



REPLY TO  
ATTENTION OF

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

January 11, 2013

Regulatory Division

Mr. Robert Wylie  
Duke Energy Carolinas  
P.O. Box 1006  
Charlotte, North Carolina 28201-1006

Re: SAC 2009-122-SJR  
Cherokee County

Dear Mr. Wylie:

This is in response to your letter of September 16, 2009, and subsequent updates through October 2012, requesting a jurisdictional determination, on behalf of Duke Energy Carolinas, LLC, for an approximately 9,780-acre tract, located near Gaffney in Cherokee County, South Carolina. The project area is depicted on the drawings prepared by your office, entitled and dated as follows:

- 1) Plant Site entitled "Jurisdictional Determination Lee Nuclear Site Cherokee County, SC" Figures 1 through 32 of 32, dated April 18, 2011; Figures 16, 17, 23, 24, 25, 27, 31 and 32 of 32 are dated August, 22, 2012;
- 2) East Line Transmission Line (Route O) entitled "Overview Location Map with William S. Lee III Nuclear Station Transmission Line – East Line (Route O)" dated July 9, 2009; "East Line (Route O) Streams and Wetlands Associated with William S. Lee III Nuclear Station Transmission Line" Figures E1 through E6 dated July 9, 2009
- 3) West Line Transmission Line (Route K) entitled "Overview Location Map with William S. Lee III Nuclear Station Transmission Line – West Line (Route K)" dated July 9, 2009; "West Line (Route K) Streams and Wetlands Associated with William S. Lee III Nuclear Station Transmission Line" Figures W1 through W7 dated July 9, 2009;
- 4) Rail Line Corridor entitled "Jurisdictional Determination Lee Nuclear Station Cherokee County, SC" Figures 1 through 19 of 19 dated April 18, 2011; Figure 8 is dated August 22, 2012; "Revised Streams and Culverts JPA and JD Rail Corridor Lee Nuclear Site Cherokee County, SC" Figure 1 of 1 dated October 17, 2012;
- 5) Make-Up Pond C entitled "Jurisdictional Determination Lee Nuclear Site Cherokee County, SC" Figures 1 through 28 of 28 dated May 10, 2010; Figures 5, 6, 7, 10, 11, 13, and 15-27 are dated April 18, 2011; Figures 8, 9, 12, 14, and 28 are dated August 22, 2012;
- 6) Overall Project Area entitled "William States Lee III Nuclear Station Units 1 & 2 Jurisdictional Resources and Jurisdictional Boundary Map" Figures 1 through 6 of 6, no date provided.

Based on an on-site inspection, a review of aerial photography, topographic maps, National Wetlands Inventory maps and soil survey information, and information provided by your office, it has been concluded that the boundaries shown on the referenced drawings are a reasonable approximation of the locations and boundaries of the wetlands and waters found on this site. The property in question contains approximately 31.184 acres of federally defined jurisdictional freshwater wetlands, 284.4 acres of open waters and 167,071.01 linear feet of streams 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.

In addition, the property in question contains approximately 10.61 acres of open water ponds that are not considered to be subject to the jurisdiction of this office, and as such, Department of the Army authorization will not be required for mechanized land clearing, excavation, or the placement of dredged or fill material at these locations. The locations and configurations of these areas are reflected on the drawings referenced above. It should be clearly noted that the exclusion of certain waters from federal jurisdiction under the Clean Water Act has no effect on any state or local government restrictions or requirements concerning these areas. You are strongly cautioned to ascertain whether such restrictions or requirements exist for the areas in question before undertaking any activity which might destroy or otherwise impact these resources.

Please note that the actual boundaries of wetlands and waters are approximate and, therefore, are subject to change and not appealable; however, the determination of jurisdiction over these wetlands and waters 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 referenced drawings 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 2009-122-SJR. 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. A copy of this letter is being forwarded to them for their information.

If you have any questions concerning this matter, please contact me at 843-329-8044 or toll free at 1-866-329-8187.

Respectfully,



Richard L. Darden, Ph.D.  
Project Manager

Enclosures:

Approved Jurisdictional Determination Forms  
Notification of Appeal Options  
Customer Service Survey

Copy Furnished:

South Carolina Department of Health  
and Environmental Control  
Bureau of Water  
2600 Bull Street  
Columbia, South Carolina 29201

Ms. Patricia Vokoun  
Project Manager  
Office of New Reactors  
United States Nuclear Regulatory Commission  
Mail Stop T7E30  
Washington, DC 20555-0001