

HEI-26343

Wood, Diana

From: Tarek Ravenel <TRavenel@palmettorail.com>
Sent: Thursday, July 12, 2018 9:37 AM
To: Wood, Diana; Williams, Elizabeth G CIV USARMY CESAC (US)
Cc: David.Bauer@icf.com; Rogers, Debra; Lester, Mark C.
Subject: FW: Issues

Please see the below correspondence between Palmetto and Santee Cooper regarding FERC coordination. Please let me know if additional information is needed.

Thanks

T Ravenel

Director of Special Projects

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From: Fondren, John <john.fondren@santeecooper.com>
Sent: Thursday, June 21, 2018 2:53 PM
To: Tarek Ravenel <TRavenel@palmettorail.com>
Cc: Lester, Mark C. <lestermc2@cdmsmith.com>; Corrigan, Charles <CHIP.CORRIGAN@santeecooper.com>; Camp, Dan <DAN.CAMP@santeecooper.com>; Furse, Elisa <elisa.furse@santeecooper.com>; McMakin, Ryan <shea.mcmakin@santeecooper.com>
Subject: RE: Issues

T,

Per our discussion we had a couple of weeks ago, we have reviewed the FERC approval process and open items as described in your email below and offer the following assistance:

1. PR: The USACE has requested a summary of the coordination that Santee Cooper as the permittee is required to perform with FERC in relation the Camp Hall rail project. It is my understanding that Santee Cooper is required to apply for a change in the land use for the property within the generating station permit area and verify that the final design does not negatively impact the function or the use of the Diversion Canal.

S/C: For the 30' of project property located on both sides of the canal, Santee Cooper, as licensee, will have to apply to FERC for a non-project use of project property. Attached is a brochure FERC produced explaining the process that may help clarify the process. FERC doesn't generally comment on EA's; they look to Santee Cooper

as licensee to review and comment. Below are specific items that have been discussed with FERC staff to include in the non-project use application.

- Ground Disturbance – What structures would be placed in the project property?
- What type of conveyance – FERC may require covenants in our easement that protect project purposes.
- Any impacts to boating, fishing, etc. . .during construction process
- Construction Timeline
- Supporting documentation of agency consultation and conditions of those consultations and the impact to endangered species, wetlands, cultural resources, and recreation.
- Approvals obtained or required
- They may put the application out on public notice but it may not be necessary. We can provide information regarding the public meetings that PR has held as supporting documentation.
- Supporting Documentation of Consultation with FERC Atlanta Regional, Division of Dam Safety & Inspections – Santee Cooper officials have been in contact with FERC contacts to keep them abreast of the pending requests.

FERC Dam Safety staff has indicated that they will look at the final design for the railroad but will rely on Santee Cooper to fully review the drawings, the design and to provide comments. Santee Cooper will be requested to ensure that our License requirements are met.

2. **PR:** As we discussed there is also a question on the attached draft programmatic agreement and the status of the permit in which it was put together in relation. Please add a paragraph that clarifies that this programmatic agreement is for a permit that has not been approved and in turn has not been executed because of that reason. I have also attached the preliminary consultation letter sent by the Surface Transportation Board for information.

S/C: The programmatic agreement is a condition of the new FERC license which has not been issued so it is not in effect yet. We are still operating under our old license on an annual basis.

T, this was the quickest way I could get a response to you. If an email format isn't "strong" enough, I can clean this up a bit and get it into a letter format under Dan's signature.....just let me know.

Hope this helps.

Thanks,

John E. Fondren, III, PE

Manager
Capital Projects
Corporate Services, A204



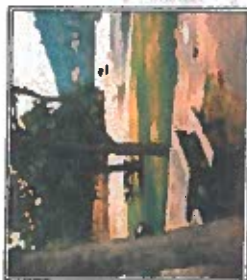
(843) 761-8000
Extension 5542

INTRODUCTION

The Federal Energy Regulatory Commission (FERC or the Commission) issues licenses for the construction, operation, and maintenance of non-federal hydropower projects. Licensees are responsible for operating and maintaining these projects in accordance with license requirements. Under its license, a licensee may file an application with the FERC seeking approval to grant permission for specific uses and occupancies of the project reservoir and lands that are not associated with project operations and purposes (non-project uses). Examples of non-project uses that would require prior FERC approval include most commercial marinas, large boat docks, and significant shoreline development. The purpose of this document is to provide guidance to developers, homeowners, and others on the contents of a non-project use application and the FERC's review process. If a licensee finds that a proposed non-project use or facility is consistent with the license and the purpose of protecting and enhancing the scenic, recreational, and environmental values of the project, it may file an application seeking FERC authorization. Typically, a licensee requires the proponent of the proposal to prepare most of the necessary application material. The licensee will file the complete application with the Commission. If the Commission approves the application, it will issue an order that gives the licensee authority to grant permission for the specific non-project use. The licensee is responsible for ensuring that the authorized non-project use or facility is constructed, operated, and maintained in accordance with the FERC's approval order and other applicable requirements of the project license through the term of the license.

SUGGESTED CONTENTS OF PROPOSED NON-PROJECT USE APPLICATIONS

The following is a general list of the information that should be included in applications for proposed non-project uses or facilities. The Commission needs specific information to prepare the necessary environmental analysis.



- cultural resources
- common vegetation and trees
- water quality and approximate depth
- scenic quality
- existing land and water uses and structures



While the information below applies to most applications, it is not an all inclusive list and not all the individual items may apply to every proposed facility or use. As necessary, please contact the licensee if you have questions about the application contents or consultation needs for your specific proposal.

1) Description of proposed facility or use

- location, size, type of conveyance (i.e. lease, right-of-way, easement, fee-title, etc.)
- major components, materials, and layout or design
- construction and operation methods, construction duration and approximate start and completion dates
- purpose of proposed use
- description of any Federal, state, and local permits or approvals required or obtained for proposed use
- if available, copies of any government agency permits or agency review documents obtained for the proposed use
- maps showing the location and layout of the proposed facility in relation to the project boundary

2) Description of affected environment (the immediate area surrounding the site of the proposed facility or use)

- common fish and wildlife species
- threatened and endangered species
- wetlands, critical habitats, or significant features

3) Evaluation of how the proposed use is compatible with (the licensee may provide this information):

- Commission approved management plans (i.e. recreation, shoreline or land use, dredging, cultural resource, wildlife protection, etc.)
- project operations and purposes and applicable license requirements
- licensee's own project management guidelines or requirements

4) A description of the proposed use's potential impact on the affected environment. For example, impacts may include:

- vegetation removal
- shoreline erosion or turbidity
- dredging and lakebed disturbance
- disturbance of significant resources, species, or habitats
- specific impacts on existing land uses or structures
- potential for discharge of pollutants

5) ***A description of any proposed construction, design, and/or operation practices or measures to minimize or mitigate for any specific impacts identified under item (4) above. For example, measures may include:***

- erosion control measures
- avoidance of affected resources
- changes in design or location of a proposed facility
- close oversight to ensure compliance with licensee mandated permitting programs or land use regulations, Commission approved plans, or agency permit requirements
- a statement by the proponent that it fully intends to adhere to all permit conditions

6) ***Documentation of consultation (copies of correspondence) with appropriate Federal, state, and local government agencies including:***

- government agencies that own or manage lands or facilities in the immediate area
- government agencies that would likely need to authorize or approve the proposed use
- government agencies that have jurisdiction over resources that may be affected by the proposed use

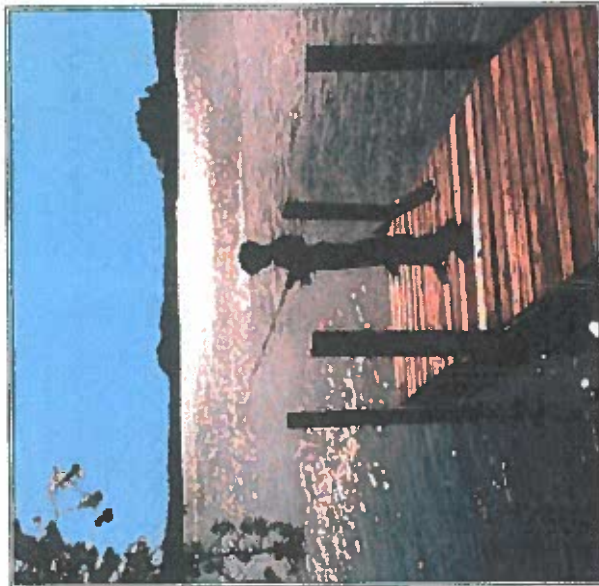
In addition, please note the following:

- a minimum of 30 days should be provided for consulted parties to reply to requests for comments on a proposed use
- if no reply is received, the filing should include a copy of written request for comments
- filing should include responses to any specific agency comments or recommendations. If recommendations are rejected, include site-specific reasons for the rejection.
- if it is generally known that local property owners or entities are opposed to the proposed use, the filing should identify the nature of this opposition and include general responses to the concerns raised.

TO LEARN MORE ABOUT SHORELINE DEVELOPMENT...

For information about shoreline development requirements at a specific FERC licensed hydropower project, please contact the licensee of that project.

Information about the Commission and the Office of Energy Projects is available online at <http://www.ferc.gov>



This document was prepared by the staff of the Office of Energy Projects and does not necessarily reflect the views of the Federal Energy Regulatory Commission.

GUIDANCE FOR PREPARING SHORELINE DEVELOPMENT APPLICATIONS



Federal Energy Regulatory
Commission
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