



The Lake Murray Association, Inc

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Ballentine SC 29002

September 21, 2009

Kimberly Bose- Secretary
Federal Energy Regulatory Commission
888 First Street, N. E.
Washington, D. C./ 20426

Re: Project 516-459, Comment on New License Application –1 ft. trigger

Dear Madam Secretary:

The Lake Murray Association, Inc. (LMA) “The Voice of Lake Murray “is a 501 (c) (3) non profit organization chartered in 1994 to represent all “users” of Lake Murray. The founding purpose was to ensure safety and enhance the lake level to facilitate recreation and improve water quality. LMA has represented over 10,000 lake user since its inception.

LMA worked collaboratively with SCE&G, resource agencies and non-governmental agencies for nearly four years to develop Protection, Mitigation and Enhancement measures that best balanced the upstream and downstream operational, recreational and environmental resources. As a result, LMA entered into the comprehensive settlement agreement between SCE&G and numerous stakeholders. Contained within the CRSA are many measures designed to enhance the resources within the project’s area of influence. LMA appreciates the opportunity to file with the Federal Energy Regulatory Commission (FERC) additional comments on the CRSA.

LMA supports the 1 ft reservoir trigger in the Maintenance, Emergency, Low Inflow Protocol, (MELIP) as set forth by SCE&G in the CRSA filed with the commission on July 31, 2009 for the following reasons:

During low inflow years, it has been demonstrated that Lake Murray under the new Maintenance Emergency Low Inflow Protocol (MELIP) could reach 354’ plant datum between July 15 and August 15. When the reservoir levels fall below 354’ plant datum, it negatively impacts recreational users and commercial businesses particularly in the high recreational periods May through September.

During low inflow, a one foot trigger will ensure a better probability to follow and maintain the guide curve proposed in the License Application. A primary reason for the chosen guide curve was to maximize the use of Lake Murray for recreation, as well as, to have sufficient water to enhance recreational opportunities on the Lower Saluda River (LSR).

Recently 2007 and 2008 were considered low inflow years in the Saluda Basin. When these low inflow years were modeled under the proposed MELIP, the data clearly demonstrates that with a 2 foot trigger, the reservoir level reached 354' plant datum approximately 30 days earlier than a 1 foot trigger and continues to decrease until sufficient spring rains refill the reservoir.

The reservoir level has a direct influence on recreation value not only for the rapidly growing four county community but the entire residence of SC. Lake Murray has over 600 miles of shoreline in four counties and currently there are 9,000 permitted docks on the reservoir. The Meade Hunt Report on file with the commission indicates shore line homes should be counted as 2.5 people who use the lake 2 times per week. With this formula, it is estimated there are over 2,000,000 recreational visits to Lake Murray, strictly from local residents. Results of the Recreational Use Study conducted during relicensing estimate an additional 432,000 visitors were counted at SCE&G landings. Additional recreational use is unaccounted for at the numerous commercial and private marina facilities located along the shores of Lake Murray. Thus as many as 3,000,000 recreational visits a year to Lake Murray is plausible.

At 354' plant datum, 48% of residential docks are unusable according to a survey by The Lake Murray Association which is included in the License Application filed with the Commission.

There is an economic benefit that the community receives from visitors to the region. Lake Murray is an urban lake and attracts 600,000 visitors annually. These visitors according to Capital City/ Lake Murray Country Regional Tourism Board contribute approximately \$64 million dollars to our economy annually. In addition \$46 million more was brought to the region by the Forrest Wood Cup (FLW), a bass fishing tournament. Capital City Tourism has stated a lower lake reduces the recreation visits.

Many area businesses make their living from the lake; boat dealers, fishing guides, marinas, restaurants, tour boats, vacation rentals, and state parks. Recreational needs of this urban community are growing rapidly and there will continue to be more recreational usage on Lake Murray.

A higher lake protects boaters, skiers, and commercial boats from encountering unmarked shoals. Easier navigation is particularly crucial for visitors to the lake.

Increased flows planned in the new license and a MELIP with a 2 ft trigger could deplete the lake level during the peak recreational periods. In low inflow years, the guide curve will be impossible to maintain with either the 1 ft or the 2 ft trigger but, it is a matter of when the lake level is lowered that is critical.

The Lake Murray Association believes it is prudent and beneficial to the entire community to lower the reservoir at a much slower pace in an attempt to maintain adequate use of the lake as long as possible during the recreational May/September season. The 1 ft trigger forestalls the lake reaching this critical level.

Originally LMA was opposed to the Striped Bass Enhancement Flows that were requested very late in the relicensing process. These flows are designed to enhance the striped bass spawning habitat within the Congaree River, outside the footprint of the project, and are based on very soft science and are experimental in nature. While mechanisms are in place

to test the hypothesis on the benefits of these flows to the striped bass fishery, these flows have never been tested nor their effects on reservoir levels fully understood. Modeling suggests these striped bass flows will impact reservoir levels especially under low inflow conditions during the spring and summer months. Albeit based on theory and soft science, in the spirit of compromise, LMA agreed to incorporate these unprecedented flows into the CRSA. Therefore, much concern exists that the guide curve, which all stakeholders unanimously support because of the positive benefits to Lake Murray's aquatic resources, will be compromised with a MELIP implemented with a 2 ft trigger.

As a result of agreeing to these high flows and realizing the potential impacts on Lake Murray water levels, LMA requested that a MELIP 6'' trigger be implemented. A MELIP with a 6'' trigger would allow the lake to recede slower in the low inflow years. LMA has reservations about these tremendously increased flows but agreed that under the reserve operation it could be doable if the Project was not subjected to sustained periods of low inflow.

It was then proposed by SCDNR, after a tentative 6'' trigger was agreed on by their agency in formal discussions, that a 2'ft trigger be incorporated into the MELIP. This appears to LMA an excessive request given that the LSR will, based on in-stream flow modeling results, under normal water years receive flows that nearly optimize available aquatic habitats. In-stream modeling indicates that nearly 80% of available aquatic habitat would be provided under a 500 CFS flow.

In closing, all aquatic habitat and recreational needs for the LSR and striped bass spawning flows provided to the Congaree River are met under the proposals contained in the CSRA. LMA and the users it represents respectfully request the Commission consider the importance of holding water in the reservoir for not only recreation, but during excessive drought, for the benefit of all who utilize and rely on the resources of Lake Murray. Further, we contend the data provided in the Application for New License and additional filings support the incorporation of a 1 ft trigger in a Saluda Hydro MELIP.

Sincerely

Dave Landis, President
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