

**From:** Wood, Diana

**Sent:** Friday, May 11, 2018 8:47 AM

**To:** 'carlisa.linton-peters@ferc.gov' <carlisa.linton-peters@ferc.gov>

**Subject:** Question Regarding FD 36095 Palmetto Railways Project in Berkeley County SC

Dear Ms. Linton-Peters,

I'm following up on a preliminary consultation letter the Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) sent to you in October 2017 regarding the proposed construction and operation of an approximately 23-mile rail line in Berkeley County, SC. The letter mentioned a range of alternatives the applicant, Palmetto Railways, had assessed prior to submitting its petition to the Board, including one (the Cross Route and applicant's Proposed Route) that would cross the Santee Cooper Diversion Canal via a new bridge and connect to a CSXT main line on the Santee Cooper property adjacent to its Cross Generating Station (see the attached letter and Figure A map). OEA has since conducted additional screening of the applicant's other alternatives and determined that the Proposed Cross Route, as well as the no build alternative, will be carried forward for analysis in the Environmental Assessment.

As background, on March 15, 2004, the South Carolina Public Service Authority (SCPSA), filed an application for a new license to continue operating its existing Santee Cooper Hydroelectric Project (FERC Project No. 199), located on the Santee and Cooper Rivers in Berkeley, Calhoun, Clarendon, Orangeburg, and Sumter counties, SC. The parties executed a Programmatic Agreement (PA) on April 3, 2004 (attached) because it was anticipated that issuing a new license to continue operating and maintaining the existing project may pose adverse effects to historic properties (the Santee dam on the Santee River, the Pinopolis dam on the Cooper River, **the Diversion canal**, the Santee Spillway Hydroelectric Station, and the Jefferies Hydroelectric Station).

Among other things, the PA requires that within one year of issuing a license for the project, the Licensee (Santee Cooper) would file a **Historic Properties Management Plan** with FERC specifying how historic properties will be managed in the project area.

Because construction of the Proposed Cross Route would require a new rail bridge over the Diversion Canal, I'm wondering if FERC, in addition to Santee Cooper, would need to approve this rail line project. The applicant, Palmetto, is working with Santee Cooper and will be providing a point of contact next week, so I will be contacting them as well.

Thank you so much for your time.

If you have any questions, please do not hesitate to contact me at 202-245-0302 or by email. In the meantime, I look forward to hearing from you in the near future.

Sincerely,

Diana Wood  
Environmental Project Manager

Diana F Wood  
Office of Environmental Analysis  
US Surface Transportation Board  
395 E Street SW, Room 1110  
Washington DC 20423  
202-245-0302  
[Diana.Wood@stb.gov](mailto:Diana.Wood@stb.gov)



**SURFACE TRANSPORTATION BOARD**  
**Washington, DC 20423**

*Office of Environmental Analysis*

October 10, 2017

Federal Energy Regulatory Commission  
Carlisa Linton-Peters  
Division of Hydropower Administration & Compliance  
888 First Street NE  
Rm 72-75  
Washington, DC 20426

**RE: STB Finance Docket No. 36095, Palmetto Railways—Construction and Operation Exemption—In Berkeley County, South Carolina; Preliminary Consultation**

Dear Ms. Linton-Peters:

On August 3, 2017 the Palmetto Railways (Palmetto or Applicant) filed a petition with the Surface Transportation Board (Board), pursuant to 49 U.S.C. § 10502 for authority to construct and operate a 22.7-mile new rail line in Berkeley County, South Carolina. The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) and the United States Army Corps of Engineers (Corps), Charleston District, are beginning the environmental review of the proposed rail line construction project in compliance with the National Environmental Policy Act and related laws and regulations.

The purpose of this letter is to advise you of the proposed rail line project, request information from your agency on the resources under your jurisdiction that could be affected by the proposed project, and identify permits and approvals that could be required of the Applicant.

**Project Background**

The proposed rail line would be a short-line rail track that begins at a new connection to the A-Line of CSX Transportation (CSXT) (through the CSXT Cross Subdivision connection), and ends within the Camp Hall Commerce Park, an industrial park currently under development in Ridgeville and near Interstate 26. The connection to CSXT would occur on the Santee Cooper property adjacent to its Cross Generating Station, and would cross the Diversion Canal between Lake Marion and Lake Moultrie, running south-southwest. South of the Diversion Canal, the right-of-way traverses the unincorporated rural community of Cross. Beyond the Cross

community, the proposed line passes through a mix of commercial, residential and silvicultural properties before reaching the Camp Hall Commerce Park.

The area is primarily covered by forests, forested wetlands, and open water. The proposed rail line crosses US Highway 176, SC Highway 311, and Old Highway 6, 15 secondary roads and 21 minor forestry/agricultural roads. The entire line would be located within Berkeley County. See Figure A, which shows Palmetto Railways' proposed route in the "Cross Corridor" that Palmetto Railways developed as part of its Alternative Analysis and Figure B, which depicts the additional alternatives studied by Palmetto Railways.

The proposed project is intended to bring rail service to the industrial park, to support the area's infrastructure needs and to alleviate highway congestion involving large commercial trucks in the area.

### **Environmental Review Process**

OEA and the Corps will work as joint-lead agencies to evaluate the potential environmental effects of the proposed project, including any reasonable and feasible alternatives to the proposed route pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. § 4321 et seq.), the Board's environmental rules at 49 C.F.R. § 1105, the Corps' permitting authority under Section 404(b)(1) of the Clean Water Act (40 CFR Part 230), and other applicable federal, and state laws.

This letter begins the process by which OEA and the Corps will assess the potential environmental effects, both positive and negative, that may be associated with the proposed rail line construction and operation. We appreciate your assistance in identifying whether any resources of concern to your agency may be affected by the proposed project and welcome information on any additional issues or concerns that you consider appropriate.

To assist in your review of the proposed project, please review the additional information filed by the Applicant in support of its proposal. This information may be found on the Board and Corps' Project website at [www.CampHallRailNEPA.com](http://www.CampHallRailNEPA.com).

### **Request for Comments**

We would like to hear from you regarding whether any resources under your jurisdiction could be affected by the proposed project, and whether this proposal would require permitting or approval requirements from your agency. We request your response by **November 10, 2017**, so that we may be able to schedule any meetings, site visits, or surveys; conduct necessary follow-up activities; and incorporate your response into the scope of study, as appropriate.

October 10,  
2017 Page 3

Please send your written comments to Diana Wood, OEA's Project Manager for the environmental analysis, by email at [Diana.Wood@stb.gov](mailto:Diana.Wood@stb.gov), or by mail to:

Ms. Diana Wood  
Surface Transportation Board  
Docket No. FD 36095  
c/o ICF  
9300 Lee Highway  
Fairfax, VA 22031

You may also submit comments electronically through the Board's Web site at [www.stb.gov](http://www.stb.gov) by clicking on the "E-Filing" quick link on the right-hand side of the home page and then selecting "Environmental Comments." Brief comments may be typed within the comment field provided, or alternatively, you may attach comments as Microsoft Word or Adobe Acrobat files.

We look forward to your participation in the environmental review process. If you have any questions or would like to arrange a call, please feel free to contact Diana Wood by phone at 202-245-0302 or by email at [Diana.Wood@stb.gov](mailto:Diana.Wood@stb.gov) or the Corps' project manager, Courtney Stevens by phone at 843-329-8027 or by email at [Courtney.M.Stevens@usace.army.mil](mailto:Courtney.M.Stevens@usace.army.mil).

Sincerely,

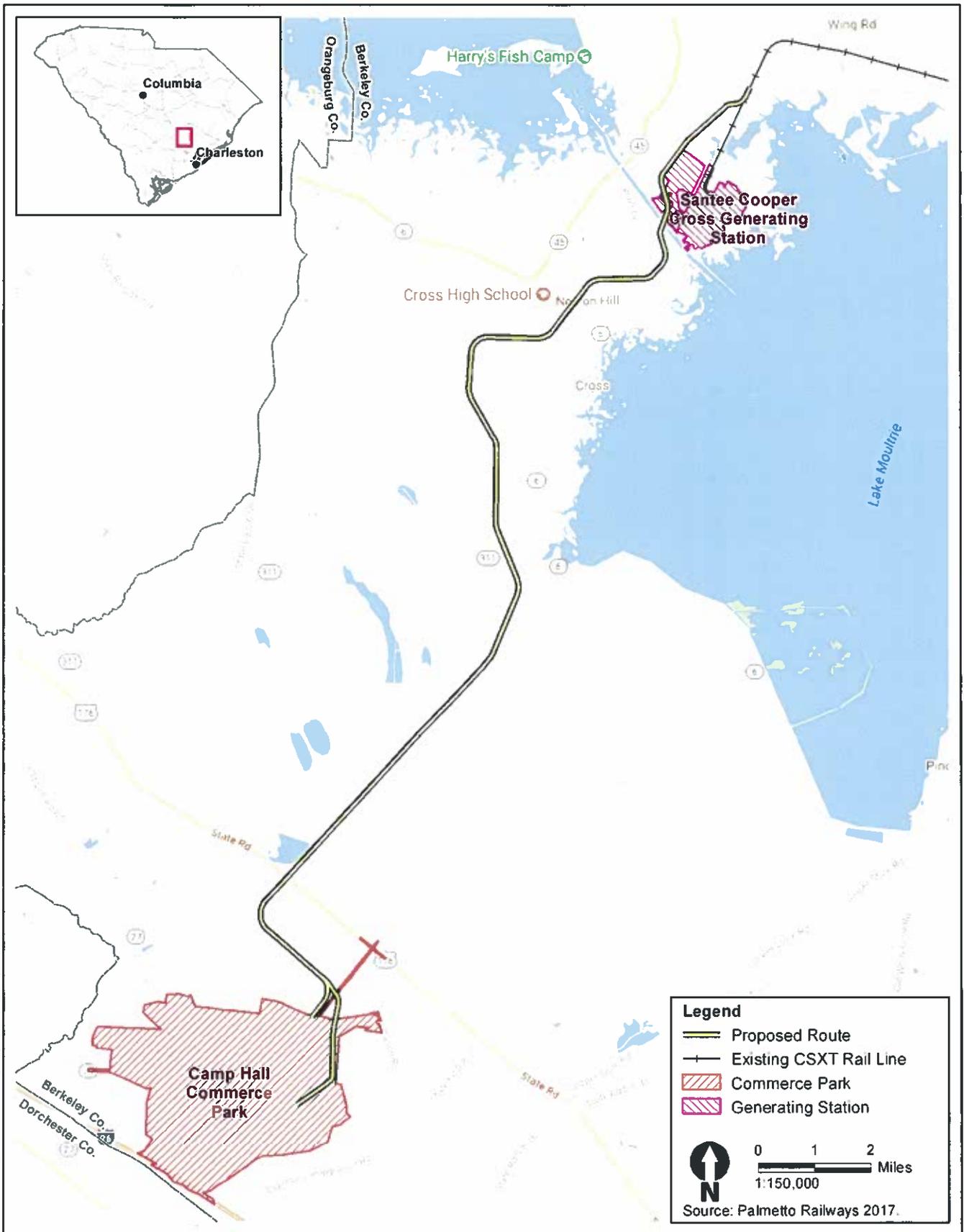


Victoria Rutson  
Director  
Office of Environmental Analysis

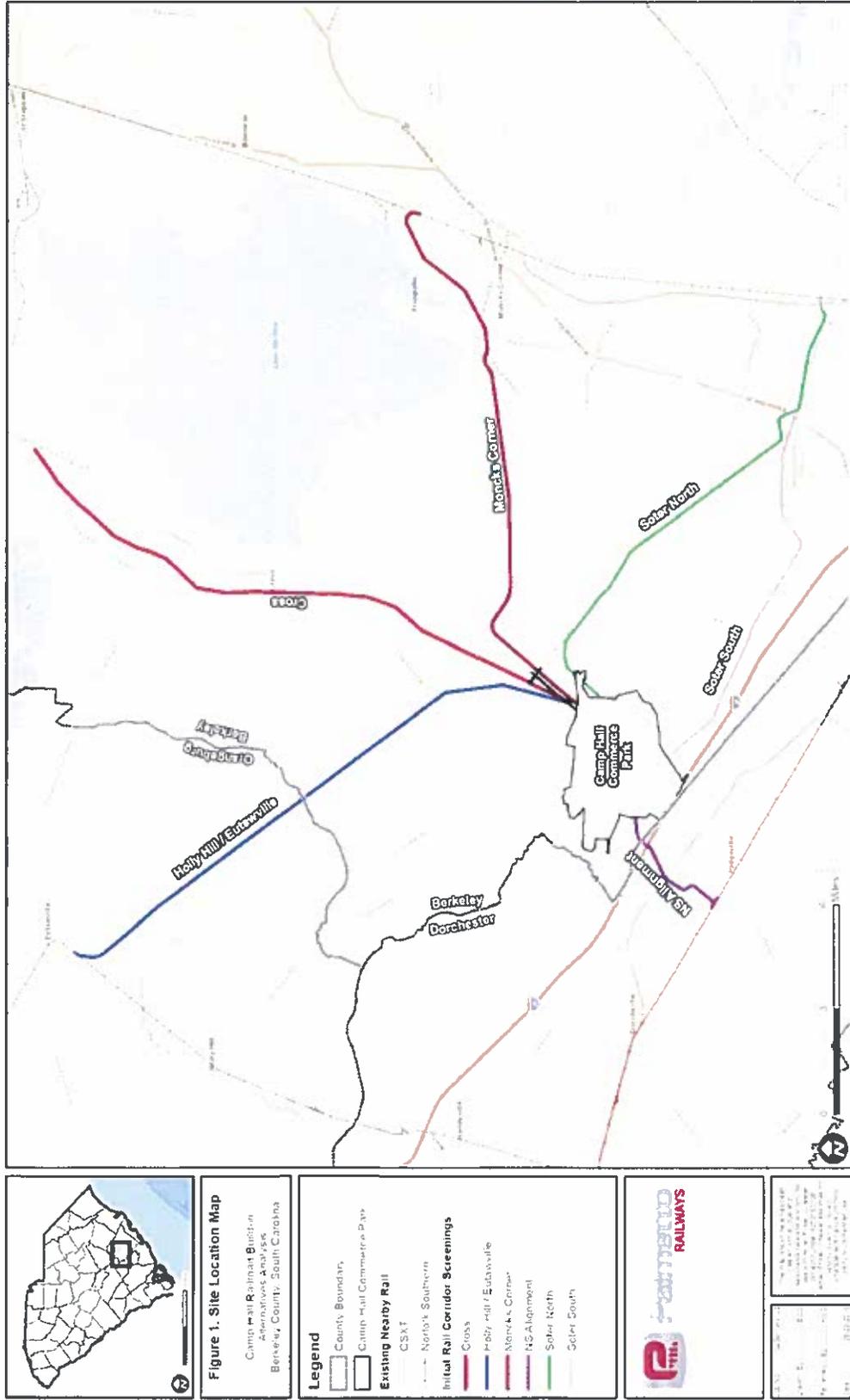
Enclosures:

Figure A-Proposed Route Map

Figure B-Palmetto Railways Alternatives Analysis Map



**Figure A**  
**Palmetto Railways Proposed Route**



**Figure B**  
**Palmetto Railways Alternatives Analysis Map**



Preserving America's Heritage

February 20, 2009

Mark Pawlowski, Chief  
Hydro East Branch 2  
Federal Energy Regulatory Commission  
Washington, DC 20426

**REF: *Proposed Santee Cooper Hydroelectric Project***  
***FERC Project Number: 199-205***  
***Berkeley, Calhoun, Clarendon, Orangeburg and Sumter Counties, South Carolina***

Dear Mr. Pawlowski:

On February 5, 2009, the Advisory Council on Historic Preservation (ACHP) received the Programmatic Agreement (PA) for the above referenced project. In accordance with Section 800.6(b)(1)(iv) of the ACHP's regulations, the ACHP acknowledges receipt of the PA. The filing of the PA, and execution of its terms, completes the requirements of Section 106 of the National Historic Preservation Act and the ACHP's regulations.

We appreciate your providing us with a copy of this PA and will retain it for inclusion in our records regarding this project. Should you have any questions or require additional assistance, please contact me at (202) 606-8509 or by e-mail at [ljohnson@achp.gov](mailto:ljohnson@achp.gov).

Sincerely,

LaShavio Johnson  
Historic Preservation Technician  
Federal Permitting, Licensing and Assistance Section  
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004  
Phone: 202-606-8503 • Fax: 202-606-8647 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

received 02/23/09 by e-mail

**RECEIVED**

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426  
January 30, 2009

FEB 09 2009

SC Department of  
Archives & History

OFFICE OF ENERGY PROJECTS

Project No. 199-205 - South Carolina  
Santee Cooper Hydroelectric Project  
South Carolina Public Service Authority

Reid Nelson  
Advisory Council on Historic  
Preservation  
Old Post Office Building  
1100 Pennsylvania Avenue, NW, Suite  
809  
Washington, DC 20004

Dr. Wenonah G. Haire  
Catawba Indian Nation  
Tribal Historic Preservation Officer  
1536 Tom Steven Rd  
Rock Hill, SC 29730

Dr. Rodger E. Stroup, SHPO  
Department of Archives & History  
8301 Parklane Road  
Columbia, SC 29223-4905

Charles D. Enyart, Chief  
Eastern Shawnee Tribe of Oklahoma  
P.O. Box 350  
Seneca, MO 64804

John C. Dulude, P.E.  
Manager, FERC Relicensing  
South Carolina Public Service Authority  
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Moncks Corner, SC 29461-6101

Tribal Historic Preservation Officer  
Seminole Nation of Oklahoma  
P.O. Box 1498  
Wewoka, OK 74884

Dr. James T. Kardatzke  
Bureau of Indian Affairs  
Eastern Regional Office  
545 Marriott Drive, Suite 700  
Nashville, TN 37214

Richard H. Kimmel, Archaeologist  
Environmental Resources Section  
US Army Corps of Engineers  
PO Box 1890  
Wilmington, NC 28402

Russell Townsend  
Tribal Historic Preservation Officer  
Eastern Band of Cherokee Indians  
Cultural Resources Department  
Qualla Boundary P.O. Box 455  
Cherokee, NC 28719

Amanda Hill  
U.S. Fish & Wildlife Service  
Charleston Field Office  
176 Croghan Spur Road, Suite 200  
Charleston, SC 29407

Robert Morgan,  
Francis Marion & Sumter National  
Forests  
2421 Witherbee Road  
Cordesville, SC 29434

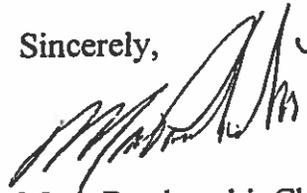
Project No. 199-205 - South Carolina

**Subject: Transmittal of the Executed Programmatic Agreement for the Santee Cooper Hydroelectric Project, FERC Project No. 199-205**

TO THE PARTIES ADDRESSED:

Enclosed is the Programmatic Agreement for the Santee Cooper Hydroelectric Project, Project No. 199, executed as of April 3, 2008, the date it was signed by the South Carolina Deputy SHPO. If you have questions, please contact Janet Hutzel at (202) 502-8675, or by e-mail, [janet.hutzel@ferc.gov](mailto:janet.hutzel@ferc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Pawlowski', written over a faint, illegible typed name.

Mark Pawlowski, Chief  
Hydro East Branch 2

Enclosure: Final Programmatic Agreement

cc: Public files

**PROGRAMMATIC AGREEMENT  
BETWEEN  
THE FEDERAL ENERGY REGULATORY COMMISSION  
AND THE  
SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICER  
FOR  
MANAGING HISTORIC PROPERTIES THAT MAY BE AFFECTED  
BY ISSUING A NEW LICENSE TO  
SOUTH CAROLINA PUBLIC SERVICE AUTHORITY  
FOR THE OPERATION OF THE  
SANTEE COOPER HYDROELECTRIC PROJECT  
IN BERKELEY, CALHOUN, CLARENDON, ORANGEBURG,  
AND SUMTER COUNTIES,  
SOUTH CAROLINA  
(FERC No. 199-205)**

**WHEREAS**, the Federal Energy Regulatory Commission or its staff (hereinafter, "Commission") proposes to issue a new license to South Carolina Public Service Authority (hereinafter, "Licensee") to continue operating the existing Santee Cooper Hydroelectric Project (hereinafter, "Project") as authorized by Part I of the Federal Power Act, 16 U.S.C. Sections 791(a) through 825(r) *as amended*; and

**WHEREAS**, the Commission has determined that issuing such a license may affect properties included in or eligible for inclusion in the National Register of Historic Places (hereinafter, "historic properties"); and

**WHEREAS**, Appendix A of this Programmatic Agreement provides a description of the Licensee's proposal for operating and maintaining the Project, area of potential effects, historic properties, and anticipated effects identified as of the date of this Programmatic Agreement; and

**WHEREAS**, the Commission has consulted with the Advisory Council on Historic Preservation (hereinafter, "Council"), and the South Carolina Historic Preservation Officer (hereinafter, "SHPO") pursuant to 36 C.F.R. Section 800.14(b) of the Council's regulations (36 C.F.R. Part 800), implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f; hereinafter, "Section 106"); and

**WHEREAS**, the Licensee, the Catawba Indian Nation Tribal Historic Preservation Officer (hereinafter, "CIN-THPO"), Eastern Band of Cherokee Indians Tribal Historic Preservation Office (hereinafter, "EBCI-THPO"), U.S. Army Corps of Engineers (hereinafter, "Corps"), U.S. Fish and Wildlife Service (hereinafter, "Fish and Wildlife Service"), and Francis Marion National Forest (hereinafter, "National Forest") have participated in the consultation and have been invited to concur in this Programmatic Agreement; and

**WHEREAS**, the Commission will require the Licensee to implement the provisions of this Programmatic Agreement as a condition of issuing a new license for the Project;

**NOW THEREFORE**, the Commission and the SHPO agree that the Project will be administered in accordance with the following stipulations in order to satisfy the Commission's Section 106 responsibilities during the term of the Project's license.

## **STIPULATIONS**

The Commission will ensure that, upon issuing a license for this Project, the Licensee implements the following stipulations. All stipulations that apply to the Licensee will similarly apply to any and all of the Licensee's successors. Compliance with any of the following stipulations does not relieve the Licensee of any other obligations it has under the Federal Power Act, the Commission's regulations, or its license.

### **I. HISTORIC PROPERTIES MANAGEMENT PLAN**

- A. Within one year of issuing a license for this Project, the Licensee will file for the Commission's approval a Historic Properties Management Plan (hereinafter, "HPMP") specifying how historic properties will be managed in the Project's area of potential effects, as defined in 36 C.F.R. Section 800.16(d), during the term of this license. During development of the HPMP, the Licensee will consult with the SHPO, CIN-THPO, EBCI-THPO, Corps, Fish and Wildlife Service, and National Forest, as defined in 36 C.F.R. Section 800.2.<sup>1</sup> The Licensee will seek concurrence of the SHPO, CIN-THPO, EBCI-THPO, Corps, Fish and Wildlife Service, and National Forest in the HPMP.

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<sup>1</sup> All consulting parties need to respond within 30 days of receipt of a request for review of a finding or determination involving the HPMP and during the interim period prior to completion and implementation of the HPMP.

- B. "Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines" (*Federal Register*, September 29, 1983, Vol. 48, No. 190, Part IV, pp. 44716-44740; hereinafter, "Secretary's Standards") and the Council and Commission's "Guidelines for the Development of Historic Properties Management Plans for FERC Hydroelectric Projects"<sup>2</sup> (issued May 20, 2002) will be taken into account in developing the HPMP. The HPMP will be developed in coordination with the development of the project Recreation Management Plan (RMP) and Shoreline Management Plan (SMP). The HPMP will be developed by or developed under the direct supervision of a person or persons who meet, at a minimum, the professional qualifications standards for architectural history and archeology in the Secretary's Standards (48 *Federal Register* 44738-39).
- C. The HPMP will, at a minimum, address the tasks listed below. The HPMP will also specify how each task will be carried out and when it will be completed.
1. Completion, if necessary, of identification of historic properties, within the Project's APE;
  2. Continued use and maintenance of historic properties;
  3. Maintenance and operation of the Santee Cooper Project as a historic property according to the Secretary of Interior's "Standards for the Treatment of Historic Properties" (36 C.F.R. Part 68), and applicable National Park Service Preservation Briefs;
  4. Treatment of historic properties threatened by looting or vandalism
  5. Treatment of historic properties threatened by shoreline erosion, other project-related ground-disturbing activities due to project operation and maintenance, recreational development, habitat improvement projects, or other project-related development or uses that may cause changes in the character or use of Historic Properties

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<sup>2</sup> This document was issued jointly by the Commission and the Advisory Council on May 20, 2002. The document is available at <http://www.ferc.gov/industries/hydropower/gen-info/guidelines/hpmp.pdf>.

6. Identification and treatment of unanticipated downstream project effects that might occur to Historic Properties at the Francis Marion National Forest in the lower Santee River;
7. Mitigation of unavoidable adverse effects on historic properties;
8. Treatment and disposition of any human remains that may be discovered, taking into account any applicable state laws, the Catawba Indian Nation's Burial Policy, and the Advisory Council's "Policy Statement Regarding Treatment of Human Remains and Grave Goods" (September 27, 1988, Gallup, NM);
9. Discovery of previously unidentified properties during project operations;
10. Public interpretation of the historic and archaeological values of the Project;
11. Identification and proposed treatment, avoidance, or mitigation of effects to traditional cultural properties through the development and implementation of a traditional cultural properties treatment plan after consultation with the CIN-THPO, EBCI-THPO, and SHPO;
12. Description of how implementation of the HPMP will be coordinated with implementation of the project RMP and SMP; and
13. Coordination with the SHPO, CIN-THPO, EBCI-THPO, Corps, Fish and Wildlife Service, National Forest, and owners of properties that are eligible for listing in the National Register of Historic Places during implementation of the HPMP.

## **II. HPMP REVIEW AND IMPLEMENTATION**

- A. The Licensee will submit the HPMP, along with documentation of the views of the SHPO, CIN-THPO, EBCI-THPO, Corps, National Forest, and Fish and Wildlife Service to the Commission for review and approval.
- B. If the SHPO, CIN-THPO, EBCI-THPO, Corps, National Forest, and Fish and Wildlife Service have not concurred in the HPMP, or the Commission finds the

HPMP inadequate, the Commission will consult with the objecting party and seek agreement on the HPMP. If concurrence is not reached within 45 days, the Commission will request that the Council enter into the consultation to seek agreement on the HPMP.

1. If agreement is reached on the HPMP, the Commission will forward a copy of the revised HPMP to the Council for review pursuant to Stipulation II.B of this Programmatic Agreement. If the Council does not object to the HPMP, the Commission will proceed to ensure that the Licensee implements the HPMP.
2. If agreement on the HPMP cannot be reached among the Commission, SHPO, CIN-THPO, EBCI-THPO, Corps, Fish and Wildlife Service, National Forest, and the Council; the Commission will request that the Council comment pursuant to Stipulation IV.B of this Programmatic Agreement;

D. The Licensee will, within 30 days of every anniversary of license issuance, file a report with the SHPO, CIN-THPO, EBCI-THPO, Corps, National Forest, and Fish and Wildlife Service of activities conducted under the implemented HPMP. The report will contain a detailed summary of any cultural resources work conducted during the preceding year; if no work was completed, a letter from the Licensee will be prepared to that effect, and will satisfy the intent of this stipulation.

### III. INTERIM TREATMENT OF HISTORIC PROPERTIES

- A. All consultation under this stipulation will be in accordance with 36 C.F.R. Sections 800.4 and 800.5 with the Licensee acting as the Agency Official.
- B. After a license for the Project has been issued, but before the HPMP has been approved by the Commission (hereinafter, "the interim"), the Licensee will consult with the SHPO, CIN-THPO, EBCI-THPO, Corps, National Forest, and Fish and Wildlife Service regarding the effect on historic properties related to any project-related action that may be implemented in the interim.<sup>3</sup> The Licensee will consult with the SHPO, CIN-THPO, and EBCI-THPO to apply the criteria of adverse effect, pursuant to 36 C.F.R. Section 800.5(a)(1).

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<sup>3</sup> Depending on undertaking's scope or location, or types of historic properties affected, the Licensee needs to consult only with the appropriate parties among the whole group of consulting parties listed in this Programmatic Agreement.

1. If the Licensee and SHPO agree that the activity will not adversely affect historic properties, the Licensee may proceed in accordance with any agreed-upon treatment measures or conditions. If the Licensee and the SHPO do not agree, the matter will be resolved in accordance with Stipulation IV of this Programmatic Agreement.
2. If either the Licensee or SHPO determines that the activity may have an adverse effect, the Licensee or SHPO will consult with the other appropriate parties to develop a strategy for avoiding, minimizing, or mitigating adverse effects. If the Licensee and SHPO can reach agreement, the Licensee will implement the agreed-upon strategy. If they disagree, the Licensee will submit the matter to the Commission in accordance with Stipulation IV of this Programmatic Agreement.
3. If the Commission finds that the activity may have an adverse effect, the Commission will initiate the process set forth at 36 C.F.R. Sections 800.6 and 800.7(a) through (c)(3).

#### **IV. DISPUTE RESOLUTION**

- A. If at any time during implementation of this Programmatic Agreement and the resulting HPMP, the SHPO, CIN-THPO, EBCI-THPO, Corps, Fish and Wildlife Service, or National Forest object to any action or any failure to act pursuant to this Programmatic Agreement or the HPMP, the party may file written objections with the Commission.
  1. The Commission will consult with the objecting party, and with other parties as appropriate, to resolve the objection. The Commission may initiate on its own such consultation to remove any of the Commission's objections.
- B. If the Commission determines that the objection cannot be resolved, the Commission will forward all documentation relevant to the dispute to the Council and request that the Council comment. Within 30 days after receiving all pertinent documentation, the Council will either:

1. Provide the Commission with recommendations, which the Commission will take into account in reaching a final decision regarding the dispute; or
  2. Notify the Commission that it will comment pursuant to 36 C.F.R. Section 800.7(c)(1) through (c)(3) and Section 110(a)(1) of the National Historic Preservation Act, and proceed to comment.
- C. The Commission will take into account any Council comment provided in response to such a request, with reference to the subject of the dispute, and will issue a decision on the matter. The Commission's responsibility to carry out all actions under this Programmatic Agreement that are not the subject of dispute will remain unchanged.

#### **V. AMENDMENT AND TERMINATION OF THIS PROGRAMMATIC AGREEMENT**

- A. The Commission, Licensee, the SHPO, CIN-THPO, EBCI-THPO, Corps, Fish and Wildlife Service, or National Forest may request that this Programmatic Agreement be amended, whereupon these parties will consult in accordance with 36 C.F.R. Section 800.14(b) to consider such amendment.
- B. The Commission or the SHPO may terminate this Programmatic Agreement by providing 30 days written notice to the other parties, provided that the Commission, Licensee, the SHPO, CIN-THPO, EBCI-THPO, Corps, Fish and Wildlife Service, and National Forest consult during the 30-day notice period in order to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the Commission will comply with 36 C.F.R. Sections 800.3 through 800.7(c)(3), with regard to individual actions covered by this Programmatic Agreement.

Execution of this Programmatic Agreement evidences that the Commission has satisfied its responsibilities pursuant to Section 106 of the National Historic Preservation Act, *as amended*, for all individual actions carried out under the license. Provided, however, that unless and until the Commission issues the license for the Project and this Programmatic Agreement is incorporated by reference therein, this Programmatic Agreement has no independent legal effect for any specific license applicant or Project.

**FEDERAL ENERGY REGULATORY COMMISSION**

By: Ann F. Miles Date: 3/17/2008

Ann F. Miles

Director, Division of Hydropower Licensing

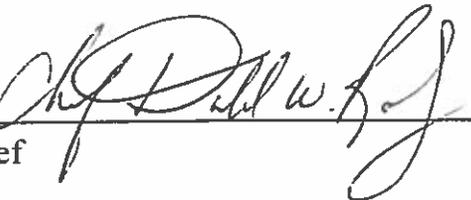
**SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICER**

By: Elizabeth M. Johnson Date: 4/3/2008  
Elizabeth M. Johnson  
South Carolina Deputy State Historic Preservation Officer

**CONCUR: SOUTH CAROLINA PUBLIC SERVICE AUTHORITY**

By: *P.M. Slight* Date: 4/8/2008

**CONCUR: CATAWBA INDIAN NATION**

By:  Date: 3-28-2008  
Chief

By: Gene Blum Date: 3-28-2008  
Assistant Chief

By: Jean M. Harris Date: 3-28-2008  
Secretary/Treasurer

By: Leigh Anne Bickett Date: 3-27-2008  
Executive Committee Member

By: Thomas "Butch" Lunden Date: 3/28/2008  
Executive Committee Member

By: Melissa S. Flenderbaum Date: 3/28/08  
Executive Committee Member

By: John Whiteford Date: 3/28/08  
Executive Committee Member

By: Wenonah H. Haire Date: 3/28/08  
Dr. Wenonah Haire  
Tribal Historic Preservation Officer

**CONCUR: EASTERN BAND OF CHEROKEE INDIANS**

By:  Date: 4-14-08  
Principal Chief

**CONCUR: U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE  
SERVICE**

By: \_\_\_\_\_ Date: \_\_\_\_\_

**CONCUR: U.S. ARMY CORPS OF ENGINEERS,**

By: \_\_\_\_\_ Date: \_\_\_\_\_

**CONCUR: FRANCIS MARION NATIONAL FOREST**

By: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix A<sup>4</sup>

### PROJECT, HISTORIC PROPERTIES, AND ANTICIPATED EFFECTS

The purpose of this appendix is to specify the factual basis of the Programmatic Agreement. Here, relevant facts concerning the project and modifications to the project proposed by the Licensee under the Commission's licensing procedures are reviewed; historic properties subject to the Programmatic Agreement's stipulations are, in part, identified; and the anticipated effects of the license issuing are disclosed.

On March 15, 2004, South Carolina Public Service Authority (SCPSA), filed an application for a new license to continue operating its existing Santee Cooper Hydroelectric Project (FERC Project No. 199), located on the Santee and Cooper Rivers in Berkeley, Calhoun, Clarendon, Orangeburg, and Sumter counties, South Carolina.

We, the parties to the Programmatic Agreement, anticipate that issuing a new license to continue operating and maintaining the existing project may pose adverse effects to historic properties. We anticipate that any adverse effects can be mitigated by executing a Programmatic Agreement requiring the Licensee to develop and implement an HPMP, and incorporating the executed Programmatic Agreement into any license that the Commission issues for the Project.

#### I. THE PROJECT

##### A. Project Facilities and Operation

The Santee Cooper Project structures consist of Santee dam (also known as Wilson dam) on the Santee River, Pinopolis dam on the Cooper River, the Diversion canal, the Santee Spillway Hydroelectric Station, and the Jefferies (formerly known as Pinopolis) Hydroelectric Station with a combined installed capacity of 134.5 MW.

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<sup>4</sup> Information in this Appendix is taken from: South Carolina Public Service Authority's license application for the Santee Cooper Project, P-199, March 2004; the Cultural Resources Survey for the Santee Cooper Hydroelectric Project, Volume I: Historic Properties, prepared by Mead and Hunt, July 2003; the Cultural Resources Survey Santee Cooper Hydroelectric Relicensing Project, Volume II: Stage I Archaeology Final Report, prepared by Ralph Bailey, Jr., and David S. Baluha, August 2003; the Draft EIS for Hydropower Relicensing for the Santee Cooper Project, prepared by FERC – Office of Energy Projects, Division of Hydropower Licensing, March 2007; and the Final EIS for Hydropower Relicensing for the Santee Cooper Project, prepared by FERC – Office of Energy Projects, Division of Hydropower Licensing, October 2007.

Santee dam impounds Lake Marion on the Santee River. Lake Marion is about 40 miles long and has an area of about 100,000 acres at a normal pool elevation of 75.0 feet NGVD. The dam consists of the North dam earthen embankment, the gated Santee spillway section, and the South dam earthen embankment. The Santee Spillway Hydroelectric Station is located near Pineville just downstream of the abutment of the Santee spillway to the South dam. The station contains a single, vertical-shaft, turbine-generator with a capacity of 2.0 MW, a rated net head of 46 feet and a maximum hydraulic capacity of 660 cfs. Annual generation for the 10-year period ending in 1999 averaged 13,823 MWh. The station is used to maintain a minimum flow of 500 cfs in the Santee River.

Most of the water impounded by Santee dam exits Lake Marion through the 5-mile-long Diversion canal to Lake Moultrie. The canal is 200 feet wide at the bottom (elevation 48.0 feet) and nearly 400 feet wide at the surface (normal water surface elevation is 74.0 to 74.8 feet). There is no control structure in the Diversion canal, and all flow not passed by Santee dam enters Lake Moultrie through the canal.

The Pinopolis dam impounds Lake Moultrie. Lake Moultrie is about 10 miles long and has an area of about 60,000 acres at a normal pool elevation of about 75.0 feet. The Pinopolis dam structures consist of the West dam, West dike, East dam, East dam extension, East dike, North dike, Pinopolis lock, and the Jefferies Hydroelectric Station, which is located near Pinopolis. The 380-foot-long by 185-foot-wide station has an integral intake structure and contains one 10.125-MW unit and four 30.6-MW units, with a total maximum hydraulic capacity of 28,000 cfs. The Jefferies Hydroelectric Station was designed to accommodate an additional 30.6-MW generating unit to allow for potential expansion of generation capacity. The station is operated in a semi-peaking mode in accordance with agreements between SCPSA and the U.S. Army Corps of Engineers (Corps) Cooper River Rediversion Project.<sup>5</sup> Discharge through Jefferies station typically is restricted to an average weekly flow of 4,500 cfs, although additional discharges may be made to mitigate high saline levels in the downstream Bushy Park industrial complex, or to provide cooling water for the operation of the applicant's adjacent steam generating station. Some flow is also used for the operation of the Pinopolis lock for boat and upstream fish passage. Annual generation at the Jefferies station, for the 10-year period ending in 1999, averaged 210,204 MWh.

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<sup>5</sup> In 1968, Congress enacted Public Law 90-483, which, among other things, authorized the construction and operation of the Cooper River Rediversion Project (St. Stephen Project). The flow requirements, as well as other pertinent operational considerations that affect the entire Santee Cooper Project flows, are outlined in a contract between Santee Cooper and the Corps, referred to as the Cooper River Rediversion Project Contract, No. DACW60-7-C-0005. As a federally owned project, the St. Stephen development is outside of the Commission's jurisdiction.

The non-jurisdictional Corps' Cooper River Rediversion Project includes a Rediversion canal that returns water from Lake Moultrie back to the Santee River, an 84-MW hydroelectric station located near the town of St. Stephen, and a fish lift to allow fish to pass upstream beyond the St. Stephen Hydroelectric Station. SCPSA operates the St. Stephen station, on behalf of the Corps, in a semi-peaking mode. The St. Stephen station uses the remainder of the discharge from Lake Moultrie not utilized by the Jefferies Hydroelectric Station and the Pinopolis lock.

The applicant is not proposing any changes in project structures and proposes minor changes in operations.

### B. Project Boundary

The jurisdictional, SCPSA-owned part of the Santee Cooper Project comprises several facilities and associated lands and waters along the Santee and Cooper rivers. SCPSA owns more than 32,151 acres of lands, 19,989 acres of which are contained within the project boundary. The project boundary along Lake Marion either follows a metes-and-bounds description, or is set at 30 linear feet from the high water mark at elevation 76.8 feet National Geodetic Vertical Datum (NGVD).<sup>6</sup> The project boundary begins at the confluence of the Congaree and Wateree rivers and includes the Upper Santee Swamp, which is comprised of 35,780 acres of predominantly forested wetlands contained within the 100-year floodplain at the headwaters of Lake Marion, and lands downstream of Santee dam containing the project works. The project boundary at Lake Moultrie also either follows a metes-and-bounds description, or is set at 30 linear feet from the high water mark at elevation 75.5 feet NGVD. The project boundary includes 19,989 acres of lands, 35,780 acres of the Upper Santee Swamp, and about 160,000 acres of reservoirs for a total of about 215,769 acres.

There are no federal lands located within the project boundary. However, the project boundary includes 914 acres of land located within the project boundary, and approximately 5,000 acres of land underlying the waters of Lake Marion, that SCPSA leases to the Fish and Wildlife Service for the Santee National Wildlife Refuge (Wildlife Refuge).

### C. Licensee's Proposed Environmental Measures

SCPSA proposes to implement a PA, including a HPMP, to guide its management of the project's historic properties during the term of the license. SCPSA has also proposed various environmental measures for other environmental resources.

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<sup>6</sup> Metes and bounds refers to specific distance measurements (metes) and definite boundary markers (bounds). This system of land description uses physical features of local geography, along with directions and distances, to define and describe the boundaries of the parcel of land.

## II. HISTORIC PROPERTIES IDENTIFIED

### A. Area of Potential Effects

The Santee Cooper Project's area of potential effects (APE) is the geographical area or areas in which issuance of a license to continue operation and maintenance of the Project may affect properties included in or eligible for inclusion in the National Register of Historic Places.

The Santee Cooper Project's APE includes (a) lands enclosed by the project boundary as delineated in the existing license, as well as associated structures that are functionally, historically, structurally, or spatially connected to the project; (b) upland areas included within the upland easement held by the applicant, as described above; and (c) lands or properties outside the project boundary where project operation, recreational development, habitat improvement projects, or other project-related development or use may cause changes in the character or use of historic properties, if any historic properties exist.

### B. Historic Project Features

The APE for above-ground resources includes those buildings and structures that are outside the project boundary but that are historically and operationally part of the functioning of the project. Several above-ground resources have been evaluated for the National Register. In 1989, during an archaeological survey of Berkeley County, the Jefferies powerhouse and the Pinopolis lock were recommended eligible for the National Register. In addition, the Cooper River Historic District initially included the Jefferies powerhouse, Pinopolis lock, and tailrace canal as contributing elements. However, the district boundary has since been revised to exclude the Santee Cooper Project.

Mead & Hunt (2003) evaluated the above-ground resources that are associated with the development of the project. Its report recommended the creation of a Santee Cooper Hydroelectric Project Historic District. The following components contribute to the eligibility of this district, and should be considered as Historic Properties:

- Pinopolis dam
- Jefferies powerhouse
- Pinopolis lock
- West dam
- West dike
- East dam and East dam extension
- Santee North dam
- Santee South dam
- Diversion canal

- Tailrace canal
- East dike
- North dike
- Auxiliary buildings
- Santee dam
- Santee Spillway Hydroelectric Station
- Santee spillway
- Lake Moultrie
- Lake Marion

The Santee Cooper Project was recommended eligible for National Register inclusion under *Criterion A*, because of its “association with events that have made a significant contribution to the broad patterns of our history” and under *Criterion C*, as a property that embodies “the distinctive characteristics of a type, period, or method of construction.”

The Project’s structures retain a high degree of architectural integrity. Its anti-malarial component is significant at the local level for the role it played in improving residents’ health. At the state level, the project is significant for its role in providing electricity to areas previously without electrical service, and as the largest New Deal project in South Carolina during the Great Depression. At the national level, the project is significant for its important engineering advances and for the role the facility played in powering Charleston’s defense industry during World War II.

#### C. Historic Non-Project Properties in the Area of Potential Effects

The Atlantic Coast Line Railroad Lift Bridge, which spans the tailrace canal near Pinopolis lock, is eligible for the National Register under *Criterion C: Engineering*, and should be considered as a Historic Property. The bridge was constructed by SCPSA to replace a bridge that had to be removed for construction of the Santee Cooper Project. The bridge consists of two Warren truss approach spans and a Warren truss main span. A pair of towers supports the lift mechanism and an operator’s house, which is located in the north tower. The bridge gains state-level significance as intact example of a rare bridge type in South Carolina.

#### D. Archaeological Resources in the Area of Potential Effects

The area through which the Santee and Cooper rivers flow has been inhabited by Native Americans for nearly 10,000 years. There was a very clear and strong presence of Native Americans in the inner coastal plain of South Carolina when European explorers first entered the region, and it continued well into the period of European settlement. Bailey and Baluha (2003) noted that 94 previously recorded archaeological sites lay within the APE. Many of these previously recorded sites were identified by amateur

archaeologists, who frequently provided only minimal location information. Most of the previously identified archaeological sites are located on landforms that overlook water, such as ridges, ridge-noses, inter-stream divides, terrace edges, and bluffs. These 94 sites include 60 that contained exclusively pre-European contact sites, 10 that contained exclusively post-contact sites, and 24 that had either multiple components or whose age was not determined.

Only 28 of the 94 archaeological sites had been evaluated in terms of the National Register prior to Bailey and Baluha (2003). Three of these sites are listed on the National Register, 1 is eligible, 12 are potentially eligible, and 12 are not eligible. The remaining 66 sites had not been evaluated for the National Register.

The combined shoreline of Lakes Marion and Moultrie and the shoreline of the various islands in the two lakes contain about 400 miles. Of this, about 111 miles are developed for residential, commercial, or industrial uses, or are occupied by dams or dikes; these areas have a low potential to contain archaeological resources given the soil disturbance. Bailey and Baluha (2003) conducted a sample survey of 96 miles of shoreline, which represents 33 percent of the undeveloped shoreline and islands; much of this surveyed area was within the Santee NWR.

Bailey and Baluha (2003) revisited and verified the locations of 7 of the previously identified sites, and recorded 50 new archaeological sites and 10 isolated finds. Of the 50 new sites, 18 were located in areas that have experienced erosion. These sites were not evaluated for eligibility to the National Register, because the level of survey that would be required to make such an assessment would require surveying lands that are on private property outside of the project boundary.

### III. ANTICIPATED EFFECTS AND MITIGATIVE NEEDS

The proposed issuance of a new license to the Licensee for the Santee Cooper Project could have effects both beneficial and adverse on historic properties in the project's APE.

#### A. Historic Project Features

Inasmuch as the above-listed contributing components to the Santee Cooper Hydroelectric Project Historic District are historic properties, issuing the Licensee a new license to operate the Santee Cooper Project under the protection afforded by section 106, is generally to be considered a beneficial effect. In itself, however, operating the Project under the protections afforded by section 106 does not ensure that no adverse effects would ensue.

Moreover, in the absence of an operation and maintenance plan designed to hold intact the historic integrity of a historic property, unanticipated adverse effects on a

historic property could occur in the future. Adverse effects could occur to licensed historic project features due to repairs and modifications that may be necessary during the course of project operation. Adverse effects could also inadvertently occur during routine daily activities of the project facilities.

Although the undertaking may adversely affect the historic properties, adverse effects can and should be taken into account by requiring the Licensee to develop and implement a HPMP that includes guidelines for operating and maintaining the project that would not diminish its National Register eligibility.

The construction of fish passage measures and other new project facilities has the potential to adversely affect the historic properties, by affecting the physical integrity of the historic fabric of the dams and by affecting the visual and spatial integrity of the setting of the two dams. Details for addressing any adverse effects that may result from construction of the fish passage system should be provided in the HPMP.

#### B. Historic Non-Project Properties in the Area of Potential Effects

The Atlantic Coast Line Railroad Lift Bridge is outside the project boundary. Although no effects on the bridge are expected to result from project operation and maintenance, unanticipated project-related effects on attributes of the bridge that contribute to its National Register eligibility should be provided for in the HPMP.

#### C. Archaeological Resources

The HPMP should address consultation needs for development along the shoreline of the project and on other project lands. Archaeological and historic sites in areas that experience human interaction, development, and other disturbances are vulnerable to erosive effects of pedestrian and other traffic and ground disturbance, as well as the effects of unauthorized artifact collectors. Archaeological resources could also be adversely affected by ground disturbance associated with construction activities for the installation of fish passage structures, and the construction of project-related navigational and recreational improvements such as the elevated bird observation deck in the Santee NWR, mooring piers, boat launches, deepwater access improvements to existing boat landings, bank fishing access improvements, and parking improvements.

The HPMP should provide for site evaluations that may be needed for taking into account potential effects on archaeological and historic properties from these activities and other changes in project facilities or land use. Provisions should also be included for sites that may need erosion control and monitoring even without changes in facilities or land use.

The HPMP should provide for considering effects on archaeological and historic properties when evaluating additional developments at the project proposed either by SCPSA or requested through the land management permitting process. The HPMP

should provide operational guidance to SCPSA staff in implementing the requirements of the PA. The HPMP should provide for a monitoring program to identify potential threats and implement appropriate protective measures on a regular schedule.

The HPMP should establish a program for monitoring reservoir shoreline and downstream riverbank erosion could adversely affect the National Register eligibility characteristics of archaeological resources. The monitoring program should include listed, eligible, and potentially eligible archaeological sites that are identified now or in the future. The monitoring program should also cover looting. With the proper training, this monitoring could be completed by personnel that are already conducting monitoring activities for other purposes.

The HPMP should provide for identifying unanticipated downstream effects that might occur in the lower Santee River, such as erosion that might result from project operations and adversely affect archaeological sites. Archaeologists contracted by SCPSA could work with the archaeological staff at the Francis Marion National Forest and with the South Carolina Institute for Archaeology and Anthropology to identify and locate known archaeological sites along the Santee River downstream of the project. Such a survey could identify sites that may be affected by erosion and by changes in use that may result from project operations, and could identify needed protective measures.

The HPMP should also describe any measure(s) proposed for public education on the history of the project area.

#### D. Previously Undiscovered Historic Properties

Although studies designed to identify archeological sites have been conducted along the impoundment shorelines, there is a possibility that there could be significant undiscovered properties along the shorelines that could be adversely affected by future changes in project operation.

The PA stipulates that the HRMP address protection of Historic Properties threatened by project-induced shoreline erosion, including completion, if necessary, of identification of Historic Properties within the Project's APE. The HRMP would take into account impoundment shoreline studies designed to identify archeological sites and discovery of previously unidentified properties during project operations, such as might occur due to new shoreline erosion caused by a change in project operation.