Status

132 Breezy Pointe Ln. Edging rails are removed.



Attachment 2: Harbour Watch 16 Properties Photos and Status

133 Breezy Pointe Ln. Water Fountain and path removed.



Attachment 2: Harbour Watch 16 Properties Photos and Status

140 Breezy Pointe Ln. Rails on the path removed and walkway material allowed to stay due to the natural appearance of the walkway.



Attachment 2: Harbour Watch 16 Properties Photos and Status

112 Harvest Moon. Walkway material allowed to stay due to the natural appearance of the walkway.



Attachment 2: Harbour Watch 16 Properties Photos and Status

120 Harvest Moon. Rails removed. Walkway material allowed to stay due to the natural appearance of the walkway.



Attachment 2: Harbour Watch 16 Properties Photos and Status

140 Harvest Moon. Pavers Removed.



Attachment 2: Harbour Watch 16 Properties Photos and Status

156 Harvest Moon. Walkway material allowed to stay due to the natural appearance of the walkway.



Attachment 2: Harbour Watch 16 Properties Photos and Status

152 Summer Breeze. Walkway material allowed to stay due to the natural appearance of the walkway.



Attachment 3: Moore and Lominick Tracts Buffer Zone Marking and Signage

See the next 5 pictures for Moore and Lominick tract signed according to 2004 order.



Attachment 3: Moore and Lominick Tracts Buffer Zone Marking and Signage



Attachment 3: Moore and Lominick Tracts Buffer Zone Marking and Signage



Attachment 3: Moore and Lominick Tracts Buffer Zone Marking and Signage



Attachment 3: Moore and Lominick Tracts Buffer Zone Marking and Signage



Attachment 3: Moore and Lominick Tracts Buffer Zone Marking and Signage

See the next 8 pictures for 288 Vinge Rd (part of Lominick tract) Signed and Painted according to 2004 order.



Attachment 3: Moore and Lominick Tracts Buffer Zone Marking and Signage



Attachment 3: Moore and Lominick Tracts Buffer Zone Marking and Signage



Attachment 3: Moore and Lominick Tracts Buffer Zone Marking and Signage



Attachment 3: Moore and Lominick Tracts Buffer Zone Marking and Signage



Attachment 3: Moore and Lominick Tracts Buffer Zone Marking and Signage



Attachment 3: Moore and Lominick Tracts Buffer Zone Marking and Signage



Attachment 3: Moore and Lominick Tracts Buffer Zone Marking and Signage



Attachment 4: 288 Vinge Road Signed Vegetation Agreement

Shoreline Management and Vegetation Protection Agreement SPECIAL NOTICE TO LAKE MURRAY SHORELINE PROPERTY OWNERS

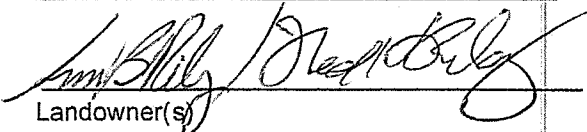
Saluda Hydroelectric Project is a power generating facility under the regulating jurisdiction of the Federal Energy Regulatory Commission (hereinafter "FERC") and is designed to utilize the waters of Lake Murray to generate electricity. Water levels on the Lake will fluctuate seasonally dependent upon generation and rainfall. Be advised as a property owner on Lake Murray ("Landowner") Dominion Energy, who is the FERC Project 516 licensee, does not guarantee year- round water access to any dock or other facility on the Lake.

Permitting Policy - Permits to construct, repair, modify or replace boat docks, ramps, marine railways or lifts must be obtained from Dominion Energy Lake Management Department (phone number 803-217-9221) **prior to the beginning of construction.**

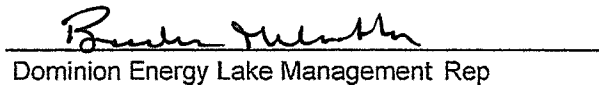
Shoreline Vegetation below the High-Water Mark - Trees, bushes and other vegetation growing below the 360 foot contour line (the normal high pool elevation of Lake Murray) play an important role in the overall environmental condition of the Lake. This shoreline vegetation (button bushes, willow trees, hardwood trees, etc.) is necessary to ensure and maintain a sound, healthy lake environment. Dominion Energy Land Use and Shoreline Management Plan, as approved by the FERC, permits limited removal of vegetation for the construction and installation of docks and other facilities below the 360 contour. Be advised that **unauthorized removal of shoreline vegetation may result in the cancellation of dock and other permits issued by Dominion Energy, and revegetation of the shoreline will be required.** The Landowner must contact Lake Management Department prior to removal of shoreline vegetation below the 360 contour.

75 Foot Setback Area/Vegetative Buffer Zone (may or may not be applicable) - Landowner understands that there may be a 75 foot setback area from the 360 foot contour line inland on certain Lake Murray properties. The boundary line indicating this setback area, or vegetative buffer zone, is shown on Dominion Energy's plats and should be made clear on Landowner's plat if this condition applies to his/her lot. Landowner understands that there are special use restrictions within the 75 foot setback area. **There shall be no clearing of trees or shrubs, or significant alteration of the contour of the land, or posting of the property, and no permanent structure of any kind may be built except as may be permitted under the Dominion Energy Shoreline Management Program** within the 75 foot setback area without **written consent** from the Lake Management Department. The use of Dominion Energy property is entirely permissive and at the discretion of Dominion Energy as landowner, and Landowner must adhere to the terms established herein and in the Shoreline Management Plan in order to ensure continued use of the property.

By signing this document, landowner acknowledges that he/she has been made aware of the Lake Murray Shoreline Management Program and how it affects his/her use of the Lake resource. Landowner further agrees to ensure that any person leasing or otherwise using his/her property is aware of and will obey the land use guidelines set out herein. **Landowner agrees not to violate the rules and restrictions contained in this agreement and understands that the failure to follow them may result in the revocation of all permits for shoreline accessories and may include, where applicable, termination of permission for access to Lake Murray across Dominion Energy property.**


Landowner(s)

10/30/22
Date


Dominion Energy Lake Management Rep

11-10-22
Date