



DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
100 W. OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3604

REPLY TO
ATTENTION OF:

AUG 30 2016

Planning Division

PUBLIC NOTICE
U.S. Army Corps of Engineers, Savannah District

TO WHOM IT MAY CONCERN:

SUBJECT: Notice of Availability of a proposed update to the Shoreline Management Plan (SMP), Draft Environmental Assessment (EA), and Draft Finding of No Significant Impact (FONSI) for J. Strom Thurmond Lake (JST).

Notice of the following is hereby given:

a. Pursuant to the National Environmental Policy Act of 1969, notice is hereby given that the Savannah District, U.S. Army Corps of Engineers (USACE) proposes to update the current SMP for JST.

b. Savannah District announces the availability to the public of an updated SMP, Draft EA, and Draft FONSI for JST. In the proposed SMP, the Engineering Regulation 1130-2-406 requirements that the SMP be reviewed every 5 years and revised as necessary would be met. Downloaded document copies may be obtained from the District website at <http://www.sas.usace.army.mil/About/DivisionsandOffices/PlanningDivision/PlansandReports.aspx>. Copies may also be requested via email by contacting Ms. Cynthia Gose at the following address email CESAS-PD@usace.army.mil, or at (912) 652-6017.

c. Written statements regarding the Draft EA and FONSI for the proposed action will be received at the Savannah District Office until

12 O'CLOCK NOON, September 26, 2016

from those interested in the activity and whose interests may be affected by the proposed action.

PROJECT DESCRIPTION: The Thurmond SMP was last updated in January 2001. Over the past 14 years, changes have occurred that warrant an update to the SMP. These include: changes in policy, changes in regulations, increases in economic growth, increase in surrounding community growth and increases in recreational use. Pursuant to ER 1130-2-406, the objective of the updated SMP is to maintain a balance between permitted private uses, long-term natural resource protection, and public recreation opportunities. Specifically, ER 1130-2-406 states the intended purpose of an

SMP is to provide protection of desirable environmental characteristics of Civil Works lake projects and restoration of shorelines where degradation has occurred through private exclusive use. The ER states that the plan must provide for protection of public lands and private investments and honor any past commitment. Public participation is also encouraged to the fullest extent.

The proposed SMP update meets the following goals:

- Updates policies and regulations pertaining to the shoreline of Thurmond Lake.
- Maintains aesthetic and environmental characteristics of the lake for the full benefit of the general public.
- Addresses shoreline allocations (zoning), rules, regulations, and other information relative to the Shoreline Management Program.
- Ensures that program management actions are based on current information and regulations through collaboration with the public, stakeholders, and subject matter experts.

Alternative plans were developed as part of the planning process. The alternatives that were considered were as follows:

a. Without Project Condition/No Action Alternative: This No Action alternative involves the continued use of the 2001 Thurmond SMP. This would not allow the Thurmond Project to operate under an up-to-date Shoreline Master Plan, in accordance with ER 1130-2-406.

b. Alternative 1 – Update Shoreline Management Plan: Under this alternative, the Proposed SMP was developed in accordance with the criteria outlined within the USACE shoreline management regulation (ER 1130-2-406). This preferred alternative will meet JST shoreline management goals and responsibilities while protecting the natural environment. Some of the 2001 SMP will remain unchanged with the proposed SMP. The proposed changes to the SMP will not result in any adverse significant impacts.

Access Requirements: Public roads that terminate at public land do not serve a legitimate access. Public roads between adjacent private property and public land constitute legitimate access. If one structure or other supporting feature occupies more than one identified piece of property, the properties together will be considered one lot and will meet the criteria for consideration of one permit and license.

Site Requirements: Applicants must have a minimum of 20' common frontage with public land. The adjacent private property must be of a practical design or plat. Extremely narrow or shallow lots, known as finger or flag lots, will not qualify for a permit

or license. Applicants for a permit or license for adjacent undeveloped property must submit a survey identifying the public land located within a 90 degree trajectory from the common boundary line.

Dock Facility Location: Clarification of “in front of” - Located in front of the common boundary line frontage based on a 90° survey plat. Dock placement within this area will be determined by Park Ranger. No cross-over of adjacent facilities will be allowed.

Private Floating Dock Size: Boat Dock w/Slip: Overall footprint to include surface water occupied by structure, slip, “dead space”, staircases, sundecks, jet ski lifts, other structural additions, and open water surface encumbered by structures may not exceed 720 sq. ft.

Community Docks: Only community docks will be authorized in all new county certified, platted subdivisions approved after implementation of this plan. These developments must establish a homeowners association or other governing entity that will work directly with the Thurmond Lake Office on all permit and license actions. All community dock placements will be pre-determined within specific limited development allocation shoreline locations adjacent to the proposed development. The number of moorages/slips allowed on the community docks will be determined upon review of the submitted subdivision plat. Typically a maximum of 2 moorages/slips for every 82 feet of limited development zoned shoreline will be authorized. Renting of slips on a community dock is prohibited.

Docks in Private Club Sites: Adjacent private club site must be in common ownership. Individual and community docks will be allowed. Permits are issued to club president as “Club Permitted Facilities”. Maximum number of moorages, including private docks and community dock slips, is determined by amount of dockable boundary divided by 70 feet.

Courtesy Dock: No new courtesy dock permits will be issued. Existing courtesy dock permits authorized under previous plans will be reissued provided docks are maintained in safe condition and are not modified in size or location. Upon modification or becoming dilapidated beyond repair, the permit will not be reissued and the dock must be removed upon permit expiration. Any dilapidated dock must be repaired or removed immediately.

Structural Support System: Applicants must submit plans approved by a state licensed engineer to assure structural integrity and user safety. If using a local dock builder, plans must reference the dock builder’s master plan on file at Thurmond Project Office. All installed docks with a second level must display a plate identifying the maximum rated weight capacity of the second level. All dock installations and approved modifications must be completed within one year of approval.

Structural Materials: Structural materials must be designed for outdoor use. Non-rigid structures and floating lift structures are not approved and will not be permitted. Creosote or penta treated wood is not acceptable.

Dock Anchorage: Dock must be physically attached to the shore with catwalk and cables. Cables must be stainless steel or galvanized. Cables may not be attached to trees. During low water, temporary anchor pins are allowed below 330' msl and must be removed upon return to 330' msl. Moved to Mooring Buoys Section –mMooring buoys must be anchored securely to prevent unnecessary drift. Existing permits for swim floats will be grandfathered and reissued to current owner only. Permits for these facilities will not be issued to subsequent owners.

Boat Dock Roof and Sundecks: Roofs may be gabled or flat and may overhang the dock up to 24 inches. No third level decks will be approved or permitted. All new dock roofs must be a neutral earth tone color.

Dock Furniture, Household Items, etc.: Although dock facilities are permitted for the purpose of providing moorage for vessels, it is recognized that docks may be used for other leisure activities where furniture is desired. Permanently mounted chairs and/or benches are permitted on boat docks; however, such items may not impede safe access on the structure. Indoor furniture or household type items that denote habitation (*such as, but not limited to, couches, stoves, sinks and refrigerators*) are prohibited. Carpet and other materials covering decking and obscuring visual inspection of deck integrity are not approved.

Designs for Persons with Disabilities: Special deviations from the design requirements for dock structures, walkways, ramps and steps, or limited access to the shoreline, may be permitted to accommodate disabled members of the adjacent landowner's household. To qualify for special consideration, the individual must have justifying documentation and need for accommodation from a medical provider or Federal or state agency.

Electrical Service: Due to advances in solar power technology, Thurmond Lake will implement a pilot program requiring all new electrical service to be a low voltage solar power source located solely on the dock. No new licenses will be issued for power lines. Licenses for existing electrical service will continue to be issued to current and future owners, provided the facility is in compliance with all license conditions. Exceptions to solar power may be granted in situations where solar power is not feasible along access trails (i.e., excessively shady sites). These instances will be reviewed on a case-by-case basis and where appropriate, a license for low voltage pathway lights may be authorized. All existing electrical wiring must meet the requirements of the current National Electrical Code, county ordinances and the Corps. For new installation, replacement or modification of existing installations, upon issuance of a new license to a new owner or reissuance of an existing license, wiring plans and electrical service must be certified by an electrician licensed in the state in which dock is permitted. Any required local or state permits must be obtained prior to installation of

electrical service, including temporary wiring installations. A ground rod must be installed at the base of each light or power pole. To reduce the risk of inundation, all electrical outlets mounted to poles or pedestals must be located at or above 335' msl elevation.

Potable Waterlines: No new licenses will be issued for withdrawal of water from the lake by private individuals for drinking (potable) purposes. Potable water lines from private property may be permitted. Only one above ground spigot may be authorized on public land. No restroom, shower, sink or irrigation fixtures will be permitted on public property or floating facilities.

Non-Potable Waterlines: Only the intake pipe and associated piping will be located on public property. All pumps and related power service will be located on private property or floating facility. Maximum size of pipe will be 1.5 inches in diameter. Submersible pumps are prohibited at Thurmond Lake and will not be authorized. The intake structure head on non-potable pumps may not be located lower than the 324 feet msl elevation so as not to impede navigation. When the pipe becomes exposed due to winter drawdown or drought conditions, it will be buried to that depth. Pumps for non-consumptive use of lake water around the immediate dock area are authorized and will not require a license, provided water is not pumped upland away from the dock. Cleaning vessels and docks with soaps and solvents is not permitted.

Bank Stabilization/Dredging: Bank stabilization/minor shoreline protection by vegetative planting techniques or installation of rip-rap will be authorized by the OPM approved under the current PGP/RGP. Plans must be submitted and approved prior to beginning work. Construction of retaining walls will no longer be approved. Permits to remove accumulated silt and sediment may also be authorized under the RGP/PGP during periods of low water. Wavebreaks, breakwaters and wave attenuators may be permitted under Section 404 of the Clean Water Act for large, marine-type docks in private clubs only.

Major Repairs: Major repair normally requires removal of the facility from the project. The facility usually has severe structural damage and using the facility without maintenance is life threatening or poses an immediate hazard to life or property.

Underbrushing Authorization: As with any activity on public property, vegetative modification, whether it be underbrushing or planting, must be authorized and an approved permit received by the applicant prior to commencement of work on-site. Initiation of the permit process begins with an on-site meeting with a Park Ranger to identify where underbrushing can be authorized and to develop an underbrushing plan.

Underbrushing: The purpose of underbrushing is to provide safe access to the shoreline with minimal alteration to the existing vegetation. Permits are not issued to create vistas, for speculative purposes, beautification, etc. Underbrushing is defined as selective removal of woodland understory vegetation (shrubs, brush, vines, briars, etc.)

or small trees 6" or less in diameter, measured in all directions at the ground level, and periodic maintenance removal of re-growth.

Lands eligible for underbrushing are limited to only those portions of adjacent property frontage that are less than 600 feet from the shoreline, defined at the 330' full pool elevation. The underbrush area is limited to a maximum of 50% of the applicant's adjacent property frontage, not to exceed a 150-foot width. Any of an applicant's adjacent property frontage that is equal to or greater than the maximum 600 feet distance will not be eligible for underbrushing. All areas outside of the approved underbrush area must remain in a natural condition. Applicants for new underbrushing permits must submit a professional survey prepared by a licensed surveyor, licensed within the state the property is located, showing that adjacent private property meets the 600' distance requirement and is eligible for an underbrush permit.

No new or additional underbrush areas will be authorized for private clubs. Permits for underbrush areas authorized in accordance with the previous shoreline management plan will be honored and may be reissued. If a private club dissolves and subdivides into a residential development, each separate property owner must meet the access requirements to obtain an underbrushing permit, must apply for a permit and will be required to comply with the requirements identified above.

DEPARTMENT OF THE ARMY EVALUATION:

Environmental Assessment: Savannah District has prepared a Draft EA and found that an Environmental Impact Statement will not be required for this action. The Draft EA is being coordinated concurrently with this Notice to Federal and State natural resource agencies for review and comment.

Wetlands: The biological portion of the SMP would result in no direct or indirect adverse impacts to wetlands. The Proposed Plan and the No Action alternative would have no adverse impacts to wetland features around the Reservoir. Any proposed pathway or dock constructed would avoid any impacts to wetland resources. Permits will not be issued in areas determined to be wetlands.

Threatened, Endangered and other Protected Species: Implementation of the updated SMP is not likely to adversely affect any listed species, or their designated critical habitats within the project area.

The Northern long-eared bat, recently listed as 'threatened' by USFWS, will result in changes to underbrushing requirements in Elbert and Abbeville Counties. The proposed plan will limit underbrushing in these counties only to vegetation less than 3" diameter at the ground. The current plan allows trees 6" or less in diameter to be removed.

Cultural Resources: With implementation of the updated SMP, no impacts to cultural or archaeological resources are expected as all activities will be conducted in accordance with the Programmatic Agreement, Treatment of Historic Resources, J.

Strom Thurmond Lake Project, Georgia and South Carolina, which was signed in 2003, and the project's Historic Properties Management Plan.

Essential Fish Habitat: Savannah District determined that the project area is outside the coastal zone and there would be no direct or indirect effects on Essential Fish Habitat (EFH).

Water Quality Certification: Section 401 Water Quality Certifications from the States of Georgia and South Carolina are not needed for the proposed action. Impacts to water quality would be negligible for either the Proposed Plan or the No Action alternative.

Coastal Zone Consistency: Savannah District determined that the project area is outside the coastal zone and there would be no direct or indirect effects on the coastal zone, therefore, the EA constitutes a Negative Determination under the Coastal Zone Management Act.

Clean Air Act: With implementation of the SMP, the Proposed Plan and the No Action alternative would result in no adverse impacts to air quality.

Application of the Section 404(b)(1) Guidelines: No dredging or sediment disposal activities are included in the proposed plan. Therefore, a Section 404(b)(1) evaluation is not required.

Public Interest Review: The decision whether to proceed with the project as proposed will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both the protection and use of important resources. The benefits which reasonably may be expected to accrue from the proposal will be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered. Among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife, land use, recreation, water supply and conservation, water quality, energy needs, safety, consideration of property ownership, environmental justice, and, in general, the needs and welfare of the people.

Consideration of Public Comments: USACE is soliciting comments from the public; Federal, State, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the USACE in its deliberations on this action. To make this decision, comments are used to assess impacts to endangered species, wetlands, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of the Final EA and FONSI pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comment Period: Anyone wishing to comment to the Corps on this proposed action should submit comments no later than the end of the comment period shown in this notice, in writing, to the Savannah District, U.S. Army Corps of Engineers, Planning Division, ATTN: Mrs. Cynthia Gose (PD), 100 West Oglethorpe Avenue, Savannah, Georgia 31401-3640, by FAX to 912-652-5787, or by e-mailing the comments to the following address: CESAS-PD@usace.army.mil.

A handwritten signature in black ink that reads "William G. Bailey". The signature is written in a cursive style with a large, prominent initial "W".

William G. Bailey
Chief, Planning Division