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Member
Admitted in SC

May 19, 2017

VIA ELECTRONIC AND US MAIL
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U. S. Army Corps of Engineers
Hartwell Lake
5625 Anderson Highway
Hartwell, Ga. 30643

Re: Public Comment - Shoreline Management Plan Request for modification of
Map 7
(For 8-acre parcel located at intersection of Clemson Blvd. and Pendleton
Rd.)

Charleston

Charlotte
Columbia
Greensboro
Greenville
Hilton Head
Myrtle Beach
Raleigh

Dear Madam or Sir:

This office represents Serrus Clemson House on the Lake, LLC, (“Developer”) an entity seeking development opportunities in and around Clemson, S. C. Developer has entered into a purchase contract to acquire a 7.6-acre parcel (“Property”) in Oconee County, adjacent to Lake Hartwell, at the intersection of Clemson Blvd. and Pendleton Rd. The Property is part of a 42.47-acre tract identified as TMS# 227-00-02-001, owned by Casto Oconee, LLC. The Property is located immediately south of Highway 76/123. Developer anticipates closing and purchase of the Property in July, 2017.

Developer proposes construction of a lakefront resort and hotel at the Property with the intent of providing a destination for visitors and guests of Clemson University and the greater Hartwell Lake and Clemson area. The Property provides a unique opportunity to create an attractive amenity and further enhance the University and surrounding areas. Critical to development of the Property is community access to the Lake. Presently, the shoreline adjacent to the Property is designated by the Corps of Engineers as “Protected Lakeshore Area” for purposes of the *Shoreline Management Plan for Hartwell Lake Project Georgia and South Carolina*. The purpose of this letter is to request, as part of the Corps’ update of the Shoreline Management Plan, that the

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designation of "Protected Lakeshore Area" be removed. Developer requests that Map 7 of the Shoreline Management Plan Allocation Maps be modified to designate the shoreline adjacent to the Property as "Limited Development Area." Such designation will allow Developer to convert an existing water access structure on the property extending into Lake Hartwell into a community dock for use by guests of the Property and their visitors. Such designation will also allow for community access to and use of the adjacent shoreline. I'm attaching as Exhibit A to this letter a copy of Map 7 indicating the location of the Property.

Legal Authority for Request

36 CFR 327.30 provides "policy and guidance"¹ for shoreline management of civil works projects. "Private shoreline uses may be authorized in designated areas consistent with approved use allocations specified in Shoreline Management Plans."²

A Shoreline Management Plan, as described in Sec. 327.30(e), will be prepared for each Corps project where private shoreline use is allowed. This plan will honor past written commitments. The plan will be reviewed at least once every five years and revised as necessary. Shoreline uses that do not interfere with authorized project purposes, public safety concerns, violate local norms or result in significant environmental effects should be allowed unless the public participation process identifies problems in these areas.

The Shoreline Management Allocation Maps were adopted when the Plan was updated in 1989. In 1989 the Property was part of a larger tract of land consisting of 94 acres owned by Milliken & Company. In 1944 the Milliken Defore Plant began operations as a synthetic tire cord plant with twisting and weaving processes. Knitting equipment was installed in 1985 and expanded in 1994. By 1995 a significant portion of the twisting process was removed and additional knitting machines were installed. From 1997 until 2008 the knitting process increased to 40 machines. Production was scaled-down in 2008 when Milliken moved the processes to another plant. The Milliken Defore plant ceased operation in 2009. Given the 65-year history of industrial use of the Property, and the fact that the Milliken Defore Plant was in full operation and preparing for expansion in 1989 when the shoreline allocations were adopted, the Corps likely never envisioned use of the Property as a resort. The industrial nature of the Property influenced the Corps' initial decision to adopt a restrictive allocation for the shoreline.

¹ 37 CFR 327.30(a) – Purpose.

² 37 CFR 327.30(d)(2)

Revising Map 7 and modifying the shoreline allocation to “Limited Development Area” does not “interfere with authorized project purposes, public safety concerns, violate local norms, or result in significant environmental effects” as contemplated in 36 CFR 327.30. In fact, the Property was considered a Brownfield site when the Milliken Defore Plant ceased operation in 2009. The Plant site was the subject of a Voluntary Clean-up Contract in 2013 with the S. C. Department of Health and Environmental Control (“DHEC”) which provided for assessment and remediation of the Plant site including the Property. The Property is now suitable for multi-family residential, resort, and has significant investment value and development potential. The antiquated designation in the Shoreline Management Allocation Maps is negatively impacting beneficial use of the Property.

36 CFR 327.30(e)(5) provides clear authority for shoreline allocations to complement land uses: “Shoreline allocations cover that land and/or water extending from the edge of the water and waterward ... [t]hese allocations should complement, but certainly not contradict, the land classifications in the project master plan.” This reference to “project master plan” may encompass the “General Development Plan and later the Land Use Plan” which were initiated in 1961, followed by the “Lakeshore Zoning Plan” of 1972. *See* “History” p. 2, Project Operation Shoreline Management Plan for Hartwell Lake Project Georgia and South Carolina. Obviously, these baseline planning documents that addressed land usage surrounding Lake Hartwell were developed when the Property was in active textile production use. With the closure of the Milliken Defore Plant and the environmental remediation of the Plant site and the Property, the designation of “Protected Lakeshore Area” does not complement the intended usage of the property for commercial and residential/resort development.

36 CFR 327.30(e)(5)(i) provides for the designation of “Limited Development Areas” as “those areas in which private facilities and/or activities may be allowed consistent with Sec. 327.30(h) and appendix A.”³ Sec. 327.30(h) refers to “existing permitted facilities and prior written Corps commitments” and provides that “no lawfully installed dock or appurtenant structures shall be required to be removed prior to December 31, 1989, from any Federal water resources reservoir or lake project ... on which it was located on December 29, 1981, if such property is maintained in usable condition, and does not occasion a threat to life or property.” Sec. 327.30(h)(3) further provides that “[a]ll such floating facilities and appurtenances will be formally recognized in an appropriate Shoreline Management Plan.”

The Property includes a fixed walkway extending into Lake Hartwell with a building constructed at the end of the walkway. The building housed a water intake that was critical to operations of the Milliken Defore plant. The structure is a dock as it provides water access for the purpose of supplying surface water for plant operations.

³ Appendix A includes the “Guidelines for Granting Shoreline Use Permits.”

However, whether for some unknown purpose or by oversight the Corps did not include this structure in the Shoreline Management Plan or reflect its existence in the Plan and the Allocation Maps.

This structure can be readily modified into a community dock facility, as reflected in the attached rendering, Exhibit B to this letter. Moreover, modification of the structure as a community dock is consistent with the guidelines provided in Appendix A, provided the shoreline allocation is changed to Limited Development Area.

Conclusion

The Corps assigned a restrictive shoreline allocation to this property in recognition of the Property's decades of use as an active manufacturing site. The Corps likely never envisioned that the Property could be cleaned-up and authorized for use for commercial and multi-family/resort development. Fortunately, the Shoreline Management Plan for Lake Hartwell is required to be updated for "revision when necessary." 36 CFR 327.30(d). The Corps has an opportunity to recognize the existence of a prior commitment as contemplated in 36 CFR 327.30(h) – the existing dock structure consisting of a walkway and a building. Moreover, the Corps has an opportunity to recognize a land use change – from decades of manufacturing to brownfield to high-end commercial/residential/resort property. Additional public benefits arising from revising the shoreline allocation include the opportunity for a significant number of visitors and guests of Clemson University to enjoy an optimal recreational experience. The Corps' actions in granting this request also provide an opportunity to improve the existing water access structure and return it to a usable, safe, and aesthetically pleasing condition. The Developer is amenable to incorporating environmental safeguards that will enhance the lake resources for future generations. These anticipated benefits are consistent with the goals and objectives of the Hartwell Lake Shoreline Management Plan.

The modification requested is minor in nature – Developer seeks to modify an existing structure and convert it into a community dock providing recreational access to the shoreline and Lake. Such conversion impacts a small percentage of the more than 700 linear feet of shoreline within the Developer's control. The shoreline closest to Highway 123 will remain "Protected Lakeshore Area." The Developer only seeks to change the allocation in the vicinity of the existing dock and water intake structure. The Corps' regulations support this request as the shoreline allocation should complement the intended land use.

On behalf of the Developer, I request that this revision be made to Map 7. I request written notification of the Corps' determination of this request.

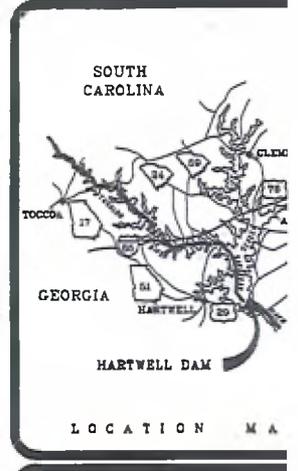
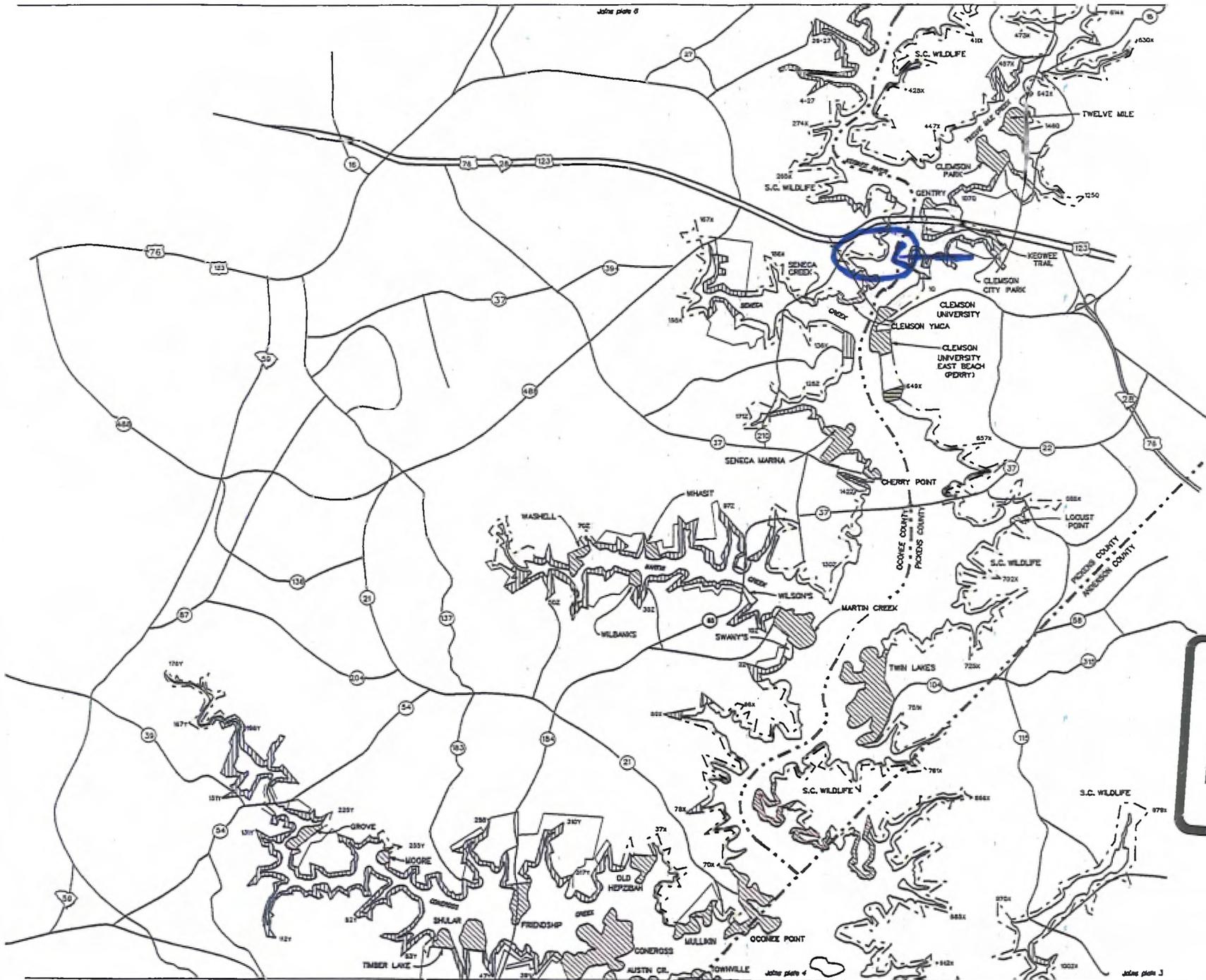
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Very truly yours,



Mary D. Shahid

cc: Serrus Clemson House on the Lake, LLC
Casto Oconee, LLC



- LEGEND**
- FEDERAL, STATE, COUNTY, INTERSTATE
 - PROJECT BOUNDARY LINE
 - RECREATION POOL ELEVATION
 - PAVED ROAD
 - UNPAVED ROAD
- SHORELINE MANAGEMENT CATEGORIES**
- PUBLIC RECREATION AREA
 - LIMITED DEVELOPMENT AREA
 - PROTECTED LAKESHORE A
 - PROHIBITED ACCESS AREA

DISCLAIMER STATEMENT FOR SHORELINE MANAGEMENT ALLOCATION MAP

This map is provided to show the shoreline allocations. Due to the nature of the maps, location of exact shoreline zoning may not be possible. These maps should be used only as field documentation and not as a legal instrument. In any questions concerning shoreline zoning, please visit the Hartwell Dam Project Manager's Office and the larger scale allocation map at the visitors center.



SHORELINE MANAGEMENT

HARTWELL LAKE GEORGIA - SOUTH CAROLINA

MASTER PLAN UPDATE

U.S. ARMY ENGINEERING DISTRICT, SAVANNAH
 OFFICE OF SHORELINE MANAGEMENT, GEORGIA

