

APPENDIX B
AGENCY CONSULTATION CORRESPONDENCE

APPENDIX B
AGENCY CONSULTATION CORRESPONDENCE

Most of the letters in Appendix B have attachments. The attachments have been removed from these letters to conserve space. The complete letters and their attachments are on file at Duke Energy.



526 S. Church Street
Charlotte, NC 28202

Mailing Address:
EC05R / P.O. Box 1006
Charlotte, NC 28201-1006

704382-5917

April 3, 2006

Chief, Endangered Species
U.S. Fish and Wildlife Service
1875 Century Blvd., Suite 200
Atlanta, GA 30345

Subject: Duke Energy, Cherokee Project
Request for Information on Rare, Threatened, and Endangered Species

Dear Sir or Madam,

Duke Energy plans to obtain a license from the U.S. Nuclear Regulatory Commission to construct and operate a nuclear power generation facility in Cherokee County, South Carolina. The project property is east of Gaffney, SC along the southern shore of the Broad River just upstream of the Ninety-nine Islands Hydroelectric Station. Enclosure 1 shows the location of the property boundaries on the U.S. Geological Survey Blacksburg South quadrangle map. Enclosure 2 is a recent aerial photograph of the property showing the current state of the property.

The property was designated as a site for a nuclear power generation facility in the early 1970's and granted a construction permit from the U.S. Nuclear Regulatory Commission in 1975. There was extensive development of the site until 1983 when it was abandoned. Approximately 750 acres of the 2200 acre site was developed for the nuclear power generation facility. The property was sold to other commercial interests who continued various industrial and commercial activities on the property.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a license application, Duke Energy is currently preparing an Environmental Report. Among other key issues, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on "important species" including those that are federally listed (or proposed for listing) as threatened or endangered species.

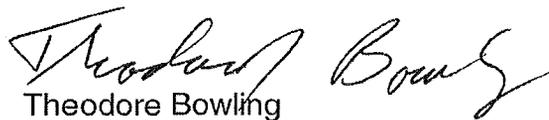
According to our preliminary research on this subject, the Dwarf-flowered heartleaf (*Hexastylis naniflora*) is the only federally listed threatened species believed to occur in the Cherokee County area. There are no species listed as endangered. Additionally, the Georgia aster (*Aster georgianus*) is the only federal candidate species that possibly occurs there.

Page 2

Please advise if we should consider any other species under your legal jurisdiction in our analysis. Additionally, please provide us with any information in your possession showing known occurrences of these species in the project area.

Thank you very much for your support and assistance. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Theodore Bowling".

Theodore Bowling
Environmental Report Project Manager

Enclosures: 1) Topographic Map
2) Aerial Photograph



526 S. Church Street
Charlotte, NC 28202

Mailing Address:
EC05R / P.O. Box 1006
Charlotte, NC 28201-1006
704382-5917

April 3, 2006

Ms. J. Holling
South Carolina Department of Natural Resources
Rembert C. Dennis Building
1000 Assembly Street
Columbia, SC 29201

Subject: Duke Energy, Cherokee Project
Request for Information on Rare, Threatened, and Endangered Species

Dear Ms. Holling,

Duke Energy plans to obtain a license from the U.S. Nuclear Regulatory Commission to construct and operate a nuclear power generation facility in Cherokee County, South Carolina. The project property is east of Gaffney, SC along the southern shore of the Broad River just upstream of the Ninety-nine Islands Hydroelectric Station. Enclosure 1 shows the location of the property boundaries on the U.S. Geological Survey Blacksburg South quadrangle map. Enclosure 2 is a recent aerial photograph of the property showing the current state of the property.

The property was designated as a site for a nuclear power generation facility in the early 1970's and granted a construction permit from the Nuclear Regulatory Commission in 1975. There was extensive development of the site until 1983 when it was abandoned. Approximately 750 acres of the 2200 acre property was developed for the nuclear power generation facility. The property was sold to other commercial interests who continued various industrial and commercial activities on the property.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a license application, Duke Energy is currently preparing an Environmental Report. Among other key issues, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on "important species" including those that are listed (or proposed for listing) by South Carolina as threatened or endangered species.

According to our preliminary research on this subject, the Dwarf-flowered heartleaf (*Hexastylis naniflora*) is the only state listed threatened species believed to occur in the Cherokee County area.

Page 2

Please advise if we should consider any other species under your legal jurisdiction in our analysis. Additionally, please provide us with any information in your possession showing known occurrences of these species in the project area.

Thank you very much for your support and assistance. Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Theodore Bowling". The signature is written in a cursive style with a large initial "T" and "B".

Theodore Bowling
Environmental Report Project Manager

Enclosures: 1) Topographic Map
2) Aerial Photograph

South Carolina Department of Natural Resources



John E. Frampton
Director

Alfred H. Vang
Deputy Director for
**Land, Water &
Conservation Division**

April 14, 2006

Mr. Theodore Bowling, Environmental Report Project Manager
Duke Energy
526 S. Church St.
Charlotte, NC 28202

RE: Duke Energy, Cherokee Project
Request for Information on Rare, Threatened, and Endangered Species

Dear Mr. Bowling,

Because our database does not represent a comprehensive biological inventory of the state, I can only verify the known occurrences in the vicinity of your project. There may be occurrences of species in the vicinity of your project area that have not been reported to us. Fieldwork remains the responsibility of the investigator.

I have checked our database, and there are no known occurrences of any federally or state listed species within a mile of the project site. As you indicated in your letter, the only federally or state listed species known to occur in Cherokee County is the federally threatened *Hexastylis naniflora* (Dwarf-flowered heartleaf). As a professional courtesy, we ask that you acknowledge S.C. Heritage Trust as a source of information whenever you use this data in reports.

If you need additional assistance, please contact me by phone at 803/734-3917 or by e-mail at HollingJ@dnr.sc.gov.

Sincerely,

A handwritten signature in cursive script that reads "Julie Holling".

Julie Holling, Data Manager
SC Department of Natural Resources
Heritage Trust Program

South Carolina Department of Natural Resources



John E. Frampton
Director

Alfred H. Vang
Deputy Director for
**Land, Water &
Conservation Division**

April 14, 2006

Mr. Theodore Bowling, Environmental Report Project Manager
Duke Energy
526 S. Church St.
Charlotte, NC 28202

RE: Duke Energy, Cherokee Project
Request for Information on Rare, Threatened, and Endangered Species

Dear Mr. Bowling,

Because our database does not represent a comprehensive biological inventory of the state, I can only verify the known occurrences in the vicinity of your project. There may be occurrences of species in the vicinity of your project area that have not been reported to us. Fieldwork remains the responsibility of the investigator.

I have checked our database, and there are no known occurrences of any federally or state listed species within a mile of the project site. As you indicated in your letter, the only federally or state listed species known to occur in Cherokee County is the federally threatened *Hexastylis naniflora* (Dwarf-flowered heartleaf). As a professional courtesy, we ask that you acknowledge S.C. Heritage Trust as a source of information whenever you use this data in reports.

If you need additional assistance, please contact me by phone at 803/734-3917 or by e-mail at HollingJ@dnr.sc.gov.

Sincerely,

A handwritten signature in cursive script that reads "Julie Holling".

Julie Holling, Data Manager
SC Department of Natural Resources
Heritage Trust Program



United States Department of the Interior

FISH AND WILDLIFE SERVICE
176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407

May 23, 2006

Mr. Theodore Bowling
Duke Power
P.O. Box 1006
Charlotte, NC 28201-1006

Re: Duke Energy, Cherokee Project
Cherokee, South Carolina
FWS Log No: 2006-I-0530

Dear Mr. Bowling:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter requesting information on threatened and endangered species. The proposed project would involve construction and operation of a nuclear power generation facility in Cherokee County, South Carolina. The following comments are provided in accordance with the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e), and section 7 of the Endangered Species Act (Act), as amended (16 U.S.C. 1531-1543).

We are providing a list of federally protected species and species of concern which have the potential to occur in Cherokee County to aid you in determining the impacts your project may have on protected species. This list includes known occurrences and areas where the species has a high possibility of occurring. Records are updated continually and may be different from the following. This list should be used only as a guideline, not as the final authority.

Dwarf-flowered heartleaf	Hexastylis naniflora	T
Georgia aster	Aster georgianus	C
Prairie birdsfoot-trefoil	Lotus purshianus var. helleri	SC
Biltmore green briar	Smilax biltmoreana	SC
American kestrel	Falco sparverius	SC
Loggerhead shrike	Lanius ludovicianus	SC
Southeastern myotis	Myotis austroriparius	SC

T- Federally Threatened, E- Federally Endangered, SC- Species of Concern

In addition to the species listed above, an extant population of robust redhorse, a fish of special concern, is found in the Broad River downstream of your proposed project area and have the potential to migrate upstream to Ninety-nine Islands. Ensuring good water quality, fish passage and precautions against impingement mortality at water intake structures is essential to the persistence of this and other aquatic fauna. Although candidate species are not afforded full protection under the Endangered Species Act, we request your assistance in conserving this rare species, thus preventing the need for future listing.

Your interest in ensuring the protection of endangered species is appreciated. If you have further questions or require additional information, please contact Lora Zimmerman of this office at (843) 727-4707 ext. 226. In future correspondence concerning this project, please reference FWS Log No. 2006-I-0530.

Sincerely,



Timothy N. Hall
Field Supervisor

TNH/LLZ



526 S. Church Street
Charlotte, NC 28202
Mailing Address:
EC05R / P.O. Box 1006
Charlotte, NC 28201-1006
704382-5917

August 14, 2006

Mr. Les Parker
U.S. Army Corps of Engineers
Columbia Regulatory Field Office
1835 Assembly Street, Room 865, B-1
Columbia, SC 29201

Subject: Proposed Lee Nuclear Station
COL Application
Request for Letter of Wetlands Approximation

Reference: Corps Project No. SAC 2006-1334-5JK

Dear Mr. Parker:

As you know, Duke Energy plans to obtain a license from the U.S. Nuclear Regulatory Commission to construct and operate the Lee Nuclear Station in Cherokee County, South Carolina. The project property is east of Gaffney, SC along the southern shore of the Broad River just upstream of the Ninety-nine Islands Hydroelectric Station. The property was previously the site of the Cherokee Nuclear Station.

In accordance with USNRC's regulations for submitting a COL Application, we are currently preparing an Environmental Report (ER). Among other key issues, the ER will assess the impact of constructing and operating the facility on jurisdictional wetlands, including "waters of the United States."

On April 11, 2006, we requested a site visit by the U.S. Army Corps of Engineers to review our wetlands determinations. On June 26, 2006, you met with Dr. Chick Gaddy and Dr. Bill Wenstrom at the site and inspected the wetlands existing on the site.

As you requested during your visit to the site, I am enclosing the following:

- a revised version of the draft ecological type map used in the field in June;
- a copy of draft Table 2.4.1-1 from the draft ER entitled "Acreage Occupied by Various Ecological Types at the Lee Nuclear Power Plant Site, Cherokee County, South Carolina;"
- copies of Dr. Wenstrom's trip report; and,
- copies of photographs taken by Dr. Gaddy during the field visit.

The ecological type map shows all jurisdictional wetlands and waters of the U.S. as discussed during the site visit.

August 14, 2006

Page 2 of 2

This letter requests your review of the map and other enclosures, and further requests from you a letter of approximation stating that you agree with the extent of jurisdictional wetlands at the Lee site as depicted on the map.

Thank you very much for the time you and your associates spent with Chick and Bill at the site and also for your continued support and assistance.

Please call me at 704-382-5917, Chick (803-765-9976) or Bill (719-846-7457) if you have any further questions concerning this request.

Sincerely,



Theodore Bowling
Environmental Report Project Manager

Enclosures:

- 1) draft ecological type map used in the field in June
- 2) draft Table 2.4.1-1 from the draft ER entitled "Acreage Occupied by Various Ecological Types at the Lee Nuclear Power Plant Site, Cherokee County, South Carolina"
- 3) copies of Dr. Wenstrom's trip report
- 4) copies of photographs taken by Dr. Gaddy during the field visit

x.c. D. Bean
Dr. W. Wenstrom
Dr. L. Gaddy
File 4000.35-05



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
CHARLESTON, SOUTH CAROLINA 29403-5107

September 24, 2007

Regulatory Division

L.L. Gaddy
Terra Incognita
125 South Edisto Avenue
Columbia South Carolina 29205

Re: SAC-2006-1334-5JK
Cherokee County

Dear Mr. Gaddy:

This is in response to your letter of May 23, 2006, requesting a wetland determination, on behalf of Duke Energy, for a 1899.5 acre tract, located east of Gaffney, along the southern shore of the Broad River upstream of the Ninety-nine Islands Hydroelectric Station, Cherokee County, South Carolina. The project area is depicted on the enclosed sketch which was prepared by your office, entitled "Wetlands of the Lee Nuclear Site, Cherokee County, South Carolina – June 2006" and dated June 2006.

You have requested that this office delineate the wetlands or other waters of the United States within the regulatory authority of this office. Based on an on-site inspection, a review of aerial photography, topographic maps, National Wetland Inventory maps and soil survey information, it has been concluded that the boundaries shown on the referenced sketch are a reasonable approximation of the location and boundaries of the wetlands found on this site. The property in question contains approximately 262.6 acres of federally defined freshwater wetlands or other waters of the United States subject to the jurisdiction of this office. However, you are cautioned that this delineation is approximate, subject to change, and should be used for planning purposes only. This office should be contacted prior to performing any work in or around these approximated wetlands or other waters of the United States. In order for a more accurate delineation to be provided, these areas should be located and marked on-site, and surveyed and platted on a map (in order for the wetland line to be reproduced in the future based solely on the platted map). Upon receipt of such a plat, this office can then issue a letter verifying the accuracy of the actual jurisdictional boundaries. You should also be aware that the areas identified as wetlands or other waters of the United States may be subject to restrictions or requirements of other state or local government entities.

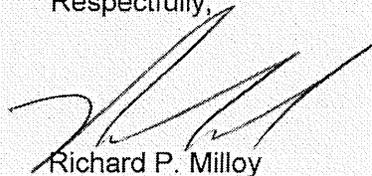
Please note that the actual boundary of wetlands is approximate and, therefore, is subject to change and not appealable; however, the determination of jurisdiction over these wetlands is final and this approved jurisdictional determination is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR 331. The administrative appeal options, process and appeals request form is attached for your convenience and use. If a permit application is forthcoming as a result of this delineation, a copy of this letter, as well as the verified sketch should be submitted as part of the application. Otherwise, a delay could occur in confirming that a delineation was performed for the permit project area.

Please be advised that this determination is valid for five (5) years from the date of this letter unless new information warrants revision of the delineation before the expiration date. All actions concerning this determination must be complete within this time frame, or an additional determination and delineation must be conducted.

In future correspondence concerning this matter, please refer to SAC-2006-1334-5JK. You may still need state or local assent. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control, Bureau of Water.

If you have any questions concerning this matter, please contact Leslie L. Parker at 803-253-3444.

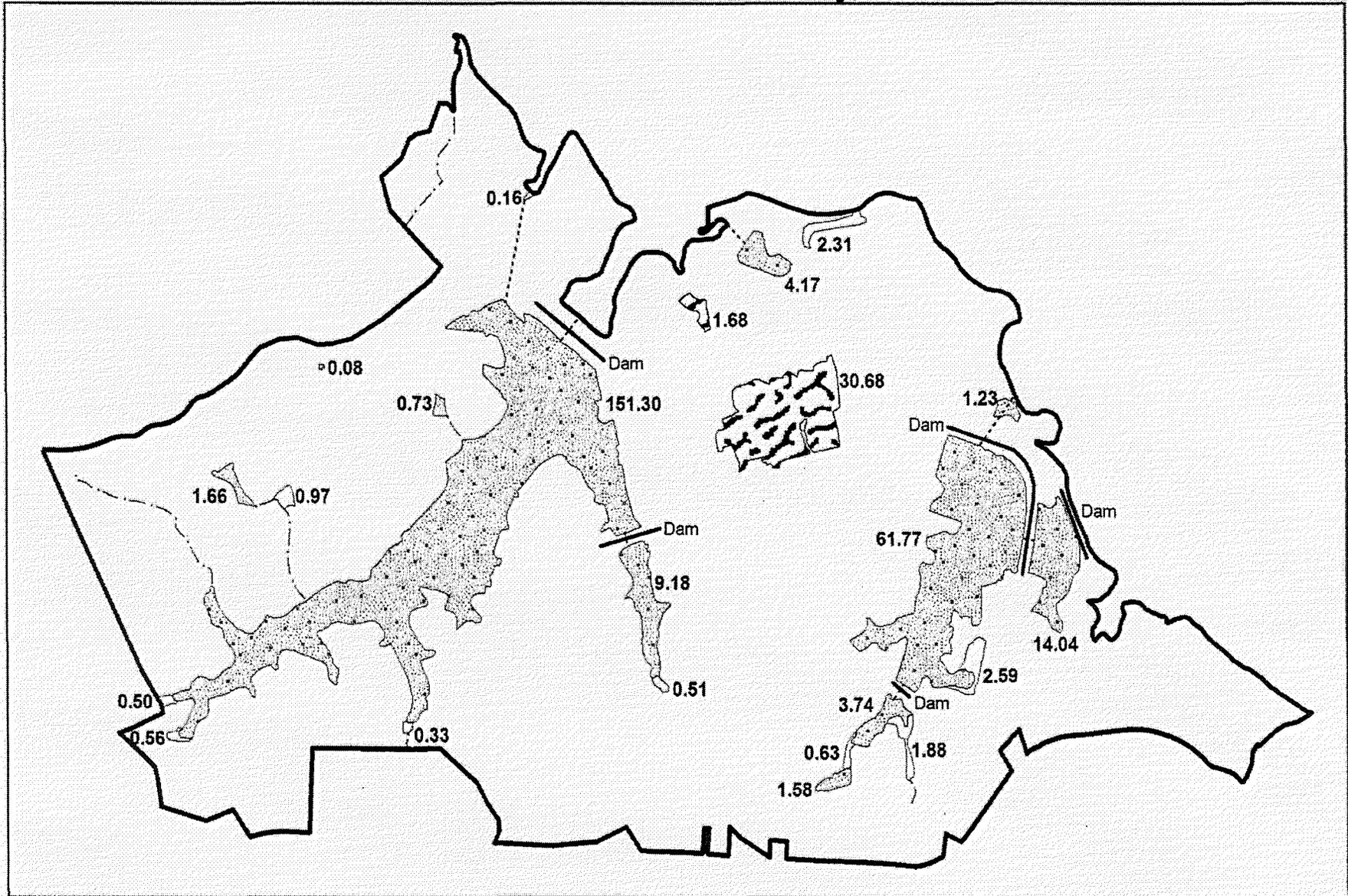
Respectfully,

A handwritten signature in black ink, appearing to read 'R. Milloy', is written over the typed name.

Richard P. Milloy
Chief, Northwest Branch

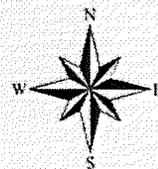
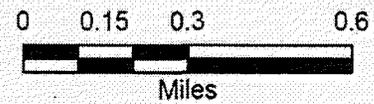
Enclosures:
Sketch
Approved Jurisdictional Determination Form
Notification of Appeal Options
Customer Service Survey

Wetlands of the Lee Nuclear Site, Cherokee County, South Carolina - June 2006



Legend

- Stream Channels (Waters of the U.S.) [2.8 ac.]
- Spillway Channel or Underground Pipe
- Property Boundary (1899.5 ac.)
- Open Water (249.4 ac.)
- Non-jurisdictional (Construction and Borrow Pits) (32.4 ac.)
- Other Jurisdictional Wetlands (10.4 ac.)



Note: All numbers are in acres

Source: Interpretation of false color infrared aerial photo imagery dated 1999 available for download with password at www.dnr.sc.gov and fieldwork completed in 2006.

JURISDICTIONAL DETERMINATION
U.S. Army Corps of Engineers

Revised 8/13/04

DISTRICT OFFICE: SAC
FILE NUMBER: 2006-1334-5JK

PROJECT LOCATION INFORMATION:

State: South Carolina
County: CHEROKEE
Center coordinates of site (latitude/longitude): 35.033275/-81.510637
Approximate size of area (parcel) reviewed, including uplands: 1899.8 acres.
Name of nearest waterway: Broad River
Name of watershed: upper Broad

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date:
Site visit(s) Date(s): 6/26/2006

Jurisdictional Determination (JD):

- Preliminary JD - Based on available information, *there appear to be* (or) *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
- Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).
Check all that apply:
- There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
- There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 262.6 ac.
- There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
 Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) - (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tributaries to the Broad River (TNV) which joins with the Saluda River to form the Congaree River, a navigable water of the United States.*

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Ordinary High Water Mark indicated by: | <input type="checkbox"/> High Tide Line indicated by: |
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects |
| <input checked="" type="checkbox"/> the presence of litter and debris | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input checked="" type="checkbox"/> changes in the character of soil | <input type="checkbox"/> physical markings/characteristics |
| <input checked="" type="checkbox"/> destruction of terrestrial vegetation | <input type="checkbox"/> tidal gages |
| <input checked="" type="checkbox"/> shelving | <input type="checkbox"/> other: |
| <input type="checkbox"/> other: | |
- Mean High Water Mark indicated by:
 survey to available datum; physical markings; vegetation lines/changes in vegetation types
- Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: L.L. GADDY

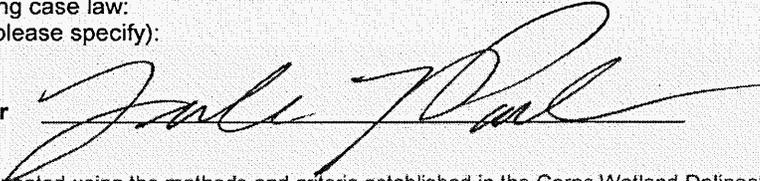
Basis For Not Asserting Jurisdiction:

- The reviewed area consists entirely of uplands.
- Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:**
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
- Artificially irrigated areas, which would revert to upland if the irrigation ceased.
- Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
- Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
- Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
- Isolated, intrastate wetland with no nexus to interstate commerce.
- Prior converted cropland, as determined by the Natural Resources Conservation Service.
- Explain rationale:**
- Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
- Other (explain): Construction pit for the placement nuclear reactor an associated barrow pit which have filled with water during construction and are now abandoned and the resulting body of water does not meet the definition of waters of the United States found at 33 CFR 328.3(a).

DATA REVIEWED FOR JURSDICTIONAL DETERMINATION (mark all that apply):

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
- This office concurs with the delineation report, dated 5/23/2006, prepared by (company): Terra Incognita
- This office does not concur with the delineation report, dated _____, prepared by (company): _____
- Data sheets prepared by the Corps.
- Corps' navigable waters' studies: 1977 Navigability Study
- U.S. Geological Survey Hydrologic Atlas:
- U.S. Geological Survey 7.5 Minute Topographic maps: Quad Blacksburg South
- U.S. Geological Survey 7.5 Minute Historic quadrangles:
- U.S. Geological Survey 15 Minute Historic quadrangles:
- USDA Natural Resources Conservation Service Soil Survey:
- National wetlands inventory maps:
- State/Local wetland inventory maps:
- FEMA/FIRM maps (Map Name & Date): _____
- 100-year Floodplain Elevation is: _____ (NGVD)
- Aerial Photographs (Name & Date): 1999, 11195:7
- Other photographs (Date): 9/26/2006
- Advanced Identification Wetland maps:
- Site visit/determination conducted on: 6/26/2006
- Applicable/supporting case law:
- Other information (please specify): _____

Signature: Project Manager



¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



526 S. Church Street
Charlotte, NC 28202

Mailing Address:
EC05R / P.O. Box 1006
Charlotte, NC 28201-1006
704382-6917

April 3, 2006

Dr. Rodger E. Stroup
Review and Compliance Coordinator
South Carolina Department of Archives and History
8301 Parklane Road
Columbia, SC 29223

Subject: Duke Energy, Cherokee Project
Request for Information on Historic, Archaeological, and Cultural Sites

Dear Dr. Stroup,

Duke Energy plans to obtain a license from the U.S. Nuclear Regulatory Commission to construct and operate a nuclear power generation facility in Cherokee County, South Carolina. The project property is east of Gaffney, SC along the southern shore of the Broad River just upstream of the Ninety-nine Islands Hydroelectric Station. Enclosure 1 shows the location of the property boundaries on the U.S. Geological Survey Blacksburg South quadrangle map. Enclosure 2 is a recent aerial photograph of the property showing the current state of the property. The property covers approximately 2200 acres although only 750 are anticipated to be disturbed for development of the nuclear power generation facility.

The property was designated as a site for a nuclear power generation facility in the early 1970's and granted a construction permit from the U.S. Nuclear Regulatory Commission in 1975. There was extensive development of the site until 1983 when it was abandoned. Approximately 750 acres of the 2200 acre property was developed for the nuclear power generation facility. The property was sold to other commercial interests who continued various industrial and commercial activities on the property.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a license application, Duke Energy is currently preparing an Environmental Report. Among other key issues, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on properties within the proposed site that are listed in or eligible for inclusion in the *National Register* or are included in South Carolina or local registers or inventories of historic and archaeological resources.

At the time of the 1975 Environmental Impact Statement for this site, there were no properties identified within the site boundary as eligible for inclusion in the National Register or other South Carolina or local registers or inventories of historic and

Page 2

archaeological resources. Additionally, no artifacts were discovered during the extensive construction activities on the site.

Please advise if we should consider any other nearby historic, archaeological or cultural resources under your legal jurisdiction in our analysis.

Thank you very much for your support and assistance. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Theodore Bowling". The signature is written in black ink and is positioned above the printed name.

Theodore Bowling
Environmental Report Project Manager

Enclosures: 1) Topographic Map
2) Aerial Photograph



April 28, 2006

Mr. Theodore Bowling
Environmental Report Project Manager
Duke Energy
EC05R/P.O. Box 1006
Charlotte, NC 28201-1006

Re: Cherokee Nuclear Facility
Cherokee County, South Carolina

Dear Mr. Bowling:

Thank you for your letter of April 3, which we received on April 4, regarding the application for a license to construct and operate a nuclear power facility in Cherokee County. The United States Nuclear Regulatory Commission is the federal agency involved in issuing a license for this project.

Our office recommends that an intensive cultural resources survey be conducted to identify and evaluate all historic properties (i.e. any prehistoric or historic archaeological site, district, building, structure, or artifact) greater than fifty years old within the Area of Potential Effects for this project. The survey should be sufficient to make determinations of eligibility for the National Register of Historic Places for both above-ground and below-ground resources.

These comments are provided to assist you with responsibilities pursuant to Section 106 of the National Historic Preservation Act, as amended. We look forward to receiving additional information on this project. If you have questions, please contact me at (803) 896-6169 or dobrasko@scdah.state.sc.us.

Sincerely,

Rebekah Dobrasko

Rebekah Dobrasko
Review and Compliance Coordinator
State Historic Preservation Office



4000.35-05
000252

526 S. Church Street
Charlotte, NC 28202

Mailing Address:
EC05R / P.O. Box 1006
Charlotte, NC 28201-1006
704382-5917

June 22, 2006

Dr. Wenonah Haire
Tribal Historic Preservation Officer
Catawba Indian Tribe
P.O. Box 188
Catawba, SC 29704

Subject: Duke Energy, William States Lee III Nuclear Station Project
Request for Information on Historic, Archaeological, and Cultural Sites

Dear Dr. Haire:

Duke Energy plans to obtain a license from the U.S. Nuclear Regulatory Commission to construct and operate a nuclear power generation facility in Cherokee County, South Carolina. The project property is east of Gaffney, South Carolina, along the southern shore of the Broad River just upstream of the Ninety-nine Islands Hydroelectric Station. Enclosure 1 shows the location of the property boundaries on the U.S. Geological Survey Blacksburg South quadrangle map. Enclosure 2 is a recent aerial photograph of the property showing the current state of the property. The property covers approximately 2200 acres, although only 750 are anticipated to be disturbed for development of the nuclear power generation facility.

The property was designated as a site for a nuclear power generation facility in the early 1970's and granted a construction permit from the U.S. Nuclear Regulatory Commission in 1975. There was extensive development of the site until 1983 when it was abandoned. Approximately 750 acres of the 2200-acre property were developed for the nuclear power generation facility. The property was sold to other commercial interests that continued various industrial and commercial activities on the property.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a license application, Duke Energy is currently preparing an Environmental Report. Among other key issues, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on properties within the proposed site that are listed in or eligible for inclusion in the *National Register* or are included in South Carolina or local registers or inventories of historic and archaeological resources. This assessment includes traditional cultural properties (TCP).

Page 2

At the time of the 1975 Environmental Impact Statement for this site, there were no properties identified within the site boundary as eligible for inclusion in the *National Register* or other South Carolina or local registers or inventories of historic and archaeological resources. Additionally, no artifacts were discovered during the extensive construction activities on the site.

Please advise if we should consider any other nearby historic, archaeological, or cultural resources, including TCPs, under your legal jurisdiction in our analysis.

Thank you very much for your support and assistance. Please call me if you have any questions.

Sincerely,



Theodore J. Bowling
Environmental Report Project Manager

Enclosures: 1) Topographic Map
2) Aerial Photograph

File: 4000.35-05

Catawba Indian Nation
Tribal Historic Preservation Office
P. O. Box 750
Rock Hill, South Carolina 29731
803-328-2427 Fax 803-328-5791



5 September 2006

Attention: Theodore J. Bowling
ECO5R
PO Box 1006
Charlotte, NC 28201-1006

Re.
Duke Energy, William States Lee III Nuclear Station Project Request for Information on Historic,
Archaeological, and Cultural Sites.

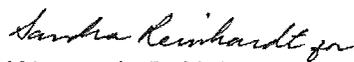
Dear Mr. Bowling,

Thank you for providing us information about the above referenced project.

If any new information comes to light while building, stop and call the Tribal Historic Preservation Office. If an area is to be disturbed that has not previously been archaeologically assessed, please do appropriate shovel testing. **The Catawba are to be notified if Native American artifacts and / or human remains are located during the construction phase of this project.**

If you have questions, please contact Sandra Reinhardt at 803-328-2427 ext. 233, or e-mail sandrar@ccppcrafts.com.

Sincerely,


Wenonah G. Haire
Tribal Historic Preservation Officer

WGH/ssr



4000.35-05

526 S. Church Street
Charlotte, NC 28202

000252

Mailing Address:
EC05R / P.O. Box 1006
Charlotte, NC 28201-1006
704382-5917

June 22, 2006

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

Subject: Duke Energy, William States Lee III Nuclear Station Project
Request for Information on Historic, Archaeological, and Cultural
Sites

Dear Chief Enyart:

Duke Energy plans to obtain a license from the U.S. Nuclear Regulatory Commission to construct and operate a nuclear power generation facility in Cherokee County, South Carolina. The project property is east of Gaffney, South Carolina, along the southern shore of the Broad River just upstream of the Ninety-nine Islands Hydroelectric Station. Enclosure 1 shows the location of the property boundaries on the U.S. Geological Survey Blacksburg South quadrangle map. Enclosure 2 is a recent aerial photograph of the property showing the current state of the property. The property covers approximately 2200 acres, although only 750 are anticipated to be disturbed for development of the nuclear power generation facility.

The property was designated as a site for a nuclear power generation facility in the early 1970's and granted a construction permit from the U.S. Nuclear Regulatory Commission in 1975. There was extensive development of the site until 1983 when it was abandoned. Approximately 750 acres of the 2200-acre property were developed for the nuclear power generation facility. The property was sold to other commercial interests that continued various industrial and commercial activities on the property.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a license application, Duke Energy is currently preparing an Environmental Report. Among other key issues, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on properties within the proposed site that are listed in or eligible for inclusion in the *National Register* or are included in South Carolina or local registers or inventories of historic and archaeological resources. This assessment includes traditional cultural properties (TCP).

Page 2

At the time of the 1975 Environmental Impact Statement for this site, there were no properties identified within the site boundary as eligible for inclusion in the *National Register* or other South Carolina or local registers or inventories of historic and archaeological resources. Additionally, no artifacts were discovered during the extensive construction activities on the site.

Please advise if we should consider any other nearby historic, archaeological, or cultural resources, including TCPs, under your legal jurisdiction in our analysis.

Thank you very much for your support and assistance. Please call me if you have any questions.

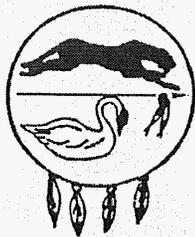
Sincerely,



Theodore J. Bowling
Environmental Report Project Manager

Enclosures: 1) Topographic Map
2) Aerial Photograph

File: 4000.35-05



EASTERN SHAWNEE TRIBE OF OKLAHOMA

P.O. Box 350 • Seneca, MO 64865 • (918) 666-2435 • FAX (918) 666-3325

June 26, 2006

**RE: Duke Energy, William States Lee III
Nuclear Station Project
Request for Information on Historic,
Archaeological, and Cultural Sites**

*Duke Energy
ATTN: Theodore J. Bowling, Environmental Report Project Manager
526 S. Church Street
Charlotte, NC 28202*

To Whom It May Concern:

Thank you for notice of the referenced project(s). The Eastern Shawnee Tribe of Oklahoma is currently unaware of any documentation directly linking Indian Religious Sites to the proposed construction. In the event any items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered during construction, the Eastern Shawnee Tribe request notification and further consultation.

The Eastern Shawnee Tribe has no objection to the proposed construction. At present, the Eastern Shawnee Tribe does not wish to participate as a consulting party on the above referenced project(s). However, if any human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, the construction should stop immediately, and the appropriate persons, including state and tribal NAGPRA representatives contacted.

Sincerely,

*Dorothy W. McCormick, Administrative Assistant
Eastern Shawnee Tribe of Oklahoma*



526 S. Church Street
Charlotte, NC 28202

Mailing Address:
EC05R / P.O. Box 1006
Charlotte, NC 28201-1006
704382-5917

4000.35-0:
000252

June 22, 2006

Mr. James T. Martin
Executive Director
United South and Eastern Federation of Tribes
711 Stewarts Ferry Pike, Suite 100
Nashville, TN 37214

Subject: Duke Energy, William States Lee III Nuclear Station Project
Request for Information on Historic, Archaeological, and Cultural
Sites

Dear Mr. Martin:

Duke Energy plans to obtain a license from the U.S. Nuclear Regulatory Commission to construct and operate a nuclear power generation facility in Cherokee County, South Carolina. The project property is east of Gaffney, South Carolina, along the southern shore of the Broad River just upstream of the Ninety-nine Islands Hydroelectric Station. Enclosure 1 shows the location of the property boundaries on the U.S. Geological Survey Blacksburg South quadrangle map. Enclosure 2 is a recent aerial photograph of the property showing the current state of the property. The property covers approximately 2200 acres, although only 750 are anticipated to be disturbed for development of the nuclear power generation facility.

The property was designated as a site for a nuclear power generation facility in the early 1970's and granted a construction permit from the U.S. Nuclear Regulatory Commission in 1975. There was extensive development of the site until 1983 when it was abandoned. Approximately 750 acres of the 2200-acre property were developed for the nuclear power generation facility. The property was sold to other commercial interests that continued various industrial and commercial activities on the property.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a license application, Duke Energy is currently preparing an Environmental Report. Among other key issues, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on properties within the proposed site that are listed in or eligible for inclusion in the *National Register* or are included in South Carolina or local registers or inventories of historic and archaeological resources. This assessment includes traditional cultural properties (TCP).

Page 2

At the time of the 1975 Environmental Impact Statement for this site, there were no properties identified within the site boundary as eligible for inclusion in the *National Register* or other South Carolina or local registers or inventories of historic and archaeological resources. Additionally, no artifacts were discovered during the extensive construction activities on the site.

Please advise if we should consider any other nearby historic, archaeological, or cultural resources, including TCPs, under your legal jurisdiction in our analysis.

Thank you very much for your support and assistance. Please call me if you have any questions.

Sincerely,



Theodore J. Bowling
Environmental Report Project Manager

Enclosures: 1) Topographic Map
2) Aerial Photograph

File: 4000.35-05



4000.35-05
000252

526 S. Church Street
Charlotte, NC 28202

Mailing Address:
EC05R / P.O. Box 1006
Charlotte, NC 28201-1006
704382-5917

June 22, 2006

Chief Gene Norris
Piedmont American Indian Association-
Lower Eastern Cherokee Nation SC
3688 Warrior Creek Church Road
Grey Court, SC 29645

Subject: Duke Energy, William States Lee III Nuclear Station Project
Request for Information on Historic, Archaeological, and Cultural
Sites

Dear Chief Norris:

Duke Energy plans to obtain a license from the U.S. Nuclear Regulatory Commission to construct and operate a nuclear power generation facility in Cherokee County, South Carolina. The project property is east of Gaffney, South Carolina, along the southern shore of the Broad River just upstream of the Ninety-nine Islands Hydroelectric Station. Enclosure 1 shows the location of the property boundaries on the U.S. Geological Survey Blacksburg South quadrangle map. Enclosure 2 is a recent aerial photograph of the property showing the current state of the property. The property covers approximately 2200 acres, although only 750 are anticipated to be disturbed for development of the nuclear power generation facility.

The property was designated as a site for a nuclear power generation facility in the early 1970's and granted a construction permit from the U.S. Nuclear Regulatory Commission in 1975. There was extensive development of the site until 1983 when it was abandoned. Approximately 750 acres of the 2200-acre property were developed for the nuclear power generation facility. The property was sold to other commercial interests that continued various industrial and commercial activities on the property.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a license application, Duke Energy is currently preparing an Environmental Report. Among other key issues, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on properties within the proposed site that are listed in or eligible for inclusion in the *National Register* or are included in South Carolina or local registers or inventories of historic and archaeological resources. This assessment includes traditional cultural properties (TCP).

Page 2

At the time of the 1975 Environmental Impact Statement for this site, there were no properties identified within the site boundary as eligible for inclusion in the *National Register* or other South Carolina or local registers or inventories of historic and archaeological resources. Additionally, no artifacts were discovered during the extensive construction activities on the site.

Please advise if we should consider any other nearby historic, archaeological, or cultural resources, including TCPs, under your legal jurisdiction in our analysis.

Thank you very much for your support and assistance. Please call me if you have any questions.

Sincerely,



Theodore J. Bowling
Environmental Report Project Manager

Enclosures: 1) Topographic Map
2) Aerial Photograph

File: 4000.35-05



526 S. Church Street
Charlotte, NC 28202

Mailing Address:
EC05R / P.O. Box 1006
Charlotte, NC 28201-1006
704382-5917

4000-35-05
000252

June 22, 2006

Mr. Russell Townsend
Tribal Historic Preservation Officer
Eastern Band of Cherokee Indians
P.O. Box 455
Cherokee, NC 28719

Subject: Duke Energy, William States Lee III Nuclear Station Project
Request for Information on Historic, Archaeological, and Cultural
Sites

Dear Mr. Townsend:

Duke Energy plans to obtain a license from the U.S. Nuclear Regulatory Commission to construct and operate a nuclear power generation facility in Cherokee County, South Carolina. The project property is east of Gaffney, South Carolina, along the southern shore of the Broad River just upstream of the Ninety-nine Islands Hydroelectric Station. Enclosure 1 shows the location of the property boundaries on the U.S. Geological Survey Blacksburg South quadrangle map. Enclosure 2 is a recent aerial photograph of the property showing the current state of the property. The property covers approximately 2200 acres, although only 750 are anticipated to be disturbed for development of the nuclear power generation facility.

The property was designated as a site for a nuclear power generation facility in the early 1970's and granted a construction permit from the U.S. Nuclear Regulatory Commission in 1975. There was extensive development of the site until 1983 when it was abandoned. Approximately 750 acres of the 2200-acre property were developed for the nuclear power generation facility. The property was sold to other commercial interests that continued various industrial and commercial activities on the property.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a license application, Duke Energy is currently preparing an Environmental Report. Among other key issues, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on properties within the proposed site that are listed in or eligible for inclusion in the *National Register* or are included in South Carolina or local registers or inventories of historic and archaeological resources. This assessment includes traditional cultural properties (TCP).

Page 2

At the time of the 1975 Environmental Impact Statement for this site, there were no properties identified within the site boundary as eligible for inclusion in the *National Register* or other South Carolina or local registers or inventories of historic and archaeological resources. Additionally, no artifacts were discovered during the extensive construction activities on the site.

Please advise if we should consider any other nearby historic, archaeological, or cultural resources, including TCPs, under your legal jurisdiction in our analysis.

Thank you very much for your support and assistance. Please call me if you have any questions.

Sincerely,



Theodore J. Bowling
Environmental Report Project Manager

Enclosures: 1) Topographic Map
2) Aerial Photograph

File: 4000.35-05



Eastern Band of Cherokee Indians
Tribal Historic Preservation Office
P.O. Box 455
Cherokee, NC 28719
Ph: 828-488-0237 Fax 828-488-2462

DATE: 21 - July - 06

TO: Duke Energy
Theodore J. Bowling
Environmental Report Project Manager
526 S. Church Street
Charlotte, NC 28202

PROJECT(S): Proposed William States Lee III Nuclear Station project, Cherokee County, North Carolina.

The Tribal Historic Preservation Office of the Eastern Band of Cherokee Indians is in receipt of the above-referenced project information and would like to thank you for the opportunity to comment on this proposed NHPA Section 106 activity.

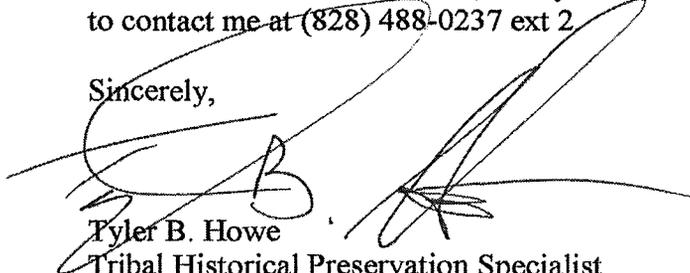
The project's location is within the aboriginal territory of the Cherokee people. Because the sites are located close to riverine and topographic environments that contained prehistoric and historic Native American habitation, the EBCI THPO requests a phase I archaeological survey. Cherokee County is within the territory of the traditional Cherokee Lower Towns of South Carolina. Because of the numerous Cherokee towns throughout the upstate region of South Carolina, this area may have cultural, archaeological, or religious significance to the Eastern Band of Cherokee Indians. A phase I archeological survey should take place throughout the entire Area of Potential Effect (APE) to ensure that any potential cultural resources are identified. Potential cultural resources are subject to damage or destruction from land disturbing activities requiring new ground disturbance, or vegetation manipulation. Detrimental adverse effects can damage or destroy the historical, cultural, or scientific integrity of historic or prehistoric resources.

Additionally, adverse effects to ethnographic sites, such as traditional Native American campsites or burials, can reduce the interpretative or spiritual significance of a site to Tribal and United States culture and history. This office can not make a recommendation regarding the above referenced projects at this time. The EBCI THPO requests any cultural resource data, including phase I archeological reports, topo maps, historical research, or archives research forwarded to the Kentucky Heritage Council for comment also be to this office in accordance with Section 106 of the NHPA. This office must review this material before any recommendation can be made regarding the above-referenced undertakings. This office looks forward to participating in the project review

process as a consulting party as stipulated in the National Historic Preservation Act of 1966.

If we can be of further service, or if you have any comments or questions, please feel free to contact me at (828) 488-0237 ext 2.

Sincerely,

A handwritten signature in black ink, appearing to be 'Tyler B. Howe', written over a horizontal line. The signature is stylized and somewhat cursive.

Tyler B. Howe
Tribal Historical Preservation Specialist
Eastern Band of Cherokee Indians



526 S. Church Street
Charlotte, NC 28202

Mailing Address:
EC05R / P.O. Box 1006
Charlotte, NC 28201-1006
704.382.5917

July 27, 2006

Ms. Michelle Pounds
Chief Executive Officer
Carolina Indian Heritage Association
4055 Coburg Lane
Orangeburg, SC 29115

Subject: Duke Energy, William States Lee III Nuclear Station Project
Request for Information on Historic, Archaeological, and Cultural
Sites

Dear Ms. Pounds:

Duke Energy plans to obtain a license from the U.S. Nuclear Regulatory Commission to construct and operate a nuclear power generation facility in Cherokee County, South Carolina. The project property is east of Gaffney, South Carolina, along the southern shore of the Broad River just upstream of the Ninety-nine Islands Hydroelectric Station. Enclosure 1 shows the location of the property boundaries on the U.S. Geological Survey Blacksburg South quadrangle map. Enclosure 2 is a recent aerial photograph of the property showing the current state of the property. The property covers approximately 2200 acres, although only 750 are anticipated to be disturbed for development of the nuclear power generation facility.

The property was designated as a site for a nuclear power generation facility in the early 1970's and granted a construction permit from the U.S. Nuclear Regulatory Commission in 1975. There was extensive development of the site until 1983 when it was abandoned. Approximately 750 acres of the 2200-acre property were developed for the nuclear power generation facility. The property was sold to other commercial interests that continued various industrial and commercial activities on the property.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a license application, Duke Energy is currently preparing an Environmental Report. Among other key issues, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on properties within the proposed site that are listed in or eligible for inclusion in the *National Register* or are included in South Carolina or local registers or inventories of historic and archaeological resources. This assessment includes traditional cultural properties (TCP).

Page 2

At the time of the 1975 Environmental Impact Statement for this site, there were no properties identified within the site boundary as eligible for inclusion in the *National Register* or other South Carolina or local registers or inventories of historic and archaeological resources. Additionally, no artifacts were discovered during the extensive construction activities on the site.

Please advise if we should consider any other nearby historic, archaeological, or cultural resources, including TCPs, under your legal jurisdiction in our analysis.

Thank you very much for your support and assistance. Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theodore J. Bowling', written in a cursive style.

Theodore J. Bowling
Environmental Report Project Manager

Enclosures: 1) Topographic Map
2) Aerial Photograph

File: 4000.35-05



526 S. Church Street
Charlotte, NC 28202

Mailing Address:
EC05R / P.O. Box 1006
Charlotte, NC 28201-1006
704 382-5917

July 27, 2006

Ms. Michelle Pounds
Representative
Pine Hill Indian Community
4055 Coburg Lane
Orangeburg, SC 29115

Subject: Duke Energy, William States Lee III Nuclear Station Project
Request for Information on Historic, Archaeological, and Cultural
Sites

Dear Ms. Pounds:

Duke Energy plans to obtain a license from the U.S. Nuclear Regulatory Commission to construct and operate a nuclear power generation facility in Cherokee County, South Carolina. The project property is east of Gaffney, South Carolina, along the southern shore of the Broad River just upstream of the Ninety-nine Islands Hydroelectric Station. Enclosure 1 shows the location of the property boundaries on the U.S. Geological Survey Blacksburg South quadrangle map. Enclosure 2 is a recent aerial photograph of the property showing the current state of the property. The property covers approximately 2200 acres, although only 750 are anticipated to be disturbed for development of the nuclear power generation facility.

The property was designated as a site for a nuclear power generation facility in the early 1970's and granted a construction permit from the U.S. Nuclear Regulatory Commission in 1975. There was extensive development of the site until 1983 when it was abandoned. Approximately 750 acres of the 2200-acre property were developed for the nuclear power generation facility. The property was sold to other commercial interests that continued various industrial and commercial activities on the property.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a license application, Duke Energy is currently preparing an Environmental Report. Among other key issues, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on properties within the proposed site that are listed in or eligible for inclusion in the *National Register* or are included in South Carolina or local registers or inventories of historic and archaeological resources. This assessment includes traditional cultural properties (TCP).

Page 2

At the time of the 1975 Environmental Impact Statement for this site, there were no properties identified within the site boundary as eligible for inclusion in the *National Register* or other South Carolina or local registers or inventories of historic and archaeological resources. Additionally, no artifacts were discovered during the extensive construction activities on the site.

Please advise if we should consider any other nearby historic, archaeological, or cultural resources, including TCPs, under your legal jurisdiction in our analysis.

Thank you very much for your support and assistance. Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Theodore J. Bowling". The signature is fluid and cursive, with a large initial "T" and "B".

Theodore J. Bowling
Environmental Report Project Manager

Enclosures: 1) Topographic Map
2) Aerial Photograph

File: 4000.35-05

Brockington

Cultural Resources Consulting

Atlanta
6611 Bay Circle
Suite 220
Norcross, GA 30071
770-662-5807

Charleston
1051 Johnnie Dodds Blvd
Suite F
Mt. Pleasant, SC 29464
843-881-3128

Jacksonville
8535 Baymeadows Rd
Suite 45
Jacksonville, FL 32256
904-371-4221

Savannah
31 Park of Commerce Way
Suite 200A
Savannah, GA 31405
912-233-2550

www.brockington.org

January 25, 2007

Rebekah Dobrasko and Chuck Cantley
State Historic Preservation Office
8301 Parklane Road
Columbia, South Carolina 29223

Re: Draft Scope of Work for a Cultural Resources Survey of the Lee Nuclear Power Plant, Cherokee County

Dear Rebekah and Chuck:

I have enclosed two copies of the proposed scope of work for the survey of the Lee Nuclear Plant Tract in Cherokee County. The scope is based on our meeting at your office on December 7, 2006. Please let me know if you have any questions or comments.

Sincerely,



Ralph Bailey, Jr.
Project Manager

cc: Ted Bowling, Duke Energy (with enclosure x1)



February 26, 2007

Mr. Ralph Bailey
Brockington and Associates, Inc.
1051 Johnnie Dodds Boulevard, Suite F
Mt. Pleasant, SC 29464

RE: Draft Scope of Work for a Cultural Resources Survey of the Lee Nuclear Power Plant,
Cherokee County, SC

Dear Ralph:

We have reviewed the above referenced plan and find it to be acceptable for identifying and evaluating properties that may exist within the present APE and are located in areas undisturbed by the previous Cherokee related-facilities. We concur that the proposed radius of 1.0 miles around the plant should be sufficient to identify any historic properties that may be visually affected by the proposed work at the nuclear plant. Overall, the plan does a good job of providing background to the tract's somewhat complicated history of investigations in order to justify the work now being proposed.

These comments are being provided to assist you with your responsibilities under federal and state law. I can be contacted at (803) 896-6181 if you have any questions.

Sincerely,

Chuck Cantley
Staff Archaeologist
State Historic Preservation Office



526 S. Church Street
Charlotte, NC 28202

Mailing Address:
EC09D/ P.O. Box 1006
Charlotte, NC 28201-1006
704382-5917

March 1, 2007

Mr. Tyler Howe
Eastern Band of Cherokee Indians
Tribal Historic Preservation Office
P.O. Box 455
Cherokee, NC 28719

Subject: Duke Energy, William States Lee III Nuclear Station
Phase I Archaeological Survey - Scope

Dear Mr. Howe,

On June 22, 2006 I wrote the Eastern Band Cherokee Indians Tribal Historic Preservation Office (EBCI THPO) explaining our intent to build the William States Lee III Nuclear Station (Lee Nuclear Station) in Cherokee County, South Carolina. On July 21, 2006 you replied that the EBCI THPO recommended we perform a Phase I Archaeological Survey for the Area of Potential Effect (APE). You also requested to be kept appraised of the project and to be included in the review of any survey results.

Enclosed with this letter are the following documents:

1. April 28, 2006 correspondence from Ms. R. Dobrasko, South Carolina State Historic Preservation Office
2. February 26, 2007 correspondence from Mr. C. Cantley, South Carolina State Historic Preservation Office approving our Scope of Work for the Phase I Archaeological Survey
3. January 25, 2007 correspondence from Mr. R. Bailey containing our Scope of Work for the Phase I Archaeological Survey

Now that the State Historic Preservation Office has approved our Scope of Work we plan to begin the survey in the next few weeks. Once the survey is complete and a report drafted, I will forward the draft to you for your review.

Please call me if you have any questions.

Sincerely,


Theodore Bowling
Environmental Report Project Manager

cc. File: 4000.35-05

Brockington

Cultural Resources Consulting

Atlanta
6611 Bay Circle
Suite 220
Norcross, GA 30071
770-662-5807

Charleston
1051 Johnnie Dodds Blvd
Suite F
Mt. Pleasant, SC 29464
843-881-3128

Jacksonville
8535 Baymeadows Rd
Suite 45
Jacksonville, FL 32256
904-371-4221

Savannah
31 Park of Commerce Way
Suite 200A
Savannah, GA 31405
912-233-2550

www.brockington.org

May 7, 2007

Mr. Tyler Howe
Eastern Band of Cherokee Indians
Tribal Historic Preservation Office
Post Office Box 455
Cherokee, North Carolina 28719

Re: Duke Energy, William State Lee, III Nuclear Station
Phase I Archaeological Survey – Draft Report

Dear Mr. Howe:

I have enclosed a copy of the draft report for our recent survey of the proposed Lee Nuclear Station in Cherokee County. We did not identify any archaeological sites during the field investigations. We recorded 12 historic architectural resources within the one mile radius Architectural Survey Universe. We recommend these resources not eligible for the NRHP.

Please let me know if you have any questions or comments on our report. I would appreciate it very much if you could provide me your comments within 30 days. The railroad and transmission line corridors that will serve the facility will be surveyed for historic properties in separate, future reports. We will provide you with copies of those reports for review as soon as they have been completed.

Sincerely,



Ralph Bailey, Jr.
Project Manager

cc: Ted Bowling, Duke Energy Carolinas, Charlotte, NC

Brockington

Cultural Resources Consulting

Atlanta
6611 Bay Circle
Suite 220
Norcross, GA 30071
770-662-5807

Charleston
1051 Johnnie Dodds Blvd
Suite F
Mt. Pleasant, SC 29464
843-881-3128

Jacksonville
8535 Baymeadows Rd
Suite 45
Jacksonville, FL 32256
904-371-4221

Savannah
31 Park of Commerce Way
Suite 200A
Savannah, GA 31405
912-233-2550

www.brockington.org

May 7, 2007

Rebekah Dobrasko
State Historic Preservation Office
8301 Parklane Road
Columbia, South Carolina 29223

Re: Draft Report, Duke Energy's Lee Nuclear Station, Cherokee County

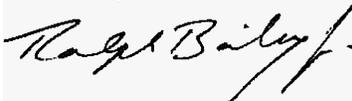
Dear Rebekah:

I have enclosed two copies of the draft report for our recent survey of the proposed Lee Nuclear Station in Cherokee County. We have also provided the Eastern Band of the Cherokee Nation a copy of the report for their review. The survey was done following the approved Scope of Work. We did not identify any new archaeological sites during the field investigations. We recorded 12 historic architectural resources within the one mile radius Architectural Survey Universe. We recommend these resources not eligible for the NRHP.

We also revisited the Ninety-Nine Islands Hydroelectric Plant (Resource 0042) that is near the project and was previously determined eligible for the NRHP. The new cooling towers and weather tower near the center of the project tract may be visible from the Ninety-Nine Islands Plant and Dam; however, they will not affect the design, workmanship, and materials of the plant, which are the crucial elements to its significance. Therefore, we recommend that the construction of the new cooling towers will have no effect on Resource 0042.

Construction and operation of the Lee Nuclear Station will not affect any historic properties. The railroad and transmission line corridors that will serve the facility will be surveyed for historic properties in separate, future reports. We will provide you with a proposed Scope of Work for each of those projects prior to our fieldwork.

Sincerely,



Ralph Bailey, Jr.
Project Manager

cc: Ted Bowling, Duke Energy Carolinas, Charlotte, NC

Brockington

Cultural Resources Consulting

Atlanta
6611 Bay Circle
Suite 220
Norcross, GA 30071
770-662-5807

Charleston
1051 Johnnie Dodds Blvd
Suite F
Mt. Pleasant, SC 29464
843-881-3128

Jacksonville
8535 Baymeadows Rd
Suite 45
Jacksonville, FL 32256
904-371-4221

Savannah
31 Park of Commerce Way
Suite 200A
Savannah, GA 31405
912-233-2550

www.brockington.org

should have been dated May 29 if
May 7, 2007

Mr. Tyler Howe
Eastern Band of Cherokee Indians
Tribal Historic Preservation Office
Post Office Box 455
Cherokee, North Carolina 28719

Re: Duke Energy, William State Lee, III Nuclear Station
Phase I Archaeological Survey – Draft Report Addendum

Dear Mr. Howe:

I have enclosed one copy of the Addendum to the Lee Station Draft Report for your review. The addendum covers the archaeological survey of the APE for the Meteorological Tower Duke Energy plans to build. This area is outside the previously disturbed Cherokee Station site and was not covered during our initial survey. We did not identify any sites. Please let me know if you have any questions or need additional information.

Sincerely,



Ralph Bailey, Jr.
Project Manager

cc: Ted Bowling, Duke Energy Carolinas, Charlotte, NC
Tracy Brown, Enercon

2950

Brockington

Cultural Resources Consulting

Atlanta
6611 Bay Circle
Suite 220
Norcross, GA 30071
770-662-5807

Charleston
1051 Johnnie Dodds Blvd
Suite F
Mt. Pleasant, SC 29464
843-881-3128

Jacksonville
8535 Baymeadows Rd
Suite 45
Jacksonville, FL 32256
904-371-4221

Savannah
31 Park of Commerce Way
Suite 200A
Savannah, GA 31405
912-233-2550

www.brockington.org

May 29, 2007

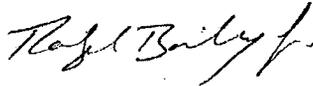
Rebekah Dobrasko
State Historic Preservation Office
8301 Parklane Road
Columbia, South Carolina 29223

Re: Cultural Resources Survey of the Proposed Lee Nuclear Station,
Cherokee County, Meteorological Tower 3 Addendum

Dear Rebekah:

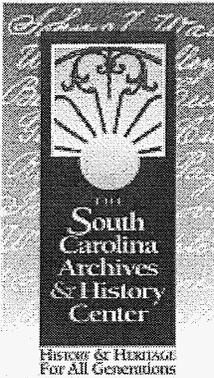
I have enclosed two copies of the Addendum to the Lee Station Draft Report for your review. The addendum covers the archaeological survey of the APE for the Meteorological Tower Duke Energy plans to build. This area is outside the previously disturbed Cherokee Station site and was not covered during our initial survey. We did not identify any sites. As with the Draft Report, I am forwarding a copy to the Cherokee THPO as a well. Please let me know if you have any questions or need additional information.

Sincerely,



Ralph Bailey, Jr.
Project Manager

cc: Ted Bowling, Duke Energy
Tracy Brown, Enercon



June 8, 2007

Mr. Ralph Bailey
Brockington and Associates
1051 Johnnie Dodds Blvd., Ste. F
Mt. Pleasant, SC 29464

Re: Draft Report and Addendum, *Cultural Resources Survey of the Proposed Lee Nuclear Station, Cherokee County, South Carolina*

Dear Mr. Bailey:

Our office has had the opportunity to review the above-referenced report and addendum. The report meets federal and state guidelines for the identification and assessment of historic properties.

Our office concurs with your assessment that architectural resources 0061.00-0068.03 are **not eligible** for listing in the National Register of Historic Places. The development and construction of the Lee Nuclear Station will not affect these properties. Architectural resource 0042.00-01, the Ninety-Nine Islands Hydro Plan and Dam, is eligible for listing in the National Register of Historic Places. We believe that the proposed work at the Lee Nuclear Station should cause **no adverse effect** to this historic property.

This cultural resources investigation was prepared in anticipation of an application for construction and operation to the Nuclear Regulatory Commission. We understand that additional cultural resources work will be conducted on the railroad, transmission lines, and the discharge facility for the plant. It is likely that some sort of agreement will be needed to govern future cultural resources identification and address future work to be done at the plant through the life of the license, if granted. We look forward to continuing to work with you and Duke Energy on this project.

These comments are provided by the State Historic Preservation Office pursuant to Section 106 of the National Historic Preservation Act, as amended. If you have questions, please contact me at (803) 896-6169 or dobrasko@scdah.state.sc.us.

Sincerely,

Rebekah Dobrasko

Rebekah Dobrasko
Review and Compliance Coordinator
State Historic Preservation Office