

Lake Murray Permitting Handbook

Residential Policies and Procedures

Revision Effective July 2016



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I. INTRODUCTION

SCE&G is a licensee of the Federal Energy Regulatory Commission (“FERC”), and as such must have a FERC approved shoreline management program (“SMP”) for Lake Murray (FERC PROJECT # 516). This Handbook includes the policies and procedures included in the FERC approved SMP. The legal obligations and support for the SMP and SCE&G’s administration of it include the following:

Both the U.S. Army Corps of Engineers (“Corps”) and the South Carolina Department of Health and Environmental Control (“DHEC”) have navigability-based jurisdiction over the waters of Lake Murray, as those waters constitute public waterways. Both the Corps and DHEC have statutorily founded permit programs for activities and structures potentially affecting navigability. Both of these programs include requirements for permits for structures and navigability affecting activities located within navigable waters.

- a. See Corps of Engineers General Permit # 2013-00644 through 00656:
http://www.sac.usace.army.mil/Portals/43/docs/regulatory/Lake_Murray_General_Permit_2013.pdf
- b. See DHEC General Permit 80-14-001(Revised)
http://www.scdhec.gov/environment/docs/nw_80-14-001.pdf

The statutory/regulatory authority for the Corps and DHEC General Permits is referenced in their permits. Compliance with the Corp and DHEC permits, requires compliance with SCE&G’s shoreline management program.

In addition to the statutorily based regulatory permit programs of the Corps and DHEC, SCE&G also has rights as a property owner to prevent access or to condition and control access to and activities upon its property. SCE&G owns the land below the 360-foot contour¹ for the vast majority of the Lake Murray shoreline, and significant areas of land above the 360’, separating “back property owners” from the 360’ (“fringeland”). There are a few areas where SCE&G’s property ownership does not go beyond flood easements, with “clear and keep clear” authority (“easement property”).

¹ The 360-foot contour (“360”) is based on plant datum (“PD”), and is the normal maximum pool elevation for Lake Murray. Also, along much of the shoreline, it is the property boundary between SCE&G and upland property owners. Unless otherwise specified in the text of these policies, reference to the 360’ shall mean the 360-foot elevation PD.

Easement property owners are subject to state and federal regulatory permit programs. State and federal regulatory permit programs require compliance with the SMP. Non-compliant easement property owners may be cited and reported to DHEC and the Corps if they fail or refuse to bring their facilities into compliance with the SMP. SCE&G will play a key role in such enforcement actions.

II. DOCKS

1. General

SCE&G requires that all docks, fixed, floating or a combination, comply with the SMP, the details of which are included herein. Upon completion, the dock will be inspected by Lake Management personnel to ensure compliance and new docks will be issued a dock permit number. The dock permit number decal will be installed on the dock and must remain prominently displayed on the approved dock. Rebuilt docks must place the existing dock decal back on the dock in a highly visible location facing the lake.

2. Policy

SCE&G requires that anyone desiring to repair, replace, add to, or construct a dock **must file an application and have an approved permit for the work before any work commences.** Docks, whether fixed or floating, must not interfere with surface water activities or navigation and must be compatible with scenic values in the vicinity as judged solely by SCE&G. Final permit approval will be determined by Lake Management personnel. Even if all requirements for the dock structure itself would be met, a dock permit may nevertheless be denied due to environmental conditions in the area (Environmentally Sensitive Areas [“ESAs”]), navigation or safety concerns. Use of common docks to eliminate or minimize shoreline impacts, including these factors, may be allowed.

3. General Requirements for Individual Residential Docks

For property owners that own to the 360', a minimum lot width of 100 feet measured along the 360' is required. A county stamped and recorded property plat showing bearings and distances with proper parcel identification must also accompany all new dock requests. For property owners that do not own to the 360', 100 feet as measured along the vegetative buffer zone is required. With a single exception, only one (1) dock structure will be permitted per eligible lake lot and single tax parcel. The only exception is an existing grandfathering allowance where multiple docks existed on a lot in question prior to FERC's approval of the SMP in 1984. These structures will fall under the 'grandfather' clause and may be rebuilt under current permitting policies. Subdivided parcels with proper

recorded plats that meet the 100 foot shoreline requirements must remain a subdivided separate tax parcel or the dock permit will be cancelled and the dock must be removed from the lake. In this event, should the parties not remove the dock, SCE&G will remove or have the dock removed, and issue an invoice to the parties for cost recovery. Docks will not be permitted on lots where SCE&G owned fringeland exists between back property and the 360' contour. This land has to be purchased from SCE&G and all other dock requirements must be met before a dock will be allowed.

Owners requesting docks for lots measuring less than 100 feet in width along the 360', or vegetative buffer zone, will be allowed to proceed with application only in the context of applications to construct common docks with adjacent property owner(s). It is the applicant's responsibility to make arrangements with their neighbor for common dock facilities. Common docks may accommodate only up to two (2) individual lakefront property owners.

Lots measuring less than 100 feet along the 360' where the lot was established (subdivided, plat recorded) **prior** to January 1, 1990 (date the 100' dock rule went into effect) may be considered for issuance of a dock permit.

If a lot already having a permitted dock or a permit for a dock is subdivided, that dock permit will be canceled and replaced with permits for both subdivided lots, but only if the shoreline footage requirement is met for both. Otherwise, only the qualifying lot may receive a permit for a dock, or if requested instead, a common dock may be permitted if all requirements for a common dock are met.

4. General Requirements for Common Docks

Common docks are docks that provide lake access for two residential lots. Common docks will be required for property with poor access and/or limited lake frontage, or in such other circumstances that SCE&G deems appropriate, if there is to be a dock serving such property. Common dock lots must combine to achieve the 100-foot minimum shoreline footage along the 360', or vegetative buffer zone, with each individual lot contributing a minimum of 50 feet. Common docks shall follow all of the policies described for individual docks. SCE&G will not get involved in personal disputes related to common docks.

Common docks should be located at the common boundary line between applicants if at all possible. If a dock modification is requested, all common dock parties must agree to the modification by signing the application before SCE&G will approve the modification. SCE&G will not get involved in personal disputes or other disputes such as, payments, damage, boat space, maintenance, etc. related to common docks. If a dispute cannot be

resolved by the parties, the dock permit will be cancelled and the dock must be removed from SCE&G property. In this event, should the parties not remove the dock, SCE&G will remove or have the dock removed, and issue an invoice to the parties for cost recovery. If one of the common dock owners withdraws their participation in a common dock, the dock permit will be cancelled and its removal from the shoreline will be required.

5. Specifications Applying to All Docks

a. A dock's size and design will be determined in SCE&G's sole discretion and may generally be up to 75 feet in length. The exact size and dimensions are determined and approved by Lake Management personnel. Floating dock sections have a maximum size limitation of 12 feet in width by 20 feet in length. Dock dimensions and shoreline location will be determined based on navigation concerns, ingress and egress to adjoining property, environmental considerations and potential hazardous conditions. In some locations, such as narrow coves, limited size docks may be permitted or docks may not be permitted at all. A variance in the dimensions related to the length of docks may be granted in instances where conformity with existing structures would be practical and in cases where exceptions would be desirable due to curvature and/or slope of the shoreline. However, effects on navigation and aesthetic values of the surrounding area will control issuance of any variance.

b. SCE&G cannot and does not guarantee year-round water access. Each lot is affected by the contours of the lake bottom and the operations of the Saluda Hydroelectric Project. It is the applicant's responsibility to review the shoreline area where the dock is to be located and to apply the restrictions outlined in this handbook to ensure the dock will meet the applicant's needs and satisfy SCE&G's shoreline management requirements.

c. Slip docks may be permitted to property owners of lots having a minimum of 200 feet along the 360' or along a vegetative buffer zone protected area. Slip docks are only allowed one (1) slip per eligible slip dock. Slip dock dimensions will be evaluated and determined by a Lake Management personnel upon consideration of the amount of shoreline ownership, location, boat size and water conditions.

d. New docks as well as existing docks being rebuilt, must be located, or relocated, a minimum of 15 feet from adjacent property lines, with the projected length not encroaching across the imaginary projected lot lines. **The property line projection is a tool used for dock placement by Lake Management personnel.** Variances may be allowed where, in the sole judgment of Lake Management personnel, they will not create an unreasonable interference with neighboring property owners and the boating

public. The sideline limitation of 15 feet will not apply to existing or proposed common docks.

e. Seating areas, whether covered or uncovered, cannot in any circumstance exceed 16 feet by 16 feet in overall dimension. Uncovered seating areas may begin at approximately the 358' contour where shoreline conditions warrant. The seating area location and size is solely left to the judgement of Lake Management Department representatives. Covers on docks are not permissible unless the covered portion is located or starts along the shoreline at the 360' contour and does not exceed 16 feet by 16 feet in overall dimension. The location of the seating area will be determined by lake management personnel. Hand railings are permissible, provided that none of the sides of docks are enclosed so as to obscure cross-vision.

f. Sinks, toilets, showers, etc., or any type of equipment or construction which will direct or allow any liquid or solid waste to be discharged into the waters of the lake will not be permitted and are strictly prohibited.

g. All floating docks constructed/installed on Lake Murray must use encased or encapsulated flotation only. Exposed foam bead flotation billets, or metal drums will not be allowed. Foam bead flotation deteriorates, causing shoreline litter. It is subject to destruction by animals and becomes waterlogged.

h. Houseboats used for habitation may not be permanently² moored at private docks. Permanent mooring must be at marinas with sewer pump-out and treatment facilities.

i. Docks will be single story one level structures.

6. Watercraft Limitations

a. No watercraft exceeding 34 feet in length will be permitted to be permanently docked at a residential or common dock.

b. Watercraft exceeding 34 feet must be docked at a multi-use docking facility.

III. BOAT RAMPS, MARINE RAILWAYS & BOAT LIFTS

1. Policy

Boat ramps, marine railways, or boat lifts cannot be constructed, replaced or added to without a permit from SCE&G.

² Permanently is defined as docking for more than 14 consecutive days in any 30-day period as determined in the sole judgment of Lake Management personnel.

The use of boat ramps at public and semi-public facilities is encouraged in preference to construction of private ramps. No boat ramps are allowed within/across vegetative buffers or fringeland.

2. Boat Ramp, Boat Lift and/or Marine Railway Specifications

- a. If a community access ramp is permitted, individual ramps will not be permitted.
- b. Ramps must be constructed of concrete. Asphalt compounds or petroleum based products are prohibited.
- c. All ramps should be located so as not to interfere with neighboring property owners.
- d. Ramps may generally be up to 12 feet wide and whatever reasonable length required to make it functional.
- e. Generally, marine railways providing launch and retrieval access to the lake from facilities located above the 360' may be permitted. The railway structure extending below the 360' may not be higher than two feet off of the lake bottom. Marine railways may not extend more than 75 feet beyond the 360'.
- f. A maximum of one (1) boat lift and two (2) jet-ski lifts will be permitted per individual dock. Any boat lift of any style, fixed or floating, must be permitted. A maximum of two (2) boat lifts (one boat lift for each common property owner) and two (2) jet-ski lifts (one jet-ski lift for each common property owner) will be permitted per common dock. Boat lifts should be located so as not to cross projected property lines. All boat lifts must be constructed adjacent to the owners' permanent dock and may not cross the projected property line without written consent from the affected neighbor. No roof structures are allowed to be constructed over lifts.

IV. EROSION CONTROL

1. Policy

No rip-rapping, open cell block, seawalls or retainer walls may be constructed, replaced, repaired or added to without a permit or permission from SCE&G.

2. Specifications

- a. Rip-rapping for erosion control at the 360' and below will generally be permitted provided it is aesthetically acceptable. All materials must receive prior approval by SCE&G. No concrete blocks, bricks or building materials may be used as rip-rap below the 360'. Aesthetic acceptability and shoreline location of the rip-rap

will be determined by Lake Management personnel. Shoreline stabilization will be limited to 500 linear feet per issued permit annually.

b. Seawalls or retainer walls for erosion control will be permitted provided they are constructed on or inside the 360' property line. Earth fills below the 360' are prohibited.

V. LIMITED BRUSHING

1. Policy

Trees, bushes, and vegetation growing below the 360' on the shoreline of Lake Murray play an important role in the overall environmental condition of the Lake. The ecological benefits of the vegetation for the fish and wildlife habitat support a sound, healthy lake environment. SCE&G's SMP permits limited removal of the shoreline vegetation for the construction and installation of docks and boat ramps. Property owners must contact SCE&G's Lake Management personnel prior to any removal of shoreline vegetation below the 360' or on vegetative buffer zone.

2. Specifications

- a. Generally, limited brushing permits allow the removal of trees and brush with diameters of 3" and smaller.
- b. Larger diameter trees may be limbed from the ground to a maximum of 12' high.

VI. EXCAVATIONS

1. Policy

Excavation below the 360' is not permitted without authorization from SCE&G. All authorized excavations must be in accordance with SCE&G specifications and requirements which may include an environmental assessment plan or report. Excavations are not permissible within an ESA. An excavation specific application must be completed and signed prior to issuance of the permit. This application contains all specific construction criteria that must be met in order to qualify for an excavation permit.

2. Excavation Specifications

- a. All excavating must be done directly in front of the applicant's property.

- b. No excavation will be permitted when the excavation site is covered with water.
- c. Only siltation can be removed. Original lake bed must not be disturbed.
- d. All displaced soil must be moved above the 360' and must be stabilized and top seeded to prevent future erosion.
- e. A 4 to 1 slope is the maximum allowed.
- f. Excavations of vegetated areas located below the 360' is prohibited.
- g. No excavation will be permitted to alter the existing 360'.
- h. Excavation activities will be allowed only between October 1st of the current year and January 15th of the next year. Permits expire January 15th following the date of issuance.
- i. An application for an excavation not exceeding 150 cubic yards can be processed by SCE&G personnel. Any individual excavation exceeding 150 cubic yards must be processed through the U. S. Army Corps of Engineers and State agencies.

VII. WATER REMOVAL

1. Policy

Water removal for residential property must be for irrigation use only. Property that is adjacent to the 360' and does not qualify for a dock can still obtain a water removal permit.

2. Water Removal Specifications

- a. Water pump must be located above 360'.
- b. Withdrawal pipe must be contained within the area in front of the applicant's property and must not interfere with other docks or navigation.

VIII. GEOTHERMAL SYSTEMS

1. Policy

Geothermal systems are for residential use only and must be **closed-loop** type systems. A geothermal specific application must be completed and signed prior to issuance of the permit. This

application contains all specific construction criteria that must be met in order to qualify for a geothermal system.

2. Geothermal Specifications

- a. Loop system must be located below the 345' contour and within 200 feet of the 360'.
- b. Loop system must be contained within the area in front of the applicant's property and must not interfere with other docks or navigation.

IX. VIOLATIONS

1. Abandoned, Derelict, Non-functioning, Dilapidated Boats, Platforms (floating or otherwise), or Other Structures or Equipment

The shoreline of Lake Murray is not a long term storage area or junk yard or for abandoned, derelict, non-functioning, dilapidated boats, platforms (floating or otherwise), or other structures or equipment.

Any boat, platform, equipment, and/or structure placed along the shoreline contrary to these limitations, will be considered non-compliant, unpermitted potential hazards and/or nuisances and violations of these policies, and will be removed. If located on or tethered to the shoreline owned by SCE&G, it also shall be considered a trespass and dealt with accordingly.

Pontoons being used as docks (floaters) on lots that do not qualify for dock permits (See Section II) or as extensions of approved docks fall under the aforementioned violation.

SCE&G will send proper notification via certified mail that a violation has been documented and correction/removal is required.

2. Moorings

All watercraft must be tied to an existing approved dock. Except in major drawdown conditions, SCE&G does not allow mooring on the waters of Lake Murray, except in a federally designated mooring area.

3. Limited Brushing

Please be advised that unauthorized removal of shoreline vegetation (button bushes, willow trees, hardwood, etc.) could result in the cancellation of dock and other shoreline structure/activity permits and revegetation of the shoreline will be

required. Removal of merchantable timber from SCE&G property may require reimbursement subject to valuation (including triple stumpage where deemed appropriate) by SCE&G's Land Department.

4. Summary of Prohibited Structures/Activities

The following summary includes activities/structures which are prohibited below the 360' or in the vegetative buffer zone on Lake Murray. Some items are discussed in detail above. All prohibitions will be enforced by SCE&G or an appropriate state or federal agency:

- a. Encroachments: no sand or earth fill encroachments. Any unauthorized earth fill or structures that occurred prior to January 1, 1984, will be handled on a case-by-case basis.
- b. No fixed or land-based structures (boathouses, storage buildings, shelters, patios, brick barbecues, swimming pools, boat storage).
- c. No seawalls or retaining walls.
- d. No fences.
- e. No septic tanks and/or drain fields.
- f. No storage or stockpiling of construction material.
- g. No unauthorized removal of trees or vegetation.
- h. Unless specifically authorized by Lake Management personnel, no all-terrain vehicles (ATV's), motorcycles, golf carts, or off road vehicles are allowed.
- i. No roofs or covers over any dock unless the dock is within 16 feet of the 358'-360'.
- j. No roofs or covers over any boat lifts.
- k. No fueling facilities permitted on dock.
- l. No permanent mooring.
- m. No water craft exceeding 34 feet in length will be permitted to be permanently docked at a private dock.
- n. No effluent discharges, such as sinks, showers, toilets, etc.
- o. Permanent screening or enclosures will not be allowed on fixed seating areas of docks or gazebos.
- p. No upland (located above the 360') water gardens (e.g. fish ponds, waterfalls, etc.) will be permitted to drain into the lake.
- q. No spraying of herbicides into the waters of Lake Murray or onto property where the herbicides may end up in Lake Murray.
- r. Dock lighting should be focused downward and should not intrude on adjacent property owners, or impact navigation.

4. Correction Procedure

In the event SCE&G Lake Management personnel determine a structure to be a safety hazard, navigation hazard or a violation of these permitting policies, a letter will be mailed to the owner of the property on or in front of which the structure or equipment is located, alerting the property owner to the violation and the requirement to correct it, with a specified time frame for correction or removal. If the hazard or violation is not remedied within the time specified, Lake Management personnel will remove the boat, structure, or equipment or have it removed. The property owner will be responsible for all costs for the removal or correction of the violation, and will include an enforcement fee. Concurrently, all permits issued in regards to the property will be cancelled and no further permits will be issued until the bill is paid. If payment is not received, SCE&G may take such further action as necessary to recover all associated costs for removal of the hazard/violation plus the costs of collection.

X. APPLICATION PROCEDURE FOR PERMITTED ACTIVITIES

Applicants for permits to engage in shoreline activities must submit a completed application to SCE&G, which must include, at a minimum, the following:

- a. Sketch showing location, design and dimensions of the proposed structure.
- b. Permitting fee (if required).
- c. Plat of applicant's property showing property metes and bounds.

More information may be required depending on the activity. This will be discussed with the applicant upon a meeting with SCE&G Lake Management personnel.

***SCE&G retains the right to vary the amount of permitting fees. No vested right or rights enforceable by third parties are created by SCE&G's Policies or Procedures.

***All statements in this handbook are qualified by reference to SCE&G's Shoreline Management Plan governing Lake Murray, which are subject to periodic updates. Regulations, Orders and Directives of the Federal Energy Regulatory Commission will take precedence.

Maps of Lake Murray showing public and commercial landings, parks, shoal markings and other information are available free of charge from the South Carolina Electric & Gas Company.

Inquiries concerning policies, procedures, applications or regulations as outlined in this booklet should be directed to South Carolina Electric & Gas Company at:

**Lake Management Department
6248 Bush River Rd. P05
Columbia, South Carolina 29212.
Telephone (803) 217-9221**



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