

DUKE ENERGY EXCAVATION PERMIT APPLICATION FORM

FOR DUKE ENERGY USE ONLY

Duke File No. _____

Application Fee \$ _____ Security Deposit \$ _____ Check # _____ Date Recv'd _____ Initials _____

Date of Duke Energy Lake Services, applicant and/or contractor on-site inspections Date _____ Initials _____

Date Final Protection/Avoidance Area Markings Field - Verified _____ Initials _____

Approved to Start Work By * : _____ Date _____
(Print) (Sign)

Date Completion Required _____ Date of Any Approved Extension _____ Initials _____

Date Passed Closeout Inspection* _____ Initials _____

Any Stop Work Orders or SMG Violations*? (check one) Yes No (If Yes, explain in PART V)

Date Deposit Refunded _____ Initials _____ Date Permit Database Updated _____ Initials _____

*** Forward copy of approved application (all pages, plus any attachments that Duke Energy changed) back to applicant with Approval Letter and highlight any changes. File copies of Approval and Close-out Checklists and any Stop Work Orders with application.**

PART I - APPLICANT INFORMATION (Please Print)

Tax ID or Social Security Number _____ - _____ - _____

Name _____ Telephone () _____

Lake Address _____ Mailing Address (If different) _____

Contractor Company _____

Contractor Contact Person _____

Telephone () _____

LAKE LOT INFORMATION

Lake _____ County _____ City _____ State _____ Tax Map No. _____

Grid Section _____ Subdivision _____ Section or Phase No. _____

Lot No. _____ Lot Size _____ Acres

Do not continue the application until an on-site inspection has been conducted between a Duke Energy Lake Services Representative (DELSR) and the applicant and/or the excavation contractor. NOTE: Initializing this portion of the application by a DELSR in no way constitutes approval or eminent approval of the excavation or any other lake use permitting activity.

Date of on-site inspection _____ Initials (Duke Energy) _____ (applicant/contractor) _____

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Are there any Co-Applicants*? (check one) Yes No (If Yes, include names, addresses, phone nos., lot nos., lot sizes in PART V – ADDITIONAL INFORMATION)

* Co-Applicants exist when the proposed work is being done under a single application, will be performed by a single contractor as one continuous project and is done to benefit multiple owners / lease holders of project-front properties within a single development. The check for the application filing fee and security deposit should be from the party shown as Applicant and not several checks from the Applicant and Co-Applicants.

PART II - DESCRIPTION OF PROJECT

A. BASIC INFO

- 1. Type of excavation: (check one) New excavation Maintenance excavation
- 2. Purpose of excavation: (check one) Boat Access Chan'l Water Intake Chan'l Wastewater Disch. Chan'l
 Other (specify) _____
- 3. Lake user category: (check one) Private Commercial/Res. Commercial/Non-Res. Public
 Other (specify) _____
- 4. Max. Excavation Area Dimensions (ft) Length _____ Width _____ Depth _____
(Note: include additional area dimensions if necessary so response to #5 below equals max. area dimensions in #4)
- 5. Excavated material (TOTAL for the project) Cubic yards _____
- 6. Type of material (applicant determines by field sample if practical) _____
- 7. Excavation Site area _____ Acre (s) Disposal Site area _____ Acre (s)
- 8. Total Disturbed Area (including equipment staging area) _____ Acre (s)
- 9. Does the project meet the requirements of the applicable General Permit? (check one) Yes No
- 10. Do you claim title to the disposal area? (check one) Yes No
- 11. Do you claim title to the equipment staging area? (check one) Yes No
- 12. Are there any water-treatment facilities within 50 feet of the proposed excavation area? (check one) Yes No
(If Yes, specify) _____
- 13. How will the excavated material be entrapped and the erosion controlled? (e.g. see attached erosion control plan and disposal area design)

- 14. Type(s) of excavation equipment to be used: _____

- 15. Will waters or wetlands be crossed in transporting equipment to or from the site? (check one) Yes No
(If yes, explain) _____

- 16. Will return water re-enter the reservoir? (check one) Yes No (If Yes, specify point(s) of re-entry and show on Excavation Area Drawing) _____

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PART II (Continued)

B. PROTECTION / AVOIDANCE AREA DESCRIPTION

Complete the following table including all land areas within and immediately adjoining the disturbed area:

<u>Protection/Avoidance Areas</u> <i>(check all that apply)</i>	<u>Approx. Acreage</u>	<u>Identification</u>		<u>Avoid (A) or Mitigate (M)</u> <i>(**)</i>
		<u>Field ID</u>	<u>Method (*)</u> <u>Work Area Dwg. ID</u>	
_____ a. Marshland, swamp, ponds, beneficial aquatic vegetation or other potential wetlands <i>(circle all that apply)</i>				
_____ b. Buffer Zones <i>(specify width & source of requirement)</i> _____ _____ _____				
_____ c. Environmental Areas as identified by Duke Energy				
_____ d. Natural Areas as identified by Duke Energy				
_____ e. Historic properties <i>(specify)</i> _____ _____ _____				
_____ f. Rare or threatened species <i>(specify)</i> _____ _____ _____				

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<u>Protection/Avoidance Areas</u> <i>(check all that apply)</i>	<u>Approx. Acreage</u>	<u>Identification</u>	<u>Method (*)</u>	<u>Avoid (A) or Mitigate (M)</u> <u>(**)</u>
		<u>Field ID</u>	<u>Work Area Dwg. ID</u>	
_____ g. Buried gas, water, sewer, communications or electric lines (<i>circle</i>)				
_____ h. Impact Minimization Zones as identified by Duke Energy				
_____ i. Other areas requiring specific avoidance, protection or mitigation (<i>specify</i>) _____ _____ _____				

* For "Field ID" column, specify entity or person that performed the identification and how it was physically marked (e.g. Duke Energy(John Doe)/Pink and purple-dotted tape, Corps of Eng. (John Smith)/ yellow flagging). For "Work Area Dwg ID" column, show the symbol that is used on the drawings to identify the protection/avoidance area.

** List and attach mitigation plans

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C. APPLICANT SIGNATURE

Comments: _____

Applicant Name (*print*) _____ Lot # _____

Applicant Signature* _____ Date _____

Co-Applicant Name (*print*) _____ Lot # _____

Co-Applicant Signature* _____ Date _____

Co-Applicant Name (*print*) _____ Lot # _____

Co-Applicant Signature* _____ Date _____

Co-Applicant Name (*print*) _____ Lot # _____

Co-Applicant Signature* _____ Date _____

Co-Applicant Name (*print*) _____ Lot # _____

Co-Applicant Signature* _____ Date _____

*Per my signature, the information provided in this application is correct to the best of my knowledge.

BEFORE YOU MAIL THE APPLICATION TO DUKE ENERGY LAKE SERVICES ENSURE YOU HAVE:

- CHECKED THE INFO THOROUGHLY
- MET ALL REQUIREMENTS FOR A COMPLETE APPLICATION (*see cover letter of application package*)
- INCLUDED A SINGLE CHECK TO DUKE ENERGY FOR THE APPLICATION FILING FEE AND SECURITY DEPOSIT
- INCLUDED ALL AGENCY PERMITS OR COMMENT LETTERS AND RESOLVED ALL ISSUES RAISED
- INCLUDED ALL REQUIRED DRAWINGS (INCLUDING PROPOSED FACILITIES), PERMIT # FOR EXISTING FACILITIES, SURVEYS AND PLANS
- INCLUDED COPIES OF DEEDS AND AUTHORIZATION LETTERS

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PART III - INFORMATIONAL REQUIREMENTS FOR ALL APPLICANTS (NC & SC)

In addition to the completed application form PARTS I & II, the following items must be provided to Duke Energy Lake Services for all applicants in North and South Carolina :

- A. A copy of the deed and registered survey plat or other instrument under which the applicant claims title to the affected property (the shoreline adjoining the excavation area, equipment staging area and the disposal area), **OR** if the applicant is not claiming to be the owner(s) of said property, then forward a copy of the deed and registered survey plat or other instrument under which the owner(s) claim title plus written authorization from the owner(s) to carry out the project on their land.
- B. An accurate scaled drawing (1"=25' for projects <1000 cubic yards of material removed or 1"= 100' for larger projects) of the area to be excavated, including all the information required under Application Process - ITEM 5 of the Application Package cover letter (**Attachment 1**).
- C. A map or **Duke Energy Directions by Road** form showing directions to the excavation area and disposal area.
- D. A USGS topographic map with an directional arrow indicating the exact location of the excavation project and Latitudinal and Longitudinal coordinates for the project site.*
- E. A list of names and addresses of adjoining property owners for both the excavation area and disposal area.
- F. A copy of all permits and/or letters of correspondence to/from local, state and federal agencies that require notification or issue individual permits.
- G. An accurate scaled drawing (1"=25' for projects <1000 cubic yards of material removed or 1"= 100' for larger projects) of the proposed design for the disposal area, including all the information required under Application Process - ITEM 6 of the Application Package cover letter (**Attachment 1**). Also include any erosion control plan or standard reporting form requirements as noted under ITEM 6.
- H. Provide the existing permit number if excavation is being conducted to maintain access to an existing facility (e.g. pier) or provide an accurate scaled drawing of any proposed facility if a facility does not currently exist. *Note: A separate application and approval is required for proposed Private Facilities (e.g. pier).*
- I. A check for the application filing fee and security deposit and the signed **Excavation Project User's Agreement letter**.

*USGS maps may be accessed via the Internet at <http://gis.enr.state.nc.us/> utilizing the following pathway: Data catalogue/Digital Raster Graphics/specific county. Longitudinal and latitudinal information is available via the Internet at www.mapblast.com, www.mapsonus.com or www.maptech.com

PART IV – AGENCY REVIEWS/APPROVALS REQUIRED

A. NORTH CAROLINA APPLICANTS ONLY

- 1. The following three agencies require at least 30 days prior notification for all excavations in **North Carolina** reservoirs. Notify them by forwarding a completed copy of this application, including the information required under PART III A-F to:

US ARMY CORPS OF ENGINEERS
Regulatory Field Office
151 Patton Avenue
Room 208
Asheville, North Carolina 28801
(828) 271-4014

NORTH CAROLINA WILDLIFE RESOURCES
COMMISSION
Habitat Conservation
1701 Mail Service Center
Raleigh, NC 27699-1701
(919) 733-3391

NCSHPO
NC Dept. Of Cultural Resources
Division of Archives & History
c/o Ms. Renee Gledhill-Earley
4617 Mail Service Center
Raleigh, NC 27699-4617
(919) 733-4763

What to Expect:

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- a) If the excavation can be done under the requirements of the General Permit (GP) or a Nationwide Permit (NWP), you will typically receive a copy of the Corps' tear sheet documenting authorization and providing any additional instructions. If the excavation isn't covered under the GP or a NWP, you'll be required to obtain an individual 404 Dredge and Fill permit from the Corps.
 - b) You will typically receive a letter from the NCWRC and the NC SHPO documenting their concurrence with your application, requiring additional information or recommending modifications. You must address each comment in your final application.
 - c) You must receive written documentation from the Corps that your application either meets the requirements of the GP or a NWP **or** that the proper 404 Dredge and Fill permit has been received before Duke Energy can process your application.
 - d) If you do not receive any documentation from the NCWRC within 30 days of their receipt of your application, you may proceed with the application process, recognizing however that if their comments come in later in the application process, you will also be required to address them. *(See exception for Commercial/Conveyance/FERC review applications below).*
 - e) If you do not receive any documentation from the NC SHPO within 30 days of their receipt of your application, you must provide that agency with a follow-up letter requesting the agency comment on your proposal within 15 days from the date of the letter. If you do not receive any response as a result of this second letter, you may proceed with the application process, recognizing however that if their comments come in later in the application process, you will also be required to address them. **Note: This second 15-day letter requirement also applies to the agency reviews in PART IV.A. 1-4 when the application is for a Commercial Facility, Conveyance or other application requiring FERC review.**
2. In addition to the two agencies of PART IV.A.1; if the proposed excavation is located in *Alexander, Catawba, Cleveland, Gaston, Iredell, Lincoln or Mecklenburg Counties*, the applicant must also provide at least 30 days prior notification to the following two agencies by forwarding a copy of the completed Excavation Permit Application Form (including the information required under PART III A-F) to **each**:

NC DEPT. OF ENVIRONMENT
& NATURAL RESOURCES
Division of Land Resources
Land Quality Section
610 E Center Avenue, Suite 301
Mooresville, North Carolina 28115
(704) 663-1699
(704) 663-6040 (fax)

NC DEPT. OF ENVIRONMENT
& NATURAL RESOURCES
Division of Water Quality
Water Quality Section
610 E Center Avenue, Suite 301
Mooresville, North Carolina 28115
(704) 663-1699
(704) 663-6040 (fax)

What to Expect:

- a) You will typically receive a letter providing Water Quality Section concurrence, which may require additional information or recommend modifications. You must address each comment in your final application to Duke Energy.
 - b) You must receive written documentation from the NCDENR that 401 Water Quality requirements are met before Duke Energy can process your application.
3. In addition to the two agencies of PART IV.A.1; if the proposed excavation is located in: *Burke, Caldwell, McDowell or Transylvania Counties*, the applicant must provide at least 30 days prior notification to the following agency by forwarding a copy of the completed Excavation Permit Application Form, including the information required under PART III A-F:

NC DEPT. OF ENVIRONMENT &
NATURAL RESOURCES
Interchange Building
59 Woodson Place
Asheville, North Carolina 28801
(704) 251-6208

What to Expect:

- a) You will typically receive a letter providing Water Quality Section concurrence, which may require additional information or recommend modifications. You must address each comment in your final application to Duke.

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- b) You must receive written documentation from the NCDENR that 401 Water Quality requirements are met before Duke Energy can process your application.

PART IV. A (*Continued*)

4. In addition to the above requirements, if the proposed excavation is located in *Mecklenburg County*, the following agency must be provided with a copy of the completed Excavation Permit Application Form (including the information required under PART III A-F):

MECKLENBURG COUNTY
ENVIRONMENTAL PROTECTION
700 North Tryon Street
Charlotte, North Carolina 28202
(704) 336-5500

What to Expect:

- a) You will typically receive a letter from the county documenting their concurrence with your application, requiring additional information or recommending modifications. You must address each comment in your final application.
- b) If you do not receive any documentation from the county within 30 days of their receipt of your application, you may proceed with the application process, recognizing however that if their comments come in later in the application process, you will also be required to address them. . (*See exception for Commercial/Conveyance/FERC review applications below*).
5. In addition to the above requirements, if the proposed excavation is part of a Commercial Facilities Application, Conveyance Application, or will require FERC review, the applicant must provide at least 30 days prior written notification to the following agencies by forwarding the completed Excavation Permit Application Form, including the information required under PART III A-F:

NCSHPO
NC Dept. Of Cultural Resources
Division of Archives & History
c/o Ms. Renee Gledhill-Earley
109 East Jones Street
Raleigh, NC 27601-2807
(919) 733-4763

USFWS
US Fish & Wildlife Service
c/o Mark Cantrell
160 Zillicoa Street
Asheville, NC 28801
(828) 258-3939 Ext. 227

NCDENR
Division of Parks and Recreation
12700 Rayleaf Church Road
Raleigh, NC 27614
(919) 733-4181

NCDENR (*Wylie, Mtn. Island, Norman, Lookout, Hickory*)
Division of Environmental Health
Public Water Supply Section
c/o Mr. Britt Setzer
610 E. Center Avenue, Suite 301
 Mooresville, NC 28115

NCDENR (*Rhodhiss and James*)
Division of Environmental Health
Public Water Supply Section
c/o Mr. Harold Saylor
59 Woodfin Place
Asheville, NC 28801

What to Expect:

- a) You will typically receive a letter from each agency documenting the agency's concurrence with your application, requiring additional information or recommending modifications. You must address each agency comment in your final application.

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- b) If you do not receive any documentation from an agency within 30 days of their receipt of your application, you must provide that agency with a follow-up letter requesting the agency comment on your proposal within 15 days from the date of the letter. If you do not receive any response as a result of this second letter, you may proceed with the application process, recognizing however that if their comments come in later in the application process, you will also be required to address them. ***Note: This second 15-day letter requirement also applies to the agency reviews in PART IV.A. 1-4 when the application is for a Commercial Facility, Conveyance or other application requiring FERC review.***

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PART IV. B

B. SOUTH CAROLINA APPLICANTS ONLY

1. Consultation or review is required by both the SC State Historic Preservation Office (SC SHPO) and the SC Institute of Archaeology and Anthropology (SCIAA) for all excavations in South Carolina. The applicant must submit a copy of the completed South Carolina Department of Archives and History State Historic Preservation Office Project Review Form (attached) to:

SC SHPO
SC State Historic Preservation Officer
Department of Archives and History
c/o Ms. Rebeka Debrakso
8301 Park Lane Road
Columbia, SC 29223-4905

SCIAA
SC Institute of Archaeology and
Anthropology
c/o Mr. Jim Spirek
1321 Pendleton Street
Columbia, SC 29208

What to Expect:

- a) You will typically receive a letter from the resource agencies documenting the agency's concurrence with your application, requiring additional information or recommending modifications. You must address each agency's comment in your final application.
 - b) If you do not receive any documentation from the resource agencies within 30 days of their receipt of your application, you must provide that agency with a follow-up letter requesting the agency comment on your proposal within 15 days from the date of the letter. If you do not receive any response as a result of this second letter, you may proceed with the application process, recognizing however that if their comments come in later in the application review process, you will also be required to address them.
2. Consultation or review is required by the Eastern Band of Cherokee Indians (EBCI) for all excavations on Lake Keowee. The applicant must submit a copy of the completed Tribal Historic Preservation Officer (THPO) Consultation Information Form (attached) to:

EBCI
Eastern Band of Cherokee Indians
c/o Tyler Howe
PO Box 455
Cherokee, NC 28719

What to Expect:

- b) You will typically receive a letter from the EBCI documenting the tribe's concurrence with your application, requiring additional information or recommending modifications. You must address each comment from the tribe in your final application.
 - c) If you do not receive any documentation from the EBCI within 30 days upon their receipt of your application, you must provide the tribe with a follow-up letter requesting the tribe's comment on your proposal within 15 days from the date of the letter. If you do not receive any response as a result of this second letter, you may proceed with the application process, recognizing however that if their comments come in later in the application review process, you will also be required to address them.
3. If the excavation meets the requirements of the applicable General Permit (GP 87-14-001) and will remove from 50 to 150 cubic yards, in addition to the above listed entities in B1 and B2 (Lake Keowee only), the SC Department of Natural Resources (SCDNR) must be provided with a copy of the completed Excavation Permit Application Form, including the information required under PART III A-H for at least 30 days consultation:

SCDNR
South Carolina Dept. of Natural Resources
c/o Mr. Mark Hall
206 Laurel Valley Road
Sunset, SC 29685
(864) 878- 9071

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What to Expect:

- a) You will typically receive a letter from the SCDNR documenting the agency's concurrence with your application, requiring additional information or recommending modifications. You must address each agency comment in your final application.
 - b) If you do not receive any documentation from the SCDNR within 30 days of their receipt of your application, you may proceed with the application process, recognizing however that if their comments come in later in the application process, you will also be required to address them.
4. In addition to the above listed entities in B1 and B2 (Lake Keowee only) the following agencies must be provided with a copy of the completed Duke Power Excavation Permit Application Form, including the information required under PART III A-H, for all excavations not covered under the applicable General Permits on **South Carolina** reservoirs:

US Army Corps of Engineers
Regulatory Functions Branch
c/o Ms. Tina Hadden
69A Hagood Avenue
Charleston, South Carolina 29403-5107
(843) 329-8044

South Carolina Dept of Health &
Environmental Control
Water Quality Section
c/o Ms. Gina Kirkland
2600 Bull Street
Columbia, SC 29201
(803) 898-4250

SCDNR
South Carolina Dept. of Natural Resources
c/o Mr. Mark Hall
206 Laurel Valley Road
Sunset, SC 29685
(864) 878- 9071

What to Expect:

- a) You will typically receive a letter from each entity documenting concurrence with your application, requiring additional information or recommending modifications. You must address each comment in your final application.
 - b) If you do not receive any documentation from an entity within 30 days of their receipt of your application, you must provide that entity with a follow-up letter requesting comment on your proposal within 15 days from the date of the letter. If you do not receive any response as a result of this second letter, you may proceed with the application process, recognizing however that if their comments come in later in the application process, you will also be required to address them.
5. In addition to the consultation requirements specified for the two agencies listed in Part IV. B 1, and the EBCI as specified in B2 (on Lake Keowee only), the following agencies must be provided with a copy of the completed Duke Energy Excavation Permit Application Form, including the information required under PART III A-H, for any excavation that is part of a Commercial Facilities Application, Conveyance Application or will require FERC review on **South Carolina** reservoirs:

US Army Corps of Engineers
Regulatory Functions Branch
c/o Ms. Tina Hadden
69A Hagood Avenue
Charleston, South Carolina 29403-5107
(843) 329-8044

South Carolina Dept of Health &
Environmental Control
Water Quality Section
c/o Ms. Gina Kirkland
2600 Bull Street
Columbia, SC 29201
(803) 898-4250

US Fish and Wildlife Service
c/o Ms. Amanda Hill
176 Croghan Spur Road, Suite 200
Charleston, SC 29407
(843) 727-4704 ext 12

SC Dept. of Natural Resources
c/o Mr. Mark Hall
206 Laurel Valley Road
Sunset, SC 29685
(864) 878-9071

SC PR&T
c/o Mr. Tony Bebbber
Edgar A. Brown Bldg.

