

106 FERC ¶ 61,086  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;  
Nora Mead Brownell, Joseph T. Kelliher,  
and Suedeem G. Kelly.

South Carolina Electric & Gas Company

Project Nos. 516-319, 516-321,  
516-326, 516-329, 516-330, 516-  
331, 516-332, 516-333, 516-354,  
516-355, 516-356, 516-357, 516-  
358, and 516-359

ORDER APPROVING CHANGE IN LAND RIGHTS

(Issued January 29, 2004)

1. This order approves applications filed by South Carolina Electric and Gas Company (SCE&G), licensee of the Saluda Hydroelectric Project No. 516, for Commission approval to sell fourteen separate parcels of project land adjacent to the project reservoir, Lake Murray.

**Background**

2. The 206-megawatt Saluda Project, originally licensed in 1927, was relicensed in 1984 for a term expiring in August 2007.<sup>1</sup> The project dam, located 10 miles west of the City of Columbia, created Lake Murray, which extends westward 41 miles upstream of the dam and is roughly 14 miles across at its widest point. The lake has a surface area of about 50,000 acres at a maximum pool elevation of 360 feet mean sea level (msl). The lake's 520 miles of irregular shoreline are characterized by deep coves and prominent peninsulas.

3. The original project boundary consisted of a series of straight survey lines running roughly parallel to, and anywhere between 25 to 400 feet from, the reservoir shoreline,

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<sup>1</sup> Order Issuing New License, 27 FERC ¶ 61,332 (1984).

125 feet being the average distance.<sup>2</sup> This boundary was originally estimated to include about 15,000 acres of shore land. Beginning with the 1950s, Lake Murray became a major recreational resource for the region.<sup>3</sup> In the 1950s and 1960s, SCE&G was allowed to sell and remove from the project boundary about 5,800 acres abutting the reservoir shoreline, mostly for private development.<sup>4</sup> By the late 1970s, a little more than half the lakefront had been sold and removed from the project,<sup>5</sup> with the result that where lands had been sold the project boundary became the reservoir's maximum pool elevation.

4. In 1979 the Commission directed SCE&G to develop a comprehensive land use and shoreline management plan<sup>6</sup> (shoreline plan) that would ensure protection of the project's environmental, recreational, aesthetic, and other public interest purposes.<sup>7</sup> When the Commission relicensed the Saluda Project in 1984, the license included the project's first shoreline plan.<sup>8</sup> The plan has five classifications of land uses within the project boundary: (1) easement, (2) recreation, (3) project operation, (4) forest and game management, and (5) future private development. Sub-classifications identify the types of use more specifically. Environmentally Sensitive Areas are a sub-classification of

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<sup>2</sup> See South Carolina Electric and Gas Co., 7 FERC ¶ 63,005 at 65,040 (1977) (initial decision). The Commission's regulations on project boundaries accommodate this form of boundary designation. See 18 C.F.R. §§ 4.41(h)(2)(i)(B), 4.51(h)(2)(i)(B).

<sup>3</sup> The lake is used for year-round and summer cottages and for boating, water skiing, fishing, swimming, picnicking, and camping. See South Carolina Electric and Gas Co., 7 FERC ¶ 61,180 at 61,336 (1979) (Opinion No. 39).

<sup>4</sup> As we most recently discussed in Wisconsin Public Service Corp., 104 FERC ¶ 61,295 at P 14-18 (2003), the sale of interests in a parcel of project land is a matter separate from the removal of that parcel from the project boundary.

<sup>5</sup> Of the shore land located around the eastern third of the lake, 99 percent was by then owned by private entities. Around the middle third of the lake, 66 percent of the shore land was privately owned. The upper third of the lake's shore land was about 45 percent owned by non-licensees, but the upper third was largely undeveloped, and much of it is wetlands. See 7 FERC ¶ 63,005 at 65,040-41; and South Carolina Electric and Gas Co., 16 FERC ¶ 62,479 at 63,892 (1981).

<sup>6</sup> The plan has also been called a land use management plan (e.g., the Commission's September 18, 1981 order, n. 8, infra).

<sup>7</sup> 7 FERC ¶ 61,180, supra.

<sup>8</sup> The plan was first approved in 1981 (16 FERC ¶ 62,479).

lands identified for future private development. Each classification in the plan is subject to specified land use controls, such as minimum construction setbacks, buffer zones, restrictions on clearing, and maintenance of wildlife habitat. The new license required the company to reassess the plan every five years, in consultation with the relevant federal, state, and local agencies.

5. The results of SCE&G's first five-year reassessment were filed in 1990. SCE&G proposed to reclassify another 309.58 acres (including seven miles of shoreline) of project land for public recreation, and to reclassify another 155 acres from future private development to forest management. These proposals were unopposed, but the commenting agencies expressed concern that the revised plan did not do enough to reduce the potential for adverse cumulative environmental impacts from inadequately regulated shoreline development and boat access placement.

6. By order issued September 17, 1991,<sup>9</sup> the Commission approved SCE&G's revisions to the shoreline plan, but agreed with the agencies that the plan was not specific enough in identifying the amount, type, and location of existing shoreline development, undisturbed shoreline areas, and environmentally sensitive areas such as wetlands. The Commission therefore required the company to undertake an inventory of shoreline land and to propose revisions to the plan to better manage future development pressures and public recreational needs, and to ensure the protection of environmental resources.<sup>10</sup>

7. The Commission concluded that until SCE&G finished its shoreline inventory and assessment, the project's shoreline plan and the license's other land use controls (discussed below) should adequately control shoreline development. In this connection, the Commission stated that new applications for sale of land for development should contain information sufficient for the evaluation, at least on the local level, of the environmental effects of the proposal.<sup>11</sup>

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<sup>9</sup> 56 FERC ¶ 62,194(1991).

<sup>10</sup> In this connection, the Commission stated (56 FERC ¶ 62,194 at 63,249):

The licensee's proposal to allow consumer demand and economic factors to dictate the type, location, and size of commercial development will not ensure protection of [terrestrial and aquatic] resources. Some areas of the lake are not conducive to extensive development. Without planning and foresight, shoreline development can contribute to overcrowded conditions and environmental degradation.

<sup>11</sup> 56 FERC ¶ 62,194 at 63,250.

8. In 1994, SCE&G created a Geographic Information Systems (GIS) database for the project that significantly improved the accuracy of the determination of acreages and shoreline distances. In 2002, the company submitted an even more accurate database, created with a Global Positioning System (GPS).<sup>12</sup> The latest database indicates that in fact the reservoir shoreline is not 520 miles but rather 650 miles long, and that there are not some 7,000 acres but rather 17,152 acres between the reservoir edge and the project boundary.<sup>13</sup>

9. SCE&G submitted its proposed five-year update of the project's shoreline plan on February 1, 2000,<sup>14</sup> and responded to Commission staff's additional information request on March 28, 2002. On October 31, 2003, the Commission staff submitted its Environmental Assessment (EA) of the proposed update.

## **THE PROPOSED LAND SALES**

### **Introduction**

10. Many transfers of interests in project lands for non-project uses do not require the project boundary to be redrawn. However, it has long been Commission policy to remove from the project boundary lands used for private residential development, unless such lands are clearly needed for project purposes.<sup>15</sup>

11. Generally speaking, when a licensee wishes to remove a parcel of land from the project, it should file an application to amend the project license to delete the land from the project boundary. If the Commission finds that the licensee has demonstrated that the parcel is not (or no longer) needed for project purposes, the parcel will be deleted from the project boundary, after which the licensee may use or dispose of the land without Commission involvement.<sup>16</sup>

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<sup>12</sup> See SCE&G filing of March 28, 2002, responses to Additional Information Request Nos. 1 and 3.

<sup>13</sup> Id., answer to Additional Information Request No. 3, Exhibit AIR3-A.

<sup>14</sup> The Commission approved SCE&G's shoreline inventory study plan in October 1992 (61 FERC ¶ 62,051), and SCE&G filed the shoreline inventory in October 1994. The Commission approved the inventory in September 1997, and granted the company an extension to January 31, 2000, to file the five-year update.

<sup>15</sup> See 18 C.F.R. §§ 4.41(h)(2), 4.51(h)(2); South Carolina Public Service Authority, 7 FERC 61,148 at 61,236 (1979).

<sup>16</sup> See n. 4, *supra*.

12. The Commission has however established a different process with respect to the removal from the project boundary of land to be used or sold for private residential development. In 1980, the Commission offered to all licensees (including SCE&G), and began placing in all licenses it issued, a new standard article authorizing licensees to grant, without prior Commission approval, permission for certain relatively insignificant non-project uses of project lands and waters, and certain minor conveyances of interests in project lands (land use article). This article is Article 30 of the current Project No. 516 license.<sup>17</sup> Grants and conveyances under this article must comply with specified environmental protection measures, including the requirement that any land to be conveyed be located at least 75 feet, measured horizontally, from the edge of the project reservoir at normal maximum surface elevation.<sup>18</sup> In light of the administrative burden posed by the increasing number of requests for project land conveyances entailing removal of the land from a project, the article provided that applications to remove lands should be consolidated for periodic submittal.<sup>19</sup> This also became the practice for Commission-approved conveyances.

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<sup>17</sup> See 27 FERC ¶ 61,332 at 61,636-37. Article 30(d) requires the licensee to file with the Director of what is now the Office of Energy Projects a letter stating its intent to convey a qualifying interest in project lands, and gives the Director 45 days to instead require the licensee to file an application for prior Commission approval of the conveyance. In the cases before us here, the Director determined that prior Commission approval should be required.

<sup>18</sup> Thus, at a minimum after issuance to SCE&G of the new Project No. 516 license in June 1984, the sale of project lands for private residential development led to the project boundary being redrawn 75 feet from the reservoir edge, instead of at the edge itself. See, e.g., Georgia Power Co., 76 FERC ¶ 61,281 at 62,438 (1996).

<sup>19</sup> Section (f) of the land use article states:

The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The project boundaries may be changed to exclude land conveyed under this article only upon approval of revised Exhibit G or K drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposals to exclude lands conveyed under this article from the project shall be consolidated for consideration when revised Exhibit G or K drawings would be filed for approval for other purposes.

## **The Applications**

13. Between March 2000 and August 2001, SCE&G made multiple filings with the Commission with regard to proposals to sell 14 parcels of land located adjacent to Lake Murray in areas classified for private development in the project's shoreline plan.<sup>20</sup>

14. The Commission issued public notice of SCE&G's applications in May 2000, December 2000, and September 2001. In addition to a number of comment letters filed mostly in opposition to the proposed land sales, timely motions to intervene in opposition were filed by the U.S. Fish and Wildlife Service (FWS), South Carolina Department of Natural Resources (DNR), League of Women Voters of the Columbia Area, Lake Watch, Inc., Lake Murray Association, Inc., Hawley Creek Homeowners Association, Hawleek Creek Homeowners Association, South Carolina Wildlife Federation, Buren Mitchell, South Carolina Coastal Conservation League and American Rivers, South Carolina Council of Trout Unlimited, and J. Fitzhugh King.<sup>21</sup> An intervention in support of the proposals was filed by Buren Mitchell.

15. Opponents of the proposals raise concerns about the rapid and insufficiently regulated development around Lake Murray, and the consequent adverse effects on water quality, the buffer zone around the lake, public recreation, and boating safety.

16. On September 4, 2002, staff issued an EA on the proposed land sales for public comment. On January 21 and 22, 2003, respectively, Commission staff conducted public meetings on the proposed sales in Irmo and Columbia, South Carolina. On October 30, 2003, staff issued a final EA, which concluded that the sale of the 14 parcels, as regulated according to the terms of the project's existing land use plan, and as supplemented by certain additional staff-recommended conditions, would not constitute a major federal action significantly affecting the quality of the human environment.

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<sup>20</sup> The applications to sell the indicated parcels were filed on the following dates and in the subdockets indicated in parentheses. March 20, 2000; Bass Harbor (Project No. 516-319) and James Byrum (-321). June 26, 2000: Whitesides/Sexton (-326). November 27, 2000: Hamm Estate (-329), Michel Hawkins (-330), Kenneth Chapman (-331), Nick Leventis (-332), and Brent Richardson (-333). August 22, 2001: Phil Hamby (-354), Sam Wessinger (-355), Kirk Rumph (-356), Randy and Myra Moore (-357), Scott Lominick (-358), and Cheryse Tapp (-359).

<sup>21</sup> Because the motions to intervene were timely and unopposed, they were automatically granted. See 18 C.F.R. § 385.214(c)(1)(2003).

### **Description of the 14 Parcels**

17. The lands to be sold comprise a total of about 52 acres lying between the project boundary line and the 75-foot horizontal setback from the 360-foot reservoir high-water mark. Two of the 14 parcels described below (Hamby and Wessinger) are located on the south shore of the lower Lake Murray area. The remaining parcels are located in the upper-middle area of the lake, on both the north and south shores. None of the 14 parcels contains any Environmentally Sensitive Areas as identified in the current shoreline plan.

18. On March 28 and April 3, 2001, SCE&G visited the proposed land sale parcels with FWS and DNR, respectively, to inspect environmentally sensitive areas and identify any other sensitive areas that should not be included in the land sales. Based on this field inspection, SCE&G identified a number of "Conservation Areas" that it proposes to remove from future development.<sup>22</sup> The environmentally sensitive areas and conservation areas described below are adjacent to and outside of the 14 parcels proposed for sale, and will remain within the project boundary.

19. Bass Harbor Parcel (-319). Two separate parcels (1.47 acres and 5.47 acres) separated by a small cove. The shoreline, about 2,020 feet in length, is just west of State Road 391. Some boat docks are located to the west of the parcel. Several hundred feet of the shoreline are densely covered with willows with a potential for being designated an Environmentally Sensitive Area under the shoreline plan.<sup>23</sup> SCE&G designated 4.03 acres in the back of two coves as Conservation Areas. FWS and DNR oppose the sale of the Bass Harbor parcel and recommend that the tract be considered for long-term protection because of the potential Environmentally Sensitive Areas, excellent fish and wildlife habitat, and scenic quality.

20. James Byrum Parcel (-321). About 6.94 acres paralleling 3,360 feet of Lake Murray shoreline. SCE&G has designated 3.64 acres in back of three small coves as Conservation Areas. The coves contain buttonbush, an Environmentally Sensitive Area species. Numerous boat docks are located to the south of the parcel. This is one of the few remaining undeveloped tracts in the Hawley Creek area. The shoreline contains

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<sup>22</sup> FWS' list of future environmentally sensitive areas is not identical to SCE&G's list. See FWS' May 3, 2001 letter regarding the site visit.

<sup>23</sup> SCE&G uses four designations for an Environmentally Sensitive Area: (1) shallow cove with stream confluence; (2) vegetated shoreline (buttonbush, willows, etc.); (3) bottomland hardwood forest and wet flats; and (4) purple martin roost. See SCE&G's March 28, 2002 filing, answer to Additional Information Request No. 2. SCE&G has also begun designating Conservation Areas, which generally serve as buffer zones to such Areas but are not an element of the currently effective shoreline plan.

buttonbush and willows. DNR opposes the sale and recommends that this tract be considered for long-term protection because of the potential Environmentally Sensitive Area, excellent fish and wildlife habitat, and high scenic quality.

21. Whitesides/Sexton Parcel (-326). The 3.1-acre parcel is located near the back of a cove and near a small stream confluence that SCE&G has designated a Conservation Area. The parcel parallels about 3,200 feet of shoreline that is forested and consists of waterfowl habitat, with a potential for an Environmentally Sensitive Area. DNR opposes the sale of this tract and recommends that the parcel be considered for long-term protection because of its excellent fish and wildlife habitat, potential Environmentally Sensitive Areas, and high scenic quality.

22. Hamm Estate Parcel (-329). The 4.6-acre parcel is located parallel to 3,200 feet of shoreline on the west shore of a small peninsula where scattered development is found. The south end of the shoreline in this area consists of about 900 feet of buttonbush terminating in a small cove, in the back of which SCE&G has designated a 2.6-acre Conservation Area. The shoreline immediately south of the parcel is developed with residences and 13 individual boat docks. The agencies did not submit any recommendation with respect to this parcel.

23. Michel Hawkins Parcel (-330). The 4.53-acre parcel parallels 2,700 feet of shoreline on the west side of Stevens Creek Cove. The land along one side of the shore of the parcel is undeveloped. There is development along the opposite side of the cove, including several dozen individual boat docks. The shoreline near this area includes three small coves, the backs of which (2.06 acres) SCE&G has designated as Conservation Areas. The northern-most cove contains an area of shallows and is an Environmentally Sensitive Area. The 75-foot setback contains large pines with an understory of hardwoods. DNR opposes the sale of this tract and recommends that the parcel be considered for long-term protection due to its excellent fish and wildlife habitat, potential Environmentally Sensitive Areas, and high scenic quality, and because it is one of the few remaining undeveloped areas in the vicinity.

24. Kenneth Chapman Parcel (-331). The 5-acre parcel lies along 820 feet of forested shoreline in a cove. The parcel parallels shoreline that includes about 400 feet that are classified as a shallow cove/buttonbush Environmentally Sensitive Area. The immediate area has light to moderate development with residential properties. The agencies did not submit any recommendation with respect to this parcel.

25. Nick Leventis Parcel (-332). The 5-acre parcel parallels 1,000 feet of shoreline between two existing developed areas with individual boat docks. DNR opposes the sale of this parcel and recommends that the tract be considered for long-term protection due to its proximity to excellent fish and wildlife habitat and its high scenic quality.

26. Brent Richardson Parcel (-333). The 1.81-acre parcel parallels 4,145 feet of shoreline. The south end of the shoreline contains a cove with a wet-flat Environmentally Sensitive Area<sup>24</sup> and a 1.61-acre Conservation Area in the back of the cove. Buttonbush and willows occupy portions of the shoreline, with the potential for future designation as an Environmentally Sensitive Area. The lands immediately adjacent to the north and south sides of the tract are currently undeveloped but are designated for future development. Across the cove, 1/4 mile to the east and south, are residential developments with several dozen individual boat docks. DNR opposes the sale of this parcel and recommends that the tract be considered for long-term protection due to its excellent fish and wildlife habitat, potential Environmentally Sensitive Area, and high scenic quality, and because it is one of the few remaining undeveloped areas in the vicinity.

27. Phil Hamby Parcel (-354). The 1.64-acre parcel parallels 2,213 feet of shoreline at the lower end of the reservoir. The entire near-shore area is forested. The shoreline habitat consists of steep, eroding shoreline along a point located between two small, shallow coves. The coves are vegetated with emergent and herbaceous species and hardwoods, including buttonbush and willows. When flooded, this area provides shallow-water habitats that serve as important fish-spawning and nursery areas. The area immediately to the west is currently undeveloped, and the area to the east is moderately developed with residences. Rocky shores, buttonbush, and wet flat areas – all potential Environmentally Sensitive Areas -- cover a substantial length of this shoreline parcel. FWS and DNR oppose the sale of this parcel and recommend that the parcel be considered for long-term protection because of its excellent fish and wildlife habitat, scenic quality, and the substantial amount of development in the vicinity.

28. Sam Wessinger Parcel (-355). The 1.92-acre parcel parallels a shallow, narrow cove in the lower end of the reservoir. There are houses and boat docks immediately across the cove. The cove shoreline consists of buttonbush, willows, and rushes. There is a 1.62-acre Conservation Area in the back of the cove. FWS and DNR oppose the sale of the parcel and recommend that this tract be considered for long-term protection because of its excellent habitat value and scenic quality, and the substantial amount of development in the vicinity.

29. Kirk Rumph Parcel (-356). The 2.39-acre parcel parallels 2,660 feet of shoreline along a cove that has a buttonbush Environmentally Sensitive Area at the back of the cove, into which flows a small stream. The entire near-shore area is forested. The shallow, stable shoreline is vegetated with buttonbush, willow and rushes, and contains numerous rocks and scattered woody debris. The remainder of the cove is developed,

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<sup>24</sup> A wet flat is shallow area that fish frequently use for spawning. The flat is often exposed during lake draw-downs and is covered during times of high water.

and has bulkheads, boat docks, and maintained lawns. FWS and DNR oppose the sale and recommend that this tract be considered for long-term protection because of its excellent habitat value and scenic quality, and the substantial development in the vicinity.

30. Randy and Myra Moore Parcel (-357). The 1.55-acre parcel parallels about 1,400 feet of shoreline in the back of a cove that includes a small stream confluence designated as a 1.42-acre Conservation Area. About 60 percent of the shoreline contains buttonbush, willow and rushes, and woody debris Environmentally Sensitive Areas. The west side of the cove mouth is developed with residences and boat docks. FWS and DNR oppose the sale of this parcel and recommend that the tract be considered for long-term protection because of its excellent fish and wildlife habitat, potential Environmentally Sensitive Areas, and high scenic quality.

31. Scott Lominick Parcel (-358). The 0.57-acre parcel parallels about 2,000 feet of shoreline area on a small point of land and is surrounded by moderate residential development and boat docks. Just to the north of the parcel is a buttonbush Environmentally Sensitive Area. FWS and DNR oppose the sale and recommend that this tract be considered for long-term protection because of its proximity to excellent fish and wildlife habitat and its high scenic quality.

32. Cheryse Tapp Parcel (-359). The 6.55-acre parcel parallels some 6,500 feet of shoreline that include five coves and a small stream confluence. There are 3.95 acres of Conservation Areas in the backs of these coves, three of which protect Environmentally Sensitive Areas. The entire near-shore area is forested with a pine/hardwood mix. According to FWS, about 40 percent of the shoreline contains riparian habitat that may meet the qualifications of an Environmentally Sensitive Area. FWS and DNR oppose the sale and recommend that this tract be considered for long-term protection due to its excellent fish and wildlife habitat, potential ESAs, and high scenic values.

### **Discussion**

33. Interveners opposing SCE&G's proposed sale of the 14 parcels described above argue that at issue is the fate of several thousand feet of undeveloped shoreline containing naturally vegetated land including willow and buttonbush, which are high-resource habitat areas for fish and wildlife; and scenic, recreational, and environmental values, all of which would likely be adversely affected by development of the parcels. The interveners assert that the shoreline of Lake Murray is already overdeveloped, and that as a consequence the lake's water quality has been degraded, fishery resources have lost habitat, and a surfeit of boats on the lake is creating boating safety problems. As noted, FWS and DNR seek a moratorium on any significant sales of project lands until the Commission has reviewed and approved SCE&G's latest 5-year review of the project's shoreline management plan.

34. While we appreciate the concern that the project lands around Lake Murray not be developed in a piecemeal fashion before the project's existing shoreline plan is once again revised to reflect new policies and new information, we conclude that, on balance, the sale of the 14 parcels at issue, comprising a little over 52 acres, can be approved now without compromising the ongoing process to upgrade the project's shoreline plan. As noted, all 14 parcels are in areas designated for private development in the project's currently effective shoreline plan. Neither SCE&G's proposed update to the plan nor the recommendations in Commission staff's EA on that proposal calls for any change in the designations of the lands at issue.

35. The current shoreline plan requires SCE&G to retain title to a 75-foot buffer zone adjacent to the 360-foot contour. Persons must obtain a permit from the licensee to undertake any shoreline construction or activity, such as installing boat docks, ramps, boat lifts, riprap or retaining walls, or removing shoreline vegetation. The plan requires permit applicants to sign a Shoreline Management and Vegetation Protection Agreement that identifies the restrictions within the buffer zone.<sup>25</sup>

36. In addition, the EA recommends, and in this order we are requiring, that SCE&G (1) establish and mark a 50-foot natural buffer zone around each Environmentally Sensitive Area identified at or adjacent to the 14 parcels before they are sold; and (2) establish a 25-foot natural buffer zone above the 360-foot contour in areas without Environmentally Sensitive Areas.

37. In light of the above, we are approving SCE&G's sale of the 14 parcels in these proceedings.

38. Finally, the loss of any duck habitat or hunting areas resulting from these land sales should be considered in the context of the proceeding for the 5-year update of the shoreline plan.

The Commission orders:

(A) SCE&G's request for permission to sell 14 parcels of project lands is granted.

(B) SCE&G shall establish a 50-foot natural buffer around each identified environmentally sensitive area (ESA) adjacent to each of the 14 parcels that are approved for sale, and mark each natural buffer and the ESA with appropriate markers.

(C) SCE&G shall establish a 25-foot natural buffer zone above the 360-foot-high water contour in areas without ESAs. This buffer zone shall contain an access pathway

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<sup>25</sup> See EA at p. 16, Section E.3.a.

to the boat docks for homeowners and as needed shall contain a pathway along the shoreline for the general public. The remaining 50 feet of the 75-foot buffer zone shall be managed under SCE&G's current permit policy and requirements.

(D) SCE&G shall, within six months of the date of issuance of this order, file for Commission approval a revised Exhibit G map for Project No. 516 reflecting a project boundary revised to delete the acreage described above, as well as any other acreage deleted from the project and license but not yet reflected in a revised boundary map.

By the Commission.

( S E A L )

Linda Mitry,  
Acting Secretary.