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Federal Energy Regulatory Commission
ATTN: OEP/Division of Hydropower Administration and Compliance
888 First Street, N. E.
Washington, D. C. 20426

March 12, 2024

Subject: Lake Watch's response to Dominion's response (Sept. 22, 2023) to FERC letter (July 26, 2023) requesting information on allegations of improper buffer clearing at Vinge Rd. on Lake Murray , in Newberry County

Dear Secretary:

Lake Murray is a public waterway built for the public good. Lake Murray Watch is a conservation group that was formed over 20 years ago to promote the protection and enhancement of the project's scenic, recreational and environmental resources. Lake Watch signed the 2009 re-licensing settlement agreement. It is the responsibility and duty of Lake Watch, other NGO's, and the Agencies to report to the FERC, possible non-compliance issues by the licensee. FERC ultimately has the responsibility of enforcing license articles that protect public values as outlined in Art. 30.

Lake Watch alleges that Dominion ignored the 2007 Buffer Zone and Riparian Management Plan (Plan) when it issued a permit allowing under brushing in a non-disturbed buffer area at 288 Vinge Rd, Prosperity SC, Lake Murray. The shoreline classification maps clearly show that the 288 Vinge Rd. property is a buffer zone post 1984 and should be managed according to that Plan.

Dominion issued a permit allowing the property owner to clear everything except large trees within the 75' buffer and below the 360' contour. (The Plan which applies to all buffer zones established after 1984 and was implemented in 2007.) The Plan does not allow any clearing in the first 50' of the 75 buffer except to install a dock and pathway to a dock. Also some invasive species may be removed.)The licensee continues to argue that this property does not come under the 2007 Plan therefore qualifies for a brushing permit.

Lake Watch also questions the method that was used to stabilize the shoreline.

Rip rap was installed exclusively along this entire shoreline rather than using bioengineering methods recommended by the Plan. The Plan calls for using bioengineering techniques if the slope is as flat as 2 to 1 or flatter. If the slope is steeper than 2 to 1, other more substantial methods (including rip rap) are considered. The shoreline in question, for the most part, has gentle slope which begins right below a small erosion scarf which occurs at the 358' contour. Thus a combination of bioengineering methods combined with rip-rap should have been used at this location.

Please reference attached photos. Photo 1 shows undisturbed shoreline adjacent to Vinge Rd. Photo 2 shows shoreline stabilization using rip rap. Photo 3 shows residence adjacent to the disturbed buffer.

Lake Watch request that the FERC require the licensee to adhere to the provisions of the 2007 Buffer Zone and Riparian Management Plan which will require re-planting of the entire buffer at the Vinge Road site with trees, scrubs, forbs and grasses as specified. Please contact me if you have any questions.

Sincerely,

Steve Bell

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